

Holidays, Vietnam

1. Weekly Holidays: Saturday and Sunday

2. Traditional Holidays: No less than 9 days per year. In case of the holiday being on a Saturday or Sunday, the following working day will be its substitution.

+ Calendar New Year Holiday: one day (the first day of January of each calendar year);

+ Lunar New Year Holidays: four days (the final day of the old year and the first three days of the new Lunar year);

+ Hung Kings Commemoration Day: one day (the tenth day of March of each Lunar Year);

+ Victory Day: one day (the thirtieth day of April of each calendar year);

+ International Labour Day: One day (the first day of May of each calendar year);

+ National day: one day (the second day of September of each calendar year).

3. Annual Vacation:

An employee who has been employed in an enterprise by an employer for twelve (12) months shall be entitled to fully paid annual leave as follows:

- a) Twelve (12) working days shall apply to employees working in normal working conditions;
- b) Fourteen (14) working days shall apply to persons working in heavy, dangerous, or toxic jobs, or in places with harsh living conditions, and to persons under the age of eighteen (18) years;
- c) Sixteen (16) working days shall apply to persons working in extremely heavy, dangerous, or toxic jobs, or in heavy, dangerous, or toxic jobs in places with harsh living conditions.

An approval from the superior must be obtained at least one day in advance. The company reserves the right to call employee back to work in case of emergency.

An employee whose period of employment is less than twelve (12) months shall be entitled to annual leave of a duration calculated in proportion to the period of employment and may receive payment in lieu.

An employee may reach an agreement with the employer on taking annual leave in installments. Persons who work in distant and remote regions may, if they so request, combine two annual leaves together, or where three annual leaves are desired to be taken at one time, the approval of the employer must be obtained.

An employee of an enterprise who, due to employment termination or for some other reason, fails to take his annual leave or has not used up all his annual leave shall be paid wages for those days not taken.

- Vacation Accumulation:

The number of days of annual leave shall be increased according to the period of employment in an enterprise or with an employer by one additional day for every five years of employment.

Leave, Vietnam

1. Personal Leave of Absence

An employee may take a fully paid leave of absence for personal reasons in the following circumstances:

- a) Marriage: for three days;
- b) Marriage of his children: for one day;
- c) Death of a parent (including a parent of his spouse), spouse, or child: for three days.

2. Leave without pay

An employee may agree with the employer on leave of absence without pay.

3. Sick Leave:

3.1. Sickness of employee

For an employee working under normal conditions, the employee is permitted to take sick leave with full pay after he/she has contributed the social insurance and the time of sick leave depends on an employee's years of the social insurance contribution, details as:

Years of the social insurance contribution	Leave days/year
Less than 15 years	30 working days
15 years to less than 30 years	40 working days
30 years up	60 working days

This above time includes the traditional holidays, weekends. Taking sick leave more than 3 days or more consecutive days, the medical certificate and a sick leave form must be submitted to employee's superior as soon as he/she returns to the office.

The employee is permitted to take sick leave with pay per doctor's recommendation in medical certificate, if the employee becomes ill or is in a work-related accident.

The employee who is infected with a disease on the list promulgated by the Ministry of Health for diseases with long-term treatment, shall enjoy the sickness benefit as follows:

+ No more than one hundred and eighty days in a year, including public holidays, New Year holidays and weekends;

3.2. Sickness of employee's children

The employee shall be entitled to take care of their sick children, maximum is twenty working days if the sick child is under three years, or fifteen working days if the sick child is between three years old to less than seven years old.

3.3. Recovering, convalescence after sickness

After a period of sick leave, the employee who is still in a weak health condition shall be entitled to take a leave for convalescence and rehabilitation for between five days and ten days in a year.

4. Maternity Leave:

4.1. Pregnancy examination

Pregnant female employees are entitled to take leave for five-time prenatal check-ups, one day leave for each check-up; in case they live far from medical care establishments or have pathological reasons or abnormal pregnancy, they are entitled to a two-day leave for each prenatal check-up. This time includes traditional holidays and weekends.

4.2. Miscarriage, abortion or stillbirth

In the event of miscarriage, abortion or stillbirth, female employees are entitled to ten-day leave, for pregnancy of under one month; twenty-day leave, for pregnancy of between one month and under three months; forty-day leave, for pregnancy of between three months and under six months; or fifty-day leave, for pregnancy of six months and older. This time includes traditional holidays and weekends.

4.3. Giving birth.

A female employee shall be entitled to maternity leave prior to and after the birth of her child for a total period of four to six months. Where a female gives birth to more than one child at one time, she shall be entitled an additional thirty (30) days leave for every additional thirty (30) days leave for every additional child calculated from the second child onwards.

The end of maternity leave, female employee may take additional leave without pay as the deal with the employer.

If the mother dies in childbirth when only one or both of the parents are covered by Social insurance scheme, the father or the person directly nursing the newborn child is entitled to take maternity leave until the child is four months old. This time includes traditional holidays and weekends.

4.4. Infant adoption

Employee adopting a child of under four months old is entitled to take leave for enjoying the maternity leave until the child is full four months old.

4.5. Taking contraceptive measures

- Employees implant an intrauterine device (IUD) is entitled to a seven-day leave.
- Employees taking sterilization measures are entitled to leave for a fifteen-day leave.

Leave for the above reasons include traditional holidays and weekends.

4.6. Recovering, convalescent after confinement

After period of enjoying the maternity leave under the provisions of Clause 4.2 or Clause 4.3, if employee is still in weak health conditions, she shall be entitled to take a leave for convalescence and rehabilitation from five days to ten days in a year.

5. Take leave of work-injured, occupational disease

Employee shall be entitled to take leave for the time receiving treatment for the accident at work, occupational disease per doctor's recommendation.

After a period of treatment for the injury at work or illness by occupational disease, if employee is still in weak health condition, he/she shall be entitled to take a leave for convalescence and rehabilitation for between five days and ten days.

Welfare and Fringe Benefits, Vietnam

I. COMPULSORY SOCIAL INSURANCE SYSTEM:

Compulsory social insurance scheme (SIS) covers the following benefits:

- a) Sickness benefit;
- b) Maternity benefit;
- c) Work-injured benefit, Occupational disease benefit;
- d) Old-age benefit;
- e) Death benefit.

Both employees and employer will have the social insurance since the employees start working in the company.

The SIS contribution rate will be depending on the year that has social insurance of employer, as details:

Year (From.....to.....)	Contribution rate of SIS	
	Employee contribution	Employer contribution
01/2010 to 12/2011	7.5%	19%
01/2012 to 12/2013	8.5%	20%
01/2014 up	9.5%	21%

BENEFITS:

1. Sickness benefits:

1.1. Conditions to enjoy sickness benefits:

a) To take leave due to sickness or accident, with the certification of a medical care establishment.

In case of taking leave due to sickness or accident because of self-infliction, drunkenness, abuse of drug or other addictives, employees are not entitled to the sickness benefit.

b) To take leave to take care of children who are less than seven years old get sick, with the certification of a medical care establishment.

1.2. Benefits:

Sickness benefits: Employees will be paid 75% of their salary or remuneration that is a basis salary to contribute the social insurance and to be prorated for actual leave days; this benefit will only paid for the number of days within the provisions of Article 3.1 of sick leave that employee is unable to work.

Employees who are allowed to take a leave for convalescence and rehabilitation will enjoy benefit as follows: The daily benefit is equivalent to 25% of the basis minimum salary, if employee is convalesced at home; or 40% of the basis minimum salary, if employee is convalesced at a facility.

The base minimum salary is regulated by the Government. Currently, the basis minimum salary is 830.000 VNĐ.

2. Maternity benefits

2.1. Conditions to enjoy maternity benefits:

Employees are entitled to the maternity benefit when falling into one of the following cases:

- a) Pregnancy;
- b) Giving a birth;
- c) Employees adopt children less than four months old;
- d) Employees implant an intrauterine device (IUD) or sterilization measures.

Employees specified at Points b, c of this Article must have social insurance contribution full six month and over within twelve months before childbirth or child adoption.

2.2. Maternity benefits:

+ Lump-sum allowance upon childbirth or infant adoption:

After giving birth or adopting a child of under four months old, employees are entitled to a lump-sum allowance equivalent to two months of basis minimum salary for each child.

When only the father is covered by social insurance and the mother dies in childbirth, he is entitled to a lump-sum allowance equivalent to two months of basis minimum salary for each child.

+ Maternity benefits:

Employee will be entitled to 100% the average monthly of six months contribution preceding the enjoyment. Apart from the maternity benefits that the female employee have enjoyed until to the end of the maternity period when they are back to work before the end of the maternity leave period with full pay as follows:

- a) At least full sixty days after childbirth;
- b) Having the medical care establishment's certification that working shall not harm their health;
- c) Notifying in advance and getting the prior consent of their employers.

+ Maternity benefits of recovering, convalescent after confinement:

The daily benefit is equivalent to 25% the basis minimum salary, if employees have convalescence and rehabilitation at home; or 40% the basis minimum salary, if employees have convalescence and rehabilitation at a convalescent facilities.

3. Work-injured, occupational disease benefits:

3.1. Conditions to enjoy work-injured benefits:

Employees are entitled to the work-injured benefit when the following conditions are fully met:

1. Getting an accident in one of the following cases:
 - a) At workplace and during working hours;
 - b) Outside the workplace or beyond working hours while on assignment by their employers;
 - c) En route to and from residence and workplace within a reasonable time and in a reasonable route;
2. Suffering from a working capacity decrease of at least 5% due to accidents specified at Clause 1 of this Article.

3.2. Conditions to enjoy occupational disease benefits:

Employees are entitled to the occupational disease benefit when the following conditions are fully met:

1. Suffering from a disease on the list of occupational diseases, promulgated by the Ministry of Health and the Ministry of Labor, Invalids and Social Affairs when working in the hazardous environment;
2. Suffering from a working capacity decrease of at least 5% due to diseases specified at Clause 1 of this Article.

3.3. Work-injured, occupational disease benefits

3.3.1. Lump-sum allowance upon work-injured / occupational disease:

+ Employees suffering from working capacity decrease of between 5% and 30% are entitled to a lump-sum allowance;

+ The lump-sum allowance is specified as follows:

- a) With a 5% working capacity decrease, employees are entitled to five months' basis minimum salary, on which shall be added with 0.5 of the basis minimum salary for more 1% of working capacity decrease;
- b) Apart from the allowance specified at Point a of this Clause, employees are entitled to an additional allowance calculated on the year of social insurance contribution

which is equivalent to 0.5 the monthly contribution for one year or less, then added with 0.3 of such monthly contribution for each next year.

3.3.2. Work-injured / Occupational disease pension

+ Employees suffering from working capacity decrease of at least 31% are entitled to a pension;

+ The pensions are specified as follows:

- a) With a 31% working capacity decrease, employees are entitled to a pension which is equivalent to 30% the basis minimum salary, then added with 2% of the base minimum salary for each additional 1% of decrease;
- b) Apart from the pension specified at Point a of this Clause, the pensioners are entitled to an additional pension calculated on the year of social insurance contribution, which is equivalent to 0.5% of the monthly contribution for one year or less then added with 0.3% of such monthly contribution for each next year.

The time when employees start to enjoy allowances or pension is the month they are completely treated and discharged from medical care establishments.

3.3.3. Supply of aid living equipment, orthopedic devices

Employees suffering from a work-injured or occupational disease, which damages the function of the body, shall be provided for daily life aid equipment and/or orthopedic devices, depending on the status of their injury or sickness.

3.3.4. Attendance pension

Employees suffering from a working capacity decrease of at least 81% due to spinal paralysis, total blindness, paraplegia, amputation of two legs or a mental disease, apart from the Work-injured / Occupational disease pension, are in addition, entitled to an attendance pension equivalent to the base minimum salary.

3.3.5. Lump-sum allowance for death due to work-injured, occupational disease

Employee died by work-injured/occupational disease or death during the period of first-time medical care treatment due to a working accident or an occupational disease, their relatives are entitled to a lump-sum allowance equivalent to 36 months' base minimum salary.

The base minimum salary is regulated by the Government.

3.4. Recovering, convalescence after treatment of work-injured, occupational disease

The daily benefit is equivalent to 25% the basis minimum salary, if employees have convalescence and rehabilitation at home; or 40% the basis minimum salary, if employees have convalescence and rehabilitation at convalescent facilities.

4. Retirement Benefit:

4.1. Retirement salary:

If a male employee reaches 60 years old or if a female employee reaches 55 and that employee has at least 20 annual social insurance contributions, they will enjoy the retirement pension that is equivalent to 45% of the average monthly contribution corresponding to 15 years of social insurance contribution, then added by 2% for men or 3% for women for each additional year of the contribution; the maximum rate is equivalent to 75%.

The lowest retirement pension is equivalent to the base minimum salary.

4.2. Lump-sum allowance upon retire:

Employees who have made social insurance contributions for more than 30 years (for men) or 25 years (for women) are entitled to plus a lump-sum allowance at the time of his/her retirement.

The lump-sum allowance shall be calculated depending on years of their social insurance contribution, counting from the 31st year on (for men) and the 26th year on (for women). For each year, employees are entitled to 0.5 of the average monthly contribution.

❖ A lump-sum allowance for whom ineligible enjoying old-age pension:

+ Employees are entitled to a lump-sum allowance in the following cases:

- a) Reaching the retirement age and having less than 20 years of social insurance contributions;
- b) Suffering from a working capacity decrease of at least 61% and having less than 20 years of social insurance contributions;
- c) Paused social insurance contribution after one-year off work with less than 20 years of the contribution and having requested for a lump-sum allowance;
- d) Going abroad for immigration.

The level of lump-sum allowance shall be calculated depending on years of social insurance contribution; for each year, employees are entitled to 1.5 of the average monthly contribution.

5. Death benefits

5.1. Funeral allowance

When the employee dies, the persons who take care of funeral or their relatives are entitled to funeral allowance that is equivalent to ten months' base minimum salary.

5.2. Eligibilities for Death pension

5.2.1. When the insured person dies, their relatives are entitled to their Death pension in the following cases:

- a) Having social insurance contribution for full 15 years and over but not yet received a lump-sum allowance;
- b) Retirement pensioners;
- c) Die due to work-injured, occupational disease;
- d) Work-injured/occupational disease pensioners who have a working capacity decrease of at least 61%.

5.2.2. Relatives of the insured person specified in Clause 5.1.1 who are eligible for death pension include:

- a) Children of under 15 years old; children of under 18 who are still going to school; children of full 15 years or older who suffer from working capacity decrease of at least 81%;
- b) Wives of 55 years or older or husbands of 60 or older who suffer from working capacity decrease of at least 81%;
- c) Native parents, parents in law, other persons, of full and over 60 years for men or 55 years for women whom the insured person is obliged to nurture;
- d) Native parents, parents in law, other persons, who suffer from working capacity decrease of at least 81% and under 60 years for men or under 55 years for women so the insured person are obliged to nurture.

5.2.3. Levels of Death pension

The Death pension for each relative is equivalent to 50% of the basis minimum salary; when a relative who has no direct raiser is entitled to a death pension equivalent to 70% of the basis minimum salary.

When a dead insured specified at Clause 5.2.2, his/her number of relatives who are entitled to death pension shall not exceed four; when the relatives have two or more dead insured persons, they are entitled to two times the pension.

The month next by the dead month of the, insured, old-age pensioner, work-injured/occupational disease pensioners is the time point for enjoying death pension beginning.

5.2.4. Eligibilities for Death allowance

Other case of employee die, their relatives are entitled to Death allowance:

+ The death allowance for relatives of dead insured person who are working or have worked and reserved a period social insurance contribution shall be calculated on years of social insurance contribution, with each year equivalent to 1.5 month of the average monthly contribution; the lowest allowance shall be equivalent to three months' average monthly contribution;

+ The death allowance for relatives of dead old-age pensioners shall be calculated on the period of enjoying old-age pension. If the death within the first two months of enjoyed pension, the allowance is equivalent to 48 months of the enjoyed pension; if the death in subsequent months, for each additional month received the pension, the allowance is reduced by 0.5 month of the pension; the lowest allowance is equivalent to three months of the enjoyed pension.

II. UNEMPLOYMENT INSURANCE

The rate unemployment insurance contribution of employee and employer is 1% per the monthly contribution. An employer who uses more than ten employees must contribute the unemployment insurance.

1. Conditions of Unemployment benefits

Unemployed persons are entitled to unemployment benefits when having the following conditions:

- a) Having the unemployment insurance contribution for at least 12 months within 24 months before becoming unemployed.
- b) Having registered the unemployment with social insurance organizations;

c) Having not yet found a job within 15 days after the date of making unemployment registration with social insurance organization.

2. Unemployment allowance

a) The monthly unemployment allowance is equivalent to 60% of the average six consecutive months contribution before unemployment;

b) The period of enjoying unemployment allowance is stipulated as follows:

Years of the social insurance contribution	The time of enjoying
Full 12 months to less 36 months	3 months
Full 36 months to less 72 months	6 months
Full 72 months to less 144 months	9 months
72 months up	12 months

3. Aid for apprenticeship: Unemployment beneficiaries shall be aid for apprenticeship for a period of no more than six months. The support level is equivalent to the level of expense for short-term training in accordance with the law on vocational training.

4. Aid for job seeking: Unemployment beneficiaries shall be provided with employment consultancy and recommendation free of charge.

5. Social health insurance: Unemployment beneficiaries are entitled to the social health insurance benefit. Social insurance organizations shall pay social health insurance premiums for unemployment beneficiaries.

6. Termination of Unemployment allowance:

Unemployment beneficiaries shall be terminated from enjoying unemployment allowance when falling into one of the following cases:

a) Having the expiry of enjoying unemployment allowance;

b) Having a job;

c) Performing the military service obligation;

d) Being on old-age pension;

e) Having twice refused to take up jobs recommended by the social insurance organization without plausible reasons;

f) Going to abroad for immigration

g) Serving a decision on application of administrative handling measures at reformatory, education camp, medical establishment or serve an imprisonment sentence, which is not suspended.

h) Death.

III. ANNUAL BONUS

Based on the annual production and business results of enterprise and the performance of employees, the employer shall pay bonuses to employees working for the enterprise. Normally, the Vietnam Business shall pay bonus at least by one month salary for the employee that have worked 12 months at company, or the bonus will be prorated for actual working months with the employee having working time less than 12 months.