

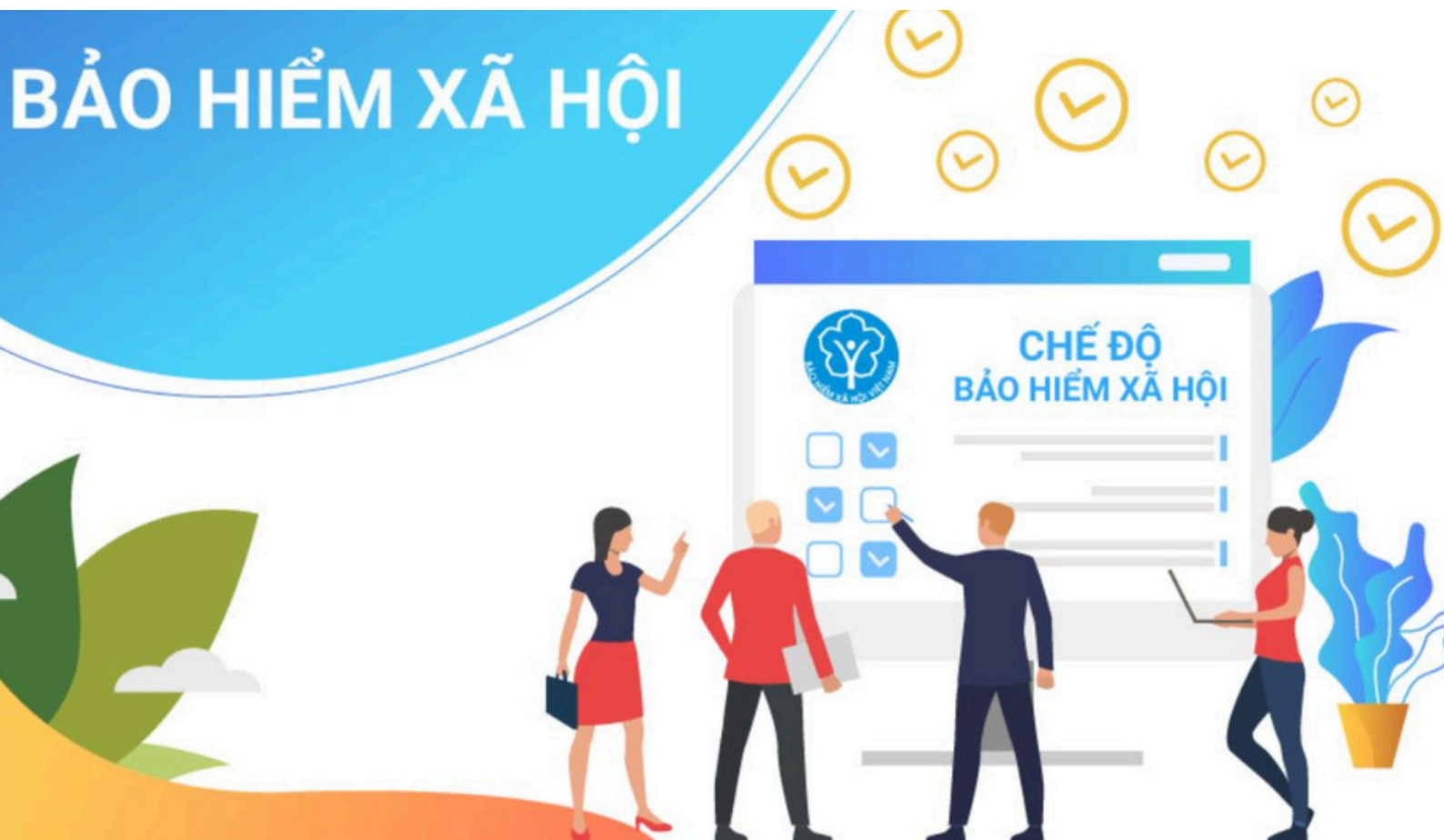


LAC DUY & ASSOCIATES

AUGUST 2024

NEWSLETTER

BẢO HIỂM XÃ HỘI



**SOME NEW KEY POINTS OF THE SOCIAL
INSURANCE LAW 2024 THAT COMPANIES
NEED TO PAY ATTENTION TO**

PUBLISHED BY LAC DUY & ASSOCIATES

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NEWSLETTER

Dear Clients,

Lac Duy & Associates would like to send you the legal newsletter of August 2024 with some notable updates and articles as follows:

- Some new key points of the social insurance law 2024 that companies need to pay attention to
- Legal documents in 08/2024





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SOME NEW KEY POINTS OF THE SOCIAL INSURANCE LAW 2024 THAT COMPANIES NEED TO PAY ATTENTION TO



On June 29, 2024, Social Insurance Law No. 41/2024/QH15 (“**SIL 2024**”) was passed and issued by the 15th National Assembly at its 7th session, which replaced Social Insurance Law No. 58/2014/QH13, amended and supplemented in 2015, 2018 (“**SIL 2014**”). SIL 2024 will officially take effect on July 01, 2025, with some new key points listed in this article.

First, expanded subjects to participate in Compulsory Social Insurance (“**CSI**”). Regarding Article 2 of SIL 2024 on the subjects of belonging and not belonging to participate in CSI is expanded and supplemented as follows:

a) Expanding the scope of compulsory social insurance to new cases, including:

- (i) Employees working regarding labour contracts of one month or more, including in case of an agreement between two parties under a different title but with contents reflecting remunerated work, wages, and management, direction, and supervision by one party will be considered to be a labour contract;
- (ii) The owner of the household business has household business registration; non-

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professional workers at the commune, village, and residential group levels;

- (iii) Part-time workers, with a monthly salary equal to or higher than the base salary used for the minimum CSI payment;
- (iv) Managers of enterprises. Particularly the definition of “*managers of cooperatives*” by the managerial positions in cooperatives, and cooperative unions, including the members of the Board of Director, Director/General Director, members of the Board of Controllers or Controllers, and other managerial positions to be regulated by the Law on Cooperatives. Supplementing the situation of “*unpaid salary*” to these subjects;
- (v) Regulating more means to participate in CSI to the cases of people who simultaneously belong to different subjects belonging to participate in CSI.

b) Supplementing cases of not belonging to participate in CSI, including:

- (i) People being on pension, social insurance allowances, monthly allowances;
- (ii) Domestic workers;
- (iii) Subjects are the owners of household businesses or the managers of enterprises; unpaid managers of cooperatives, and cooperative unions are of retirement age under the regulation of the Labour Code 2019 (exclusive the period of social insurance premium payment is not fulfilled at least six months).

Second, supplementing the prohibited acts in social insurance law. Besides the prohibited acts in Article 17 of SIL 2014, the regulation on prohibited acts in Article 9 of SIL 2024 supplemented as follows:

- (i) Delaying the payment of CSI and unemployment insurance premiums is also regulated as a prohibited act. Employers should note this regulation to do the payment of social insurance for employees at the right time under the law;
- (ii) Register declaration to participate in social insurance for employees must be righteous and exact. Employers should note this regulation when receiving, and confirming the employees’ personal before registering social insurance;



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- (iii) Collusion, being in cahoots, concealment, supporting agencies, organizations, and individuals in doing illegal acts on social insurance, unemployment insurance;
- (iv) Pledge, selling, mortgage, deposit social insurance book in any form.

Third, supplementing regulations and changing the conditions to enjoy the monthly social allowances. SIL 2014 did not regulate Social Retirement Allowance (“SRA”) for the 80-higher subjects without enjoying the monthly pension. Therefore, to be suitable for the Law on the Elderly 2009 and Decree 20/2021/ND-CP, SIL 2024 supplements a specific Chapter for these subjects, particularly in Article 21 SIL 2024 regulating the subjects and



conditions to enjoy the SRA, conditions on the age levels to enjoy SRA to decrease to 75 years old (the present regulation is 80 years old). In particular, the age level to enjoy SRA for employees living in poor or near-poor households will be lower than the general levels regulated, especially from 70 to 75 years old will enjoy SRA.

Fourth, supplementing the Monthly Allowances Regimes (“MAR”) for non-eligible employees enjoying pension. One of the outstanding content regulated in SIL 2024 is the regulation of adjustment SRA, besides the above content, Article 23 SIL 2024 supplemented MAR for the non-eligible employees enjoying pensions and under-age enjoying SRA. Accordingly, Vietnamese citizens at the age of retirement and under the period of payment for social insurance enjoy a pension (under 15 years contribution) and under-age enjoying SRA (under 75 years old) if not enjoying the lump-sum social insurance allowances and not doing reservation, they will enjoy MAR from their payment when having requirements. In the period of enjoying MAR, the health insurance will be paid by the state budget.

Fifth, supplementing the regulation of enjoying the sickness allowance for employees who take sick leaves for half a day. According to Article 45 SIL 2024, in case employees take sick leaves for half a day will be counted the sickness allowance level as follows:

- (i) Employees take sick leaves under half a day: counted as half a day;



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- (ii) Employees take sick leaves from half a day to under a day: counted as a day.

Sixth, adjusting, and supplementing regulations on enjoying maternity regime. The new regulation in Article 94 SIL 2024 on maternity allowances for the Voluntary Social Insurance (“VSI”) regime for all subjects is regulated in Article 2 SIL 2024. Accordingly, non-professional workers at the commune, village, and residential group levels have the right to participate and enjoy a full CSI regime like other subjects. Besides, Article 95 SIL 2024 for supplementing maternity regime in VSI policy. Especially, employees who participate in VSI meet the conditions of payment for social insurance to or higher 06 months in the 12 months before childbirth, will enjoy the maternity allowance to a benefit of 2.000.000 VND for each infant; female employees are ethnic minorities or Kinh ethnic who have ethnic minority husband and in the poor household when childbirth will be enjoyed other supporting policy according to the regulation of the Government.

Seventh, adjusting the conditions on the number of years of contribution social insurance at least to enjoy a monthly pension. Article 98 SIL 2024 on adjusting the number of years of contribution social insurance at least reduced to 15 years from 20 years so employees of retirement age can enjoy monthly pension. This article can be seen as one of the progressive regulations to optimal the employees’ interest, especially in cases where employees who participate in social insurance late still have chances to enjoy monthly pensions instead of receiving the lump-sum social insurance.

Eighth, amendment and supplement regulations for encouraging employees in reservations the contribution social insurance period to enjoy pension instead of receiving the lump-sum social insurance.

- (i) Changing conditions to make pension more accessible (the number of years of contribution at least to enjoy monthly pension reduced from 20 years to 15 years); (Article 64 SIL 2024)
- (ii) Supplementing MAR for non-eligible employees enjoying pension and under-age enjoying SRA (Vietnamese citizens at the age of retirement and under the period of payment for social insurance enjoy a pension (under 15 years of contribution) and under-age enjoy SRA (under 75 years old) if not enjoying the lump-sum social insurance allowances and not doing reservation, they will enjoy MAR from their payment when having requirements. In the period of enjoying MAR, the health insurance will be paid by the state budget. (Article 23 SIL 2024)



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- (iii) Issuing policy for credit support to employees who have a period of social insurance premium payment and job loss. (Article 6 SIL 2024)

Ninth, the new regulation on electronic transactions in the social insurance field to simplify dossiers, and procedures for participating in social insurance. According to Article 26 SIL 2024, procedures with the social insurance agency include registering for participation, providing social insurance books, contributing social insurance; resolving, paying social insurance regime, and other activities in the social insurance field in the social insurance agency, which can be done through electronic procedure.

Tenth, strict regulation on the management of social insurance collection and payment. To facilitate the participants' and beneficiaries' social insurance interests as well as limit the situation of late or evasion payment social insurance, the general regulations of Section 2 Chapter IV of SIL 2024 on managing CSI and VSI collection and payment, there are two outstanding points as follows:

- (i) Supplementing the regulation on responsibilities of competent authorities in defining and managing the subjects' participation in social insurance (Article 30 SIL 2024);
- (ii) Amending and supplementing many sanctions and measures to handle late social insurance payments and evasion (from Article 38 to Article 41 SIL 2024).





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LEGAL DOCUMENTS IN AUGUST 2024

NO	EFFECTIVE DATE	NAME
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LAND

1.	August 01, 2024	Land Law No. 31/2024/QH15, issued by the National Assembly on January 18, 2024.
2.	August 01, 2024	Law No. 43/2024/QH15 on Amending and Supplementing articles of the Land Law No. 31/2024/QH15, Housing Law No. 27/2023/QH15, Law on Real Estate Business No. 29/2023/QH15 and Law on Credit Institutions No. 32/2024/QH15, issued by the National Assembly on June 29, 2024.
3.	August 01, 2024	Decree 71/2024/ND-CP regulating land price, issued by the Prime Minister on June 27, 2024.
4.	August 01, 2024	Decree 88/2024/ND-CP regulating Compensation, support, and resettlement upon land recovery by the State, issued by the Prime Minister on July 15, 2024.
5.	August 01, 2024	Decree 101/2024/ND-CP regulating land basic investigation; register, provide the certificate of land use and ownership of land-attached assets and the land information system, issued by the Prime Minister on July 29, 2024.
6.	August 01, 2024	Decree 102/2024/ND-CP regulating enforcement articles of the Land Law, issued by the Prime Minister on July 30, 2024.

REAL ESTATE

1.	August 01, 2024	Housing Law No. 27/2023/QH15, issued by the National Assembly on November 27, 2023.
2.	August 01, 2024	Real Estate Business Law No. 29/2023/QH15, issued by the National Assembly on November 28, 2023.

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3.	August 01, 2024	Decree 95/2024/ND-CP regulating articles of Housing Law, issued by the Prime Minister on July 24, 2024.
4.	August 01, 2024	Decree 98/2024/ND-CP guiding condominium renovation and reconstruction for apartment users, issued by the Prime Minister on July 25, 2024.
5.	August 01, 2024	Decree 100/2024/ND-CP detailing regulating articles of the Housing Law on the development and management of social housing in Vietnam, issued by the Prime Minister on July 26, 2024.
6.	August 01, 2024	Circular 05/2024/TT-BXD regulating articles of Housing Law, issued by the Minister of Construction on July 31, 2024.

INFORMATION TECHNOLOGY

1.	August 15, 2024	Circular 06/2024/TT-BTTTT regulating the recognition of organizations providing foreign electronic signature authorization services in Vietnam; recognition of foreign electronic signatures and certificates of foreign electronic signatures in Vietnam, issued by the Minister of Information and Communications on July 01, 2024.
2.	August 23, 2024	Circular 08/2024/TT-BTTTT regulating detailing wholesale activities in telecommunications, issued by the Minister of Information and Communications on July 10, 2024.

TAX, FEES AND CHARGES

1.	August 28, 2024	Circular 46/2024/TT-BTC amending and supplementing articles of Circular 19/2021/TT-BTC dated March 18, 2021, of the Minister of Finance guiding electronic transactions in the tax sector, issued by the Minister of Finance on July 09, 2024.
2.	August 01, 2024	Circular 56/2024/TT-BTC regulating levels, collection, payment, management, use of land fee exploitation, and use of land documents from the national land information system, issued by the Minister of Finance on July 31, 2024.



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CIVIL

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| 1. | August 02, 2024 | Circular 07/2024/TT-BTP repeal of the joint circulars issued by the Joint Minister of Justice on ensuring the performance of obligations and registration of security measures, issued by the Minister of Justice on August 02, 2024. |
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ENTERPRISE

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| 1. | August 16, 2024 | Circular 12/2024/TT-BKHDT provides a list of areas and duration of persons with positions and powers that may not establish, hold title, management position, or management of private enterprises, limited liability companies, joint stock companies, partnerships, cooperatives, and union of cooperatives after returning position under the scope of management of the Ministry of Planning and Investment, issued by the Minister of Planning and Investment on June 28, 2024. |
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CRIMINAL RESPONSIBILITIES

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| 1. | August 01, 2024 | Resolution 04/2024/NQ-HDTP on instructions for applying articles of the Criminal Code on criminal prosecution for acts related to illegal exploitation, trading, and transportation of aquatic products, issued by the Justice Council of the Supreme People's Court on June 12, 2024. |
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SOCIAL SECURITY

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| 1. | August 07, 2024 | Dispatch 2646/BHXH-TCKT regarding the implementation of social insurance agencies transferring money to pay monthly pensions and social insurance benefits through personal accounts to beneficiaries, issued by Vietnam Social Security on August 07, 2024. |
| 2. | August 19, 2024 | Decision 1449/QD-BHXH issuing procedures for receiving and processing documents for two groups of electronic and administrative procedures: birth registration, permanent residence registration, issuance of health insurance card for children under 06 years old; registration of death, deletion of permanent residence registration, settlement of funeral fees, survivors, issued by Vietnam Social Security on August 19, 2024. |