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LAW NO.38/2013 OF THE NATIONAL ASSEMBLY ON EMPLOYMENT

This Law provides employment creation support policies; labor market information; assessment and grant of certificates of national occupational skills; employment service organizations and activities; unemployment insurance; and state management of employment. This Law applies to workers, employers and other agencies, organizations and individuals involved in employment.

THE NATIONAL ASSEMBLY

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Law No: 38/2013/QH13

Hanoi, 16 November 2013

LAW

ON EMPLOYMENT

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Employment.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides employment creation support policies; labor market information; assessment and grant of certificates of national occupational skills; employment service organizations and activities; unemployment insurance; and state management of employment.

Article 2. Subjects of application

This Law applies to workers, employers and other agencies, organizations and individuals involved in employment.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Worker* means a Vietnamese citizen who is full 15 years or older, has ability to work and seeks employment.
2. *Employment* means an income-generating working activity not banned by law.
3. *National occupational skills standards* means regulations on professional knowledge, practice capacity, and ability to apply such knowledge and capacity in work, which are required for a worker to perform his/her work depending on each qualification level of skills of each occupation.
4. *Unemployment insurance* means a scheme aiming to compensate part of income of a worker when he/she becomes unemployed, support him/her to receive vocational training, maintain employment, or seek employment, on the basis of making contributions to the Unemployment Insurance Fund.
5. *Public employment* means paid temporary employment which is created through the implementation of state-funded projects or activities associated with socio-economic development programs in communes, wards or townships (below referred to as communes).

Article 4. Principles of employment

1. Ensuring the right to work and freely choose jobs and workplaces.
2. Ensuring equality in employment opportunities and incomes.
3. Ensuring working under safe and hygienic conditions.

Article 5. State policies on employment

1. To adopt socio-economic development policies aiming to create employment for workers, identify employment creation objectives in socio-economic development strategies and plans; to allocate resources for the implementation of employment policies.
2. To encourage organizations and individuals to create employment for others and for themselves with incomes at least equal to the minimum wage level, contributing to socio-economic and labor market development.
3. To adopt policies on employment creation support, labor market development and unemployment insurance.
4. To adopt policies on assessment and grant of certificates of national occupational skills in association with improvement of occupational skills qualifications.
5. To adopt preferential policies for sectors and trades that use workers with high professional and technical qualifications or use many workers, as suitable to socio-economic development conditions.
6. To support employers that employ many people with disabilities, women and ethnic minority people.

Article 6. Contents of the state management of employment

1. Promulgating, and organizing the implementation of, legal documents on employment.
2. Propagating, disseminating and educating about the law on employment.
3. Managing workers, labor market information, assessment and grant of certificates of national occupational skills, and unemployment insurance.
4. Managing the organization and operation of employment service centers and employment service enterprises.

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5. Examining, inspecting, settling complaints and denunciations, and handling violations of the law on employment.
6. Carrying out international cooperation on employment.

Article 7. Competence to perform the state management of employment

1. The Government shall uniformly perform the state management of employment nationwide.
2. The Ministry of Labor, War Invalids and Social Affairs shall take responsibility before the Government for the state management of employment.

Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Labor, War Invalids and Social Affairs in, performing the state management of employment.

3. People's Committees at all levels shall, within the ambit of their tasks and powers, perform the state management of employment in localities.

Article 8. Responsibilities of agencies, organizations and individuals for employment

1. The Vietnam Fatherland Front and its member organizations shall, within the ambit of their functions and tasks, mobilize agencies, enterprises, units, organizations and individuals to create employment; and join state agencies in formulating, and supervising the implementation of, policies and laws on employment in accordance with law.
2. Agencies and organizations shall, within the ambit of their tasks and powers, propagate and disseminate policies and laws on employment; create employment; and protect the lawful rights and interests of workers and employers in accordance with law.
3. Individuals shall take the initiative in seeking employment and participating in employment creation.

Article 9. Prohibited acts

1. Committing discriminatory acts in employment and occupations.
2. Infringing upon the body, honor, dignity, property, the lawful rights and interests of workers or employers.
3. Recruiting or employing workers in contravention of law.
4. Enticing, promising and deceitfully advertising to deceive workers, or taking advantage of employment services or labor market information to commit illegal acts.
5. Committing fraud or forging dossiers in the implementation of employment policies.
6. Obstructing, or causing difficulties or damage to, the lawful rights and interests of workers or employers.

Chapter II

EMPLOYMENT CREATION SUPPORT POLICIES

Section 1. CREDIT INCENTIVES FOR EMPLOYMENT CREATION

Article 10. Credit incentives for employment creation

The State shall provide credit incentives from the National Employment Fund and other credit sources to support employment creation and maintain and expand employment.

Article 11. The National Employment Fund

1. Sources forming the National Employment Fund include:
 - a/ State budget;
 - b/ Supporting sources of domestic and foreign organizations and individuals;
 - c/ Other lawful sources.
2. The management and use of the National Employment Fund must comply with law.

Article 12. Borrowers of loans from the National Employment Fund

1. Eligible borrowers of loans from the National Employment Fund include:
 - a/ Small- and medium-sized enterprises, cooperatives, cooperative groups and business households;
 - b/ Workers.
2. The entities defined in Clause 1 of this Article that fall in the cases below may take loans from the National Employment Fund at lower interest rates:
 - a/ Small- and medium-sized enterprises, cooperatives, cooperative groups and business households that employ many people with disabilities or ethnic minority people;
 - b/ Ethnic minority people who are living in areas with extremely difficult socio-economic conditions, and people with disabilities.

Article 13. Conditions for loan borrowing

1. The entities defined at Point a, Clause 1, Article 12 of this Law may take loans from the National Employment Fund when fully meeting the following conditions:
 - a/ Having a loan-borrowing project that is feasible in the locality, suits their production and business lines and creates more stable jobs;
 - b/ Having a loan-borrowing project certified by a competent agency or organization in the locality where the project is implemented;
 - c/ Having loan collateral.
2. The entities specified at Point b, Clause 1, Article 12 of this Law may take loans from the National Employment Fund when fully meeting the following conditions:
 - a/ Having full civil act capacity;
 - b/ Wishing to take loans to create employment for themselves or attract more workers, as certified by a competent agency or organization in the locality where the project is implemented;
 - c/ Lawfully residing in the locality where the project is implemented.
3. The Government shall prescribe loan levels, duration and interest rates, the order and procedures for borrowing loans, and loan collateral conditions.

Article 14. Provision of preferential loans from other credit sources to support employment creation

Based on socio-economic conditions in each period, the State shall use other credit sources to provide preferential loans for the implementation of indirect policies to support employment creation.

Section 2. POLICIES TO SUPPORT EMPLOYMENT CHANGE FOR WORKERS IN RURAL AREAS

Article 15. Support for occupation or employment change for workers in rural areas

1. Based on socio-economic development strategies and plans, the State shall support occupation or employment change for workers in rural areas.

2. Workers in rural areas who participate in occupation or employment change are entitled to:

a/ Vocational training support;

b/ Free counseling on policies and laws on labor, employment and vocational training;

c/ Free job recommendation;

d/ Taking loans from the National Employment Fund as prescribed in Articles 11, 12 and 13 of this Law.

Article 16. Vocational training support for workers in rural areas

Workers in rural areas who attend vocational training courses of under three months or at primary level in vocational training institutions are entitled to support of vocational training expenses under the Prime Minister's regulations.

Article 17. Support for small- and medium-sized enterprises, cooperatives, cooperative groups and business households to create employment for workers in rural areas
Small- and medium-sized enterprises, cooperatives, cooperative groups and business households are entitled to the State's support for development of production and business activities and expansion of on-spot employment for workers in rural areas through:

1. Taking loans from the National Employment Fund as prescribed in Articles 11, 12 and 13 of this Law;

2. Being supported in accessing information on outlet markets;

3. Enjoying tax exemption and reduction in accordance with tax laws.

Section 3. PUBLIC EMPLOYMENT POLICIES

Article 18. Contents of public employment policies

1. Public employment policies are implemented through state-funded projects or activities associated with socio-economic development programs in communes, including:

a/ Building infrastructure for agriculture, forestry, fisheries and salt production;

b/ Building public infrastructure facilities;

c/ Protecting the environment;

d/ Responding to climate change;

dd/ Other projects and activities serving the local communities.

2. For the projects and activities specified in Clause 1 of this Article, when selecting contractors under the bidding law, a bidding dossier or dossier of requirement must contain a requirement that the bid-participating contractors propose a plan on employment of the workers defined in Clause 1, Article 19 of this Law.

3. The Government shall detail the organization of implementation of public employment policies.

Article 19. Participants in public employment policies

1. Workers may participate in public employment policies when fully meeting the following conditions:

a/ Lawfully residing in the locality where the projects or activities are implemented;

b/ Participating on a voluntary basis.

2. The workers defined in Clause 1 of this Article who are ethnic minority people, members of poor households or households living just above the poverty line or households having agricultural land recovered, and unemployed or underemployed people are prioritized to participate in public employment policies.

3. Organizations and individuals are encouraged to employ the workers defined in Clause 1 of this Article when implementing projects or activities other than those specified in Clause 1, Article 18 of this Law.

Section 4. OTHER SUPPORT POLICIES

Article 20. Support for guest workers

1. The State shall encourage and create conditions for workers who have demand and ability to go abroad as guest workers.

2. Workers who are ethnic minority people, members of poor households or households living just above the poverty line or households having agricultural land recovered, and relatives of people with meritorious service to the revolution who wish to go abroad as guest workers, are entitled to the State's support for:

a/ Vocational training and learning foreign languages; getting familiarized with the customs, habits and laws of Vietnam and the host country;

b/ Training to improve occupational skills qualifications to meet the requirements of the host country;

c/ Taking loans with preferential interest rates.

3. The Government shall detail support policies for guest workers as prescribed in this Article.

Article 21. Employment creation support for young people

1. The State shall encourage organizations and individuals to create employment for young people; and create conditions for young people to bring into play their initiative and creativity in employment creation.

2. The State shall provide employment creation support for young people through:

a/ Free job counseling, career orientation and job recommendation for young people;

b/ Vocational training in association with employment creation for young people who have completed their military or public security obligation and youth volunteers who have completed their tasks in socio-economic development programs or projects;

c/ Support for young people to start up their career or business.

3. The Government shall detail Points b and c, Clause 2 of this Article.

Article 22. Support for labor market development

The State shall provide support for labor market development through:

1. Collecting and providing labor market information, analyzing and forecasting labor markets, and linking labor supply and demand;

2. Modernizing employment service activities and labor market information systems;

3. Making investment to build the capacity of employment service centers;

4. Encouraging organizations and individuals to participate in labor market development.

Chapter III

LABOR MARKET INFORMATION

Article 23. Contents of labor market information

1. Employment status and trends.
2. Information on labor supply and demand and labor supply and demand developments in labor markets.
3. Information on foreign workers in Vietnam and Vietnamese guest workers.
4. Information on salaries and wages.

Article 24. Management of labor market information

1. State management agencies in charge of statistics shall collect, publicize, develop and manage databases of labor market information being national statistics in accordance with the statistical law.
2. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with related ministries and agencies in, collecting and publicizing labor market information in the sectors and fields under their management other than labor market information being national statistics; promulgate regulations on management, use and dissemination of labor market information; and develop labor market information networks and databases.
3. People's Committees at all levels shall, within the ambit of their tasks and powers, manage labor market information in localities.
4. The agencies defined in Clauses 1, 2 and 3 of this Article shall periodically publicize labor market information.

Article 25. Collection, archive and synthesis of labor market information

1. The Ministry of Labor, War Invalids and Social Affairs shall organize and guide the collection, archive and synthesis of labor market information falling within its competence as specified in Clause 2, Article 24 of this Law.
2. People's Committees at all levels shall organize the collection, archive and synthesis of labor market information in localities under their management.
3. Agencies, organizations, enterprises and individuals shall collect, archive and synthesize labor market information in accordance with law.

Article 26. Provision of labor market information

Agencies, organizations, enterprises and individuals shall accurately and timely provide labor market information in accordance with law.

Article 27. Analysis, forecast and dissemination of labor market information

1. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility for the analysis, forecast and dissemination of labor market information falling within its competence.
2. People's Committees at all levels shall organize the analysis, forecast and dissemination of labor market information in localities under their management.

Article 28. Safety assurance, confidentiality and archive of labor market information

1. Safety must be ensured for labor market information during the development, operation and upgrading of labor market information networks and databases.
2. Confidential labor market information includes:
 - a/ Labor market information associated with specific names and addresses of organizations and individuals, unless otherwise agreed by these organizations and individuals;
 - b/ Labor market information in the process of collection and synthesis not yet publicized by competent persons;
 - c/ Labor market information on the law-prescribed list of state secrets.
3. Agencies, organizations, enterprises and individuals that exploit and use labor market information shall ensure safety and confidentiality of, and archive such information in accordance with this Law and other relevant laws.

Chapter IV

ASSESSMENT AND GRANT OF CERTIFICATES OF NATIONAL OCCUPATIONAL SKILLS

Article 29. Purposes of assessment and grant of certificates of national occupational skills

1. Assessment and grant of certificates of national occupational skills aim to recognize the levels of occupational skills of workers based on their qualifications.
2. Workers may participate in the assessment and be granted certificates of national occupational skills in order to improve their occupational capacity or seek appropriate employment or employment requiring such certificates.

Article 30. Principles and contents of assessment of national occupational skills

1. The assessment of national occupational skills must adhere to the following principles:
 - a/ Ensuring voluntariness of workers;
 - b/ Being based on national occupational skills standards;
 - c/ Conforming with each qualification level of skills of each occupation;
 - d/ Ensuring accuracy, independence, impartiality, equality and transparency.
2. Contents of assessment of national occupational skills include:
 - a/ Professional and technical knowledge;
 - b/ Work practice skills;
 - c/ Occupational safety and hygiene process.

Article 31. Occupational skills assessment organizations

1. Occupational skills assessment organization means an organization that operates under prescribed conditions and possesses a certificate for assessment and grant of certificates of national occupational skills granted by a competent state agency.
2. When fully meeting the conditions on physical foundations, equipment and staff, an occupational skills assessment organization will be granted a certificate for assessment and grant of certificates of national occupational skills by a competent state agency.
3. Occupational skills assessment organizations may collect charges in accordance with the law on charges and fees.
4. The Government shall detail the conditions for, and organization and activities of, the assessment and grant of certificates of national occupational skills.

Article 32. Development and publicization of national occupational skills standards

1. National occupational skills standards shall be developed for each qualification level of occupational skills for each occupation and the national occupational skills qualification framework. The number of qualification levels of occupational skills depends on the complexity of each occupation.

2. Ministers, heads of ministerial-level agencies and heads of government- attached agencies shall assume the prime responsibility for developing national occupational skills standards for each occupation in the fields under their management and request the Ministry of Labor, War Invalids and Social Affairs to appraise and publicize national occupational skills standards.

3. The Ministry of Labor, War Invalids and Social Affairs shall guide the development, appraisal and publicization of national occupational skills standards.

Article 33. Certificates of national occupational skills

1. A worker who satisfies the requirements at a certain qualification level of occupational skills will be granted a certificate of national occupational skills at that level according to regulations of the Ministry of Labor, War Invalids and Social Affairs.

2. Certificates of national occupational skills are valid nationwide. In case of mutual recognition of certificates of national occupational skills between Vietnam and other countries or territories, the certificates of national occupational skills are valid in the countries or territories where they are recognized and vice versa.

Article 34. Rights and responsibilities of workers participating in the assessment and grant of certificates of national occupational skills

1. Workers who participate in the assessment and grant of certificates of national occupational skills have the following rights:

a/ To select occupational skills assessment organizations;

b/ To be granted certificates of national occupational skills when satisfying the requirements at the corresponding qualification level of occupational skills;

c/ To lodge complaints about the results of assessment of national occupational skills in accordance with law.

2. Workers who participate in the assessment and grant of certificates of national occupational skills have the following responsibilities:

a/ To observe rules and regulations on assessment and grant of certificates of national occupational skills which are issued by occupational skills assessment organizations;

b/ To pay charges for the assessment and grant of certificates of national occupational skills in accordance with law.

Article 35. Jobs requiring certificates of national occupational skills

1. Certificates of national occupational skills are required for workers who do jobs that directly affect the safety and health of themselves or of the community.

2. The Government shall provide a list of jobs specified in Clause 1 of this Article.

Chapter V

EMPLOYMENT SERVICE ORGANIZATIONS AND ACTIVITIES

Article 36. Employment services

1. Employment services include job counseling and recommendation; supply and recruitment of workers at the request of employers; and collection and provision of labor market information.

2. Employment service organizations include employment service centers and employment service enterprises.

Article 37. Employment service centers

1. Employment service centers are public non-business units, including:

a/ Employment service centers established by state management agencies;

b/ Employment service centers established by socio-political organizations.

2. Employment service centers must be established under the Prime Minister-approved master plans and satisfy the prescribed conditions on physical foundations, equipment and staff. Ministers, heads of ministerial-level agencies and chairpersons of People's Committees of provinces or centrally run cities (below referred to as provincial-level) may decide on the establishment of employment service centers specified at Point a, Clause 1 of this Article; heads of central socio-political organizations may decide on the establishment of employment service centers specified at Point b, Clause 1 of this Article.

3. The Government shall detail the establishment conditions for, and organization and operation of, employment service centers.

Article 38. Tasks of employment service centers

1. Employment service centers have the following tasks:

a/ To provide job counseling and recommendation for workers and provide labor market information free of charge;

b/ To supply and recruit workers at the request of employers;

c/ To collect labor market information;

d/ To analyze and forecast labor markets;

dd/ To implement employment programs and projects;

e/ To provide occupational skills and vocational training in accordance with law.

2. Employment service centers established by state management agencies in charge of employment have the tasks specified in Clause 1 of this Article and shall receive dossiers of request for unemployment insurance and submit them to competent state agencies for decision.

Article 39. Employment service enterprises

1. Employment service enterprise means an enterprise established and operating under the law on enterprises and possessing an employment service license granted by the provincial-level state management agency in charge of employment.

2. An enterprise that fully satisfies the conditions on physical foundations, equipment, staff and deposit shall be granted an employment service license.

3. Employment service enterprises may establish employment service branches.

4. Employment service enterprises may collect charges in accordance with the law on charges and fees.

5. The Government shall detail this Article.

Article 40. Activities of employment service enterprises

1. Providing job counseling and recommendation for workers and employers.

2. Supplying and recruiting workers at the request of employers.

3. Collecting and providing labor market information.

4. Analyzing and forecasting labor markets.
5. Providing occupational skills and vocational training in accordance with law.
6. Implementing employment programs and projects.

Chapter VI

UNEMPLOYMENT INSURANCE

Section 1. PRINCIPLES, PARTICIPANTS AND BENEFITS OF UNEMPLOYMENT INSURANCE

Article 41. Principles of unemployment insurance

1. Ensuring risk sharing among unemployment insurance participants.
2. The levels of payable unemployment insurance premiums are based on wages of workers.
3. The levels of unemployment insurance benefits are based on the levels and duration of payment of unemployment insurance premiums.
4. Unemployment insurance is implemented in a simple, easy and convenient manner, promptly and adequately ensuring the interests of unemployment insurance participants.
5. The Unemployment Insurance Fund is managed in a centralized, uniform, public, transparent and safe manner and protected by the State.

Article 42. Unemployment insurance benefits

1. Unemployment allowance.
2. Job counseling and recommendation support.
3. Vocational training support.
4. Support for training and retraining to improve qualifications of occupational skills for job maintenance for workers.

Article 43. Compulsory participants in unemployment insurance

1. Workers are obliged to participate in unemployment insurance when working under labor contracts or working contracts below:
 - a/ Labor contracts or working contracts of indefinite time;
 - b/ Labor contracts or working contracts of definite time;
 - c/ Seasonal or job-based working contracts with a term of between full 3 months and under 12 months.

In case a worker has signed and is performing more than one labor contract specified in this Clause, the worker and the employer under the labor contract signed first shall participate in unemployment insurance.

2. Workers defined in Clause 1 of this Article who are currently on pension or doing housework are not required to participate in unemployment insurance.
3. Employers obliged to participate in unemployment insurance include state agencies, public non-business units and people's armed forces units; political organizations, socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations; foreign agencies and organizations and international organizations operating in the Vietnamese territory; enterprises, cooperatives, households, business households, cooperative groups, other organizations and individuals that hire or employ workers under the labor contracts or working contracts specified in Clause 1 of this Article.

Article 44. Participation in unemployment insurance

1. Employers shall pay unemployment insurance premiums for workers to social insurance organizations within 30 days from the effective date of labor contracts or working contracts.
2. Monthly, employers shall pay unemployment insurance premiums at the level specified at Point b, Clause 1, Article 57 of this Law and make deductions from the wages of workers at the level specified at Point a, Clause 1, Article 57 of this Law, for simultaneous payment to the Unemployment Insurance Fund.
3. Based on the balance of the Unemployment Insurance Fund, the State shall transfer supporting funds from the state budget to the Fund at the level specified by the Government under Clause 3, Article 59 of this Law.

Article 45. Period of payment of unemployment insurance premiums

1. The period of payment of unemployment insurance premiums for receipt of unemployment insurance benefits is the total of consecutive or interrupted periods of payment of unemployment insurance premiums from the starting time of such payment to the time the worker terminates his/her labor contract or working contract under law but during which he/she has not yet received any unemployment allowance.
2. After a worker stops receiving unemployment allowance, his/her previous period of payment of unemployment insurance premiums is not counted for receiving unemployment allowance for the subsequent time. The period of payment of unemployment insurance premiums for the subsequent receipt of unemployment insurance benefits will be counted from the beginning, except the case of stopping receiving unemployment allowance under Points b, c, h, l, m and n, Clause 3, Article 53 of this Law.
3. The period of payment of unemployment insurance premiums is not counted for receiving job loss allowance or severance pay under the laws on labor and public employees.

Article 46. Receipt of unemployment allowance

1. Within 3 months after terminating his/her labor contract or working contract, a worker shall submit a dossier for receipt of unemployment allowance to an employment service center established by the state management agency in charge of employment.
2. Within 20 days after the employment service center receives a complete dossier, the competent state agency shall issue a decision on unemployment allowance receipt; in case the worker is ineligible for receiving unemployment allowance, the center shall issue a written reply to the worker.
3. The social insurance organization shall pay unemployment allowance to the worker within 5 days after receiving a decision on unemployment allowance receipt.

Section 2. SUPPORT FOR TRAINING AND RETRAINING TO IMPROVE OCCUPATIONAL SKILLS QUALIFICATIONS FOR JOB MAINTENANCE FOR WORKERS

Article 47. Support conditions, time and levels

1. Employers may receive financial support for training and retraining to improve occupational skills qualifications for job maintenance for the workers defined in Clause 1, Article 43 of this Law who currently pay unemployment insurance premiums, when fully meeting the following conditions:
 - a/ Having fully paid unemployment insurance premiums for workers obliged to participate in unemployment insurance for at least full 12 consecutive months by the time of request for support;
 - b/ Meeting difficulties due to economic recession or other *force majeure* causes, forcing them to undergo restructuring or change production and business technologies;
 - c/ Lacking funds for organizing training and retraining to improve occupational skills qualifications for workers;

d/ Having a plan on training and retraining to improve occupational skills qualifications for job maintenance, approved by a competent state agency.

2. The duration of support for training and retraining to improve occupational skills qualifications for job maintenance for workers must comply with the approved plan, but must not exceed 6 months.

3. The Government shall detail this Article and specify the levels of financial support for training and retraining to improve occupational skills qualifications for job maintenance for workers, ensuring the balance of the Unemployment Insurance Fund.

Article 48. Responsibility for training and retraining to improve occupational skills qualifications

1. Employers shall organize training and retraining to improve occupational skills qualifications and use workers under approved plans; use funds for eligible workers and proper purposes and report training results to competent state agencies after completion of training or retraining courses.

2. Workers shall abide by regulations on training and retraining to improve occupational skills qualifications.

Section 3. UNEMPLOYMENT ALLOWANCE

Article 49. Conditions for unemployment allowance receipt

A worker defined in Clause 1, Article 43 of this Law who currently pays unemployment insurance premiums may receive unemployment allowance when fully meeting the following conditions:

1. Terminating the labor contract or working contract, except the following cases:

a/ He/she unilaterally terminates the labor contract or working contract in contravention of law;

b/ He/she receives monthly pension or working capacity loss allowance.

2. Having paid unemployment insurance premiums for at least full 12 months within 24 months before terminating the labor contract or working contract, for the case specified at Points a and b, Clause 1, Article 43 of this Law; or having paid unemployment insurance premiums for at least full 12 months within 36 months before terminating the labor contract, for the case specified at Point c, Clause 1, Article 43 of this Law.

3. Having submitted a dossier for receipt of unemployment allowance to an employment service center under Clause 1, Article 46 of this Law.

4. Having not yet found any job after 15 days from the date of submission of the dossier for receipt of unemployment allowance, except the following cases:

a/ He/she performs the military or public security obligation;

b/ He/she attends a training course of full 12 months or longer;

c/ He/she serves a decision on application of the measure to send him/her to a reformatory, compulsory education institution or compulsory detoxification establishment;

d/ He/she is kept in temporary detention or serves a prison sentence;

dd/ He/she goes abroad for settlement or as guest worker;

e/ He/she dies.

Article 50. Levels, duration and time of receipt of unemployment allowance

1. The monthly unemployment allowance level equals 60% of the average monthly wage of 6 consecutive months before the worker becomes unemployed on which unemployment insurance premiums are based, but must not exceed 5 times the basic wage level, for workers receiving wages under the State-prescribed regime, or must not exceed 5 times the region-based minimum wage level under the Labor Code, for workers who pay unemployment insurance premiums under the wage regime decided by employers at the time of termination of the labor contract or working contract.

2. The duration of unemployment allowance receipt is based on the number of months of payment of unemployment insurance premiums. This duration is 3 months if the period of payment of unemployment insurance premiums is between full 12 months and full 36 months, which is added with 1 month for each additional period of payment of full 12 months, but must not exceed 12 months.

3. The time for unemployment allowance receipt is counted from the 16th day after the date of submission of a complete dossier for receipt of unemployment allowance as specified in Clause 1, Article 46 of this Law.

Article 51. Health insurance

1. Persons on unemployment allowance are entitled to health insurance benefits in accordance with the law on health insurance.

2. Social insurance organizations shall pay health insurance premiums for persons on unemployment allowance from the Unemployment Insurance Fund.

Article 52. Notification of job seeking

1. While on unemployment allowance, monthly, a worker shall directly notify his/her job seeking to the employment service center of the locality where he/she currently receives unemployment allowance, except the following cases:

a/ He/she is sick or on maternity leave or has an accident as certified in writing by a competent health establishment prescribed by the law on medical examination and treatment;

b/ *Force majeure* cases.

2. The worker shall notify the case specified at Point a or b, Clause 1 of this Article to the employment service center of the locality where he/she currently receives unemployment allowance.

3. The Ministry of Labor, War Invalids and Social Affairs shall guide the implementation of this Article.

Article 53. Suspension, resumption and termination of unemployment allowance receipt

1. Persons on unemployment allowance will be suspended from receiving it if they fail to monthly notify their job seeking under Article 52 of this Law.

2. Workers who are suspended from receiving unemployment allowance may continue receiving it under the decisions on unemployment allowance receipt if the receipt duration has not yet expired and they monthly notify their job seeking under Article 52 of this Law.

3. A person on unemployment allowance will stop receiving it in the following cases:

a/ The duration of unemployment allowance receipt expires;

b/ He/she has found a job;

c/ He/she performs the military or public security service obligation;

d/ He/she receives monthly pension;

dd/ He/she has twice refused without a plausible reason to take up the job recommended by the employment service center of the locality where he/she currently receives unemployment allowance;

e/ He/she fails to monthly notify his/her job seeking under Article 52 of this Law for 3 consecutive months;

a/ He/she goes abroad for settlement or as guest worker;

g/ He/she attends a training course of full 12 months or longer;

h/ He/she attends a training course of full 12 months or longer;

i/ He/she is administratively sanctioned for violations of the law on unemployment insurance;

k/ He/she dies;

l/ He/she serves a decision on application of the measure to send him/her to a reformatory, compulsory education institution or compulsory detoxification establishment;

m/ He/she is declared by a court as missing;

n/ He/she is kept in temporary detention or serves a prison sentence.

4. Workers who stop receiving unemployment allowance in the cases specified at Points b, c, h, l, m and n, Clause 3 of this Article may have the period of payment of unemployment insurance premiums reserved for calculating the subsequent duration of receipt of unemployment allowance when they fully satisfy the conditions specified in Article 49 of this Law.

The reserved period equals the total of the periods of payment of unemployment insurance premiums minus the period during which the worker has received unemployment allowance, with one month of receipt of unemployment allowance equivalent to 12 months of payment of unemployment insurance premiums.

Section 4. SUPPORT FOR JOB COUNSELING, RECOMMENDATION AND TRAINING

Article 54. Job counseling and recommendation

The workers defined in Clause 1, Article 43 of this Law who currently pay unemployment insurance premiums, have their labor contracts or working contracts terminated and wish to seek employment shall be provided with free job counseling and recommendation.

Article 55. Conditions for vocational training support

The workers defined in Clause 1, Article 43 of this Law who currently pay unemployment insurance premiums are entitled to vocational training support when fully meeting the following conditions:

1. The conditions specified in Clauses 1, 3 and 4, Article 49 of this Law;
2. Having paid unemployment insurance premiums for at least full 9 months within 24 months before terminating labor contracts or working contracts under law.

Article 56. Duration and levels of vocational training support

1. The duration of vocational training support depends on the actual duration of vocational training but must not exceed 6 months.
2. The vocational training support levels must comply with the Prime Minister's regulations.

Section 5. THE UNEMPLOYMENT INSURANCE FUND

Article 57. Levels of contribution to, sources and use of, the Unemployment Insurance Fund

1. The levels of and responsibility to pay unemployment insurance premiums are specified as follows:

- a/ Workers shall pay unemployment insurance premiums equal to 1% of their monthly wage;
- b/ Employers shall pay unemployment insurance premiums equal to 1% of the monthly wage fund of the workers currently participating in unemployment insurance;
- c/ The State shall provide at most 1% of the monthly wage fund from the central budget as support for payment of unemployment insurance premiums of workers currently participating in unemployment insurance.

2. Sources forming the Unemployment Insurance Fund include:

- a/ Contributions and support specified in Clause 1 of this Article;
- b/ Profits from the Fund's investment activities;
- c/ Other lawful revenues.

3. The Unemployment Insurance Fund must be used for:

- a/ Paying unemployment allowance;
- b/ Supporting training and retraining activities to improve occupational skills qualifications for job maintenance for workers;
- c/ Supporting vocational training;
- d/ Supporting job counseling and recommendation;
- dd/ Paying health insurance premiums for workers on unemployment allowance;
- e/ Paying expenses for unemployment insurance management in accordance with the Law on Social Insurance;
- g/ Making investment for preservation and growth of the Fund.

Article 58. Wages on which unemployment insurance premiums are based

1. For workers who receive wages under the State-prescribed regime, the monthly wage on which unemployment insurance premiums are based is the monthly wage on which compulsory social insurance premiums are based under the Law on Social Insurance. In case the monthly wage on which unemployment insurance premiums are based is higher than the twenty months' region-based basic wage, the monthly wage on which unemployment insurance premiums will be equal to the twenty months' region-based basic wage at the time of payment of unemployment insurance premiums.

2. For workers paying unemployment insurance premiums under the wage regime decided by employers, the monthly wage on which unemployment insurance premiums are based is the monthly wage on which compulsory social insurance premiums are based under the Law on Social Insurance. In case the monthly wage on which unemployment insurance premiums are based is higher than the twenty months' region-based minimum wage, the monthly wage on which unemployment insurance premiums are based will be equal to the twenty months' region-based minimum wage as prescribed by the Labor Code at the time of payment of unemployment insurance premiums.

Article 59. Management of the Unemployment Insurance Fund

1. The Unemployment Insurance Fund may apply independent cost-accounting. Social insurance organizations shall collect, spend, manage and use the Unemployment Insurance Fund.

2. The Unemployment Insurance Fund's investment activities must ensure safety, transparency, efficiency, and capital retrieval when necessary, through:

- a/ Buying bonds and bills of the State and bonds of commercial banks with over 50% of charter capital owned by the State;
- b/ Making investment in important projects under the Prime Minister's decisions;
- c/ Providing loans for the state budget, the Vietnam Development Bank, the Vietnam Bank for Social Policies, and commercial banks with over 50% of charter capital owned by the State.

3. The Government shall detail the percentages of state budget support: the management and use of the Fund; and the implementation of unemployment insurance.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 60. Transitional provisions

1. Enterprises that are granted job recommendation licenses before the effective date of this Law may continue providing employment services until these licenses expire.
2. Job recommendation centers that are established before the effective date of this Law that continue providing employment services must be renamed employment service centers.
3. Occupational skills assessment organizations that are granted certificates for assessment and grant of certificates of national occupational skills before the effective date of this Law may continue their operation until these certificates expire.
4. The period during which workers have paid unemployment insurance premiums under the Law on Social Insurance before the effective date of this Law but have not yet received any unemployment allowance will be added to the period of payment of unemployment insurance premiums under Article 45 of this Law.

Article 61. Effect

1. This Law takes effect on January 1, 2015.
2. The provisions of Law No. 71/2006/QH11 on Social Insurance regarding unemployment insurance and Chapter IX - Assessment and Grant of Certificates of National Occupational Skills of Law No. 76/2006/QH11 on Vocational Training cease to be effective on the effective date of this Law.

Article 62. Implementation detailing and guidance

The Government and other competent state agencies shall detail and guide the implementation of articles and clauses as assigned in this Law.

This Law was passed on November 16, 2013, by the XIIIth National Assembly of the Socialist Republic of Vietnam, at its 6th session.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Sinh Hung

▾ Other Items
