

LEGAL UPDATES

LABOUR

Decree No. 143/2018/ND-CP regarding compulsory social insurance regimes applied to foreigners working in Vietnam

Effective date: 1 December 2018, save for regulations on retirement and survivorship regimes which shall be effective from 1 January 2022

- (1) A foreign employee may be subject to compulsory social insurance regimes when he has (a) a work permit/practising certificate/practising license and (b) a labour contract with the term of at least 1 year with an employer in Vietnam.
- (2) The compulsory social insurance regimes however will not apply in case:
 - (a) foreign employees are intra-corporate transferees; or
 - (b) foreign employees reach the retirement ages.
- (3) Foreign employees shall be entitled to the following compulsory social insurance regimes: sickness, maternity, labour accident, occupational disease, retirement, and survivor's benefits in accordance with the prevailing laws.
- (4) As from 1 January 2022, the respective amounts of monthly contributions to the social insurance fund shall be as follows:

	Monthly contribution amounts			Total
	Sickness and maternity fund	Labour accident and occupational disease fund	Retirement and survivorship fund	
Employer	3%	0.5%	14%	17.5%
Foreign employees	-	-	8%	8%

[Remainder of page intentionally left blank.]

Decree No. 130/2018/ND-CP regarding digital signatures and digital-signatures certification services under the Law on E-transaction

Effective date: 15 November 2018

- (1) This Decree replaces Decree No. 26/2007/ND-CP dated 15 February 2007 and regulates the management, provision and use of digital signatures; digital-signatures certificates and digital-signatures certification services.
- (2) Where the laws require a document to be signed and/or affixed with a seal of a body or organization, such requirement with respect to a data message shall be deemed to be satisfied if the data message is signed with a digital signature which:
 - (a) is created during the validity term of the corresponding digital-signature certificate and by using the private key securely kept by the signer at the time of signing; and
 - (b) is able to be verified with the corresponding public key.
- (3) Foreign digital-signatures certificates can be used in Vietnam upon approval from the Ministry of Information and Communications or otherwise accepted in international transactions.

[Remainder of page intentionally left blank.]

Disclaimer: All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances.

For more information please contact

Benjamin Yap (Mr.)

Senior Partner

Tel +84 28 38206448

Mobile +84 97 3753111

benjamin.yap@rhtlawtaylorwessing.com.vn

Dang Thi Tuong Vi (Ms.)

Partner

Tel +84 28 3820 6448

Mobile +84 90 3 325 346

vi.dang@rhtlawtaylorwessing.com.vn