

**THE MINISTRY OF LABOR, WAR
INVALIDS AND SOCIAL
AFFAIRS**

No.23/2012/TT-BLDTBXH

**SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness**

Hanoi, October 18, 2012

CIRCULAR

ON AMENDMENT AND SUPPLEMENT OF SOME CONTENT OF THE CIRCULAR NO.19/2008/TT-BLDTBXH DATED SEPTEMBER 23, 2008 AMENDING, SUPPLEMENTING THE CIRCULAR NO.03/2007/TT-BLDTBXH DATED JANUARY 30, 2007 ON INSTRUCTION TO IMPLEMENT A NUMBER OF ARTICLES OF THE DECREE NO.152/2006/ND-CP DATED DECEMBER 22, 2006 OF THE GOVERNMENT GUIDING A NUMBER OF ARTICLES OF THE LAW ON SOCIAL INSURANCE ON COMPULSORY SOCIAL INSURANCE

Pursuant to the Decree No.152/2006/ND-CP of December 22, 2006 of the Government guiding a number of Articles of the Law on Social Insurance regarding compulsory social insurance;

Pursuant to the Decree No.186/2007/ND-CP of December 25, 2007 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Labor, War Invalids and Social Affairs;

At the proposal of the Director of Social Insurance;

Minister of Labor, War Invalids and Social Affairs issues Circular, amending and supplementing a number of contents of the Circular No.19/2008/TT-BLDTBXH dated September 23, 2008, amending and supplementing the Circular No.03/2007/TT-BLDTBXH dated January 30, 2007, guiding the implementation of some Articles of the Decree No.152/2006/ND-CP of December 22, 2006 of the Government guiding a number of Articles of the Law on Social Insurance regarding compulsory social insurance (hereinafter referred as the Circular No.19/2008/TT-BLDTBXH)

Article 1. To amend and supplement a number of contents of the Circular No.19/2008/TT-BLDTBXH

1. To amend point 5, Clause 2 as follows:

"5. Where employees or their children under the age of seven travel abroad for healthcare, records for enjoying sickness regime include a social insurance book; a written examination and treatment issued by the foreign medical facility and a list of the employees leave for sickness prepared by the employer in the form provided by the Vietnam Social Insurance."

2. To add point 7 in Clause 2 as follows:

"7. Where employees previously have paid social insurance but interrupted and then go back to work but got illness right in the first month of work and social insurance payment, salary, wage used as a basis for calculating the sickness regime is the salary or wage used as a basis for paying for social insurance of such month."

3. To add point 10 in Clause 4 as follows:

"10. Where employees previously have paid social insurance but interrupted and then go back to work but got labor accident or occupational disease right in the first month of work and social insurance payment, salary, wage used as a basis for calculating the regime of labor accident or occupational disease is the salary or wage used as a basis for paying for social insurance of such month."

4. To amend point 9, Clause 6 as follows:

"9a. Time of eligibility for age pension:

Time of eligibility for age pension is the first day of the consecutive month after the birth month of the year in which the employee is eligible for the age pension. If employee's record has not written the date of birth, month of birth (only written year of birth), the time of eligibility for age pension is the first day of January of the consecutive year after the year that the employee is eligible for age pension.

Example 1: Mr. A is a university lecturer, was born on 3/01/1955. The time Mr. A is eligible for age pension is 4/01/2015;

Example 2: Mrs. C is an office worker, her record only indicated that she was born in 1957. The time Mrs. C is eligible for age pension is 01/01/2013.

9b. Time eligible for pension while decreasing working capacity:

Time eligible for pension while decreasing working capacity for persons eligible for age and period of paying social insurance is calculated from the first day of the consecutive month after the month concluded with a reduction of working capacity of 61% or more.

Example 3: Mrs. D, was born in 5/10/1964, have paid compulsory social insurance for 23 years. In June/2012, Mrs. D has applied for expertise of working capacity decrease to be entitled to receive pension. On 7/05/2012, the Medical Evaluation Board concluded that Mrs. D was reduced working capacity as 63%. The time Mrs. C is eligible for age pension due to working capacity decrease is 8/01/2012.

9c. Pension enjoying time:

a) For employees who are paying for compulsory social insurance, pension time is the time for enjoying pension stated in the decision to leave made by the employer when the employees are eligible for pension according to provisions.

The employers have the responsibility to submit records to social insurance organization no later than 30 days prior to the employees are entitled to receive pension. Where the employers filed records later than specified, there must be a written explanation stating the reason.

b) For employees who reserve a period of paying social insurance, pension time is the time stated in the application made by the employees when they are eligible for pension under the provisions.

The employees shall apply for social insurance organization no later than 30 days prior to the employees are entitled to receive pension. Where the employers filed records later than specified, there must be a written explanation stating the reason."

Article 2. Implementation provisions

1. This Circular takes effect from December 01, 2012.

2. In the implementation process, any problems arise, the concerned bodies should reflect to the Ministry of Labor, War Invalids and Social Affairs for study and settlement./

**FOR MINISTER
DEPUTY MINISTER**

Pham Minh Huan