

Highlights of Decree 158/2025/ND-CP on compulsory social insurance

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On 25 June 2025, the Government issued Decree No. 158/2025/ND-CP detailing and providing guidelines for implementation of a number of articles of Social Insurance Law on compulsory social insurance ("**Decree 158**"). Decree 158 took effect on 1 July 2025 and replaces Decree No. 115/2015/ND-CP dated 11 November 2015, detailing a number of articles of Social Insurance Law on compulsory social insurance ("**Decree 115**").

Below we summarize some notable new points of Decree 158:

1. Compulsory social insurance participants

Decree 158 amends the provisions on subjects participating in compulsory social insurance ("**SI**"), accordingly:

- (a) Employees working under probationary contracts as stipulated by the labour laws are not subjects participating in compulsory SI.
- (b) For enterprise managers, controllers, representatives of the State capital, representatives of enterprise capital as stipulated by law; members of the Management Board, General Directors, Directors, members of the Supervisory Board or controllers and other elected management positions of cooperatives and cooperative unions as stipulated by Law on Cooperatives (hereinafter collectively called "**Enterprise Managers**") who do not receive salaries and are Vietnamese citizens, and at the same times, if they fall into one of the following cases, they will participate in compulsory SI according to the corresponding subjects in order of priority:
 - (i) Persons working under indefinite-term employment contracts, fixed-term employment contracts with a term of 1 month or more, including the cases where the contract has a different name as agreed by employee and employer but contains the contents showing the work with wages, salary and management, operation and supervision of one party;
 - (ii) Cadres, public officials, and public employees;
 - (iii) National defense workers and public servants, public security workers, and people working in other positions in cypher organizations;
 - (iv) Officers and professional soldiers of the people's army; professional officers and non-commissioned officers, technical officers and non-commissioned officers of the people's police; people working in cypher positions receiving salaries as for military personnel;
 - (v) Non-commissioned officers and soldiers of the people's army; non-commissioned officers and conscripts of the people's police; military, police and cypher students currently studying and being entitled to living expenses;
 - (vi) Regular militia;
 - (vii) Enterprise Managers receiving salaries;
 - (viii) Part-time workers at the commune, village, or residential group level;
 - (ix) Employees specified in point (i) above who work part-time and have a monthly salary equal to or higher than the lowest salary used as the basis for payment of compulsory SI premiums.

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- (c) Business household owners of registered business households who are Vietnamese citizens and in one of the cases specified in point (b) above and the following cases:
- (i) Employees working abroad under contracts stipulated in Law on Vietnamese Employees Working Abroad Under Contracts, unless otherwise stipulated by international treaties to which Vietnam is a member;
 - (ii) Spouses who do not receive salaries from the State budget and are sent on a term-of-duty with members of representative agencies of Vietnam in abroad and entitled to a living allowance;
 - (iii) Enterprise Managers who do not receive salaries;
- will participate in compulsory SI according to the corresponding subjects stipulated in Clause 1, Article 2 of Law on Social Insurance (“**SI Law**”) in order of priority.

2. Reference level

Decree 158 defines for the first time the “*Reference level*” as the amount of money decided by the Government to be used to calculate the contribution and benefit levels of a number of SI regimes stipulated in the SI Law and guides the reference level as follows:

- (a) **When the basic salary has not yet been cancelled**, the reference level stipulated in the SI Law is equal to the basic salary level.
- (b) At the time the basic salary is cancelled, the reference level is not lower than that basic salary. **When the basic salary is cancelled**, the reference level is adjusted by the Government based on the increase in the consumer price index, economic growth, in accordance with the capacity of the State budget and the SI Fund.

3. Salary as the basis for social insurance contributions

Decree 158 also provides guidance on salary as the basis for payment of SI premiums with the following new contents:

- (a) For part-time employees
 - (i) Salary taken as the basis for payment of compulsory SI premiums is the salary calculated in the month as agreed in the employment contract;
 - (ii) If the employment contract stipulates hourly salary, the salary calculated in the month is equal to the hourly salary multiplied by the number of working hours in the month as agreed in the employment contract;
 - (iii) If the employment contract stipulates daily salary, the salary calculated in the month is equal to the daily salary multiplied by the number of working days in the month as agreed in the employment contract;
 - (iv) If the employment contract stipulates weekly salary, the salary calculated in the month is equal to the weekly salary multiplied by the number of working weeks in the month as agreed in the employment contract.
- (b) For salaried Enterprise Managers

The salary taken as the basis for payment of compulsory SI premiums is the salary that this person is entitled to receive according to the provisions of laws.

4. Pursued collection and payment of compulsory social insurance premiums

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(a) Cases of pursued collection and payment of compulsory SI premiums

Regarding cases of pursued collection and payment of compulsory SI premiums; in addition to two cases already defined in Decree 115, including:

- (i) Salary increasing adjustment to increase the salary taken as the basis for payment of compulsory SI premiums, with the retroactive implementation period;
- (ii) In the case where Vietnamese employees working abroad have their contracts extended or sign new employment contracts in the receiving country, they must make payment after returning home;

Decree 158 includes the following cases:

- (iii) Business household owners of registered business households to participate in the SI according to Government regulations; and
- (iv) Non-salaried Enterprise Managers after the latest time limit for payment of SI premiums as stipulated, which is the last day of the month following the monthly, 3-month or 6-month payment cycle.

(b) Period of pursued payment for compulsory SI premiums

Previously, Decree 115 stipulated that the period for retrospective payment of compulsory SI premiums was 6 months from the date of the decision to increase the monthly salary for SI payment for employees; now Decree 158 shortens the period for retrospective payment of compulsory SI premiums to avoid late payment interest as follows:

- (i) The period for retrospective payment according to the new regulations is until the end of the last day of the month following the month in which the decision to increase the salary is made.
- (ii) In the case where the Business Owner or salaried Enterprise Manager does not pay SI premiums after the latest prescribed time limit, then:

The amount of retrospective payment = the amount of payment for compulsory SI premium + an amount equal to 0.03%/day calculated on the amount of payment for compulsory SI premium and the number of days of payment after the latest time limit for payment of SI premium

5. Suspension of payment for compulsory social insurance premiums

(a) According to Decree 158, when an employer falls into one of the following cases:

- (i) Having difficulty in restructure; change of technology; or due to economic crisis, recession or implementing the State policies when restructuring the economy or implementing international commitments;
- (ii) Having difficulty due to natural disasters, fires, epidemics, crop failures;

and meets one of the following conditions, the employer and employee will be allowed to temporarily suspend contributions to the pension and death fund:

- (i) Having to temporarily suspend production and business for 30 days or more and not being able to arrange jobs for employees, in which the number of employees participating in compulsory SI who must temporarily stop working is from 50% or

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- more compared to the total number of employees present before the temporary suspension of production and business;
- (ii) Suffering from a damage of over 50% of total asset value caused by natural disasters, fires, epidemics, crop failures, excluding the value of land assets; or being unable to arrange jobs for employees, in which the number of employees who are subject to compulsory SI and must temporarily stop working is 50% or more compared to the total number of employees present before the natural disaster, fire, epidemic, or crop failures (*this is a new condition*).

Although Decree 158 continues to stipulate the period of temporary suspension of contributions to the pension and death fund on a monthly basis and not exceeding 12 months, and during the period of temporary suspension of contributions to the pension and death fund, employers must still contribute to the sickness and maternity fund and the occupational accident and disease insurance fund similar to Decree 115; it further clarifies that:

- (i) The period of temporary suspension of contributions to the pension and death fund is calculated from the month the employer submits a written request to the SI agency.
- (ii) In the case where during the period of temporary suspension of contributions to the pension and death fund, the employee is eligible for pension, death benefits or termination of the employment contract, the employer and the employee or the employee's relatives will make compensation payments for the period of temporary suspension to resolve the benefits for the employee, the employee's relatives or confirm the period of payment of SI premiums for the employee.
- (iii) After the period of temporary suspension of contributions to the pension and death benefit fund expires, the employer and employee will continue to pay compulsory SI premiums and make supplementary payments for the period of temporary suspension. The latest time limit for supplementary payments is the last day of the month following the month in which the suspension ends. The amount of supplementary payments for the months of temporary suspension is equal to the amount of payment for compulsory SI premiums required according to regulations.
- (iv) In case after the latest time limit for supplementary payments, the employer and employee make supplementary payments for the months of temporary suspension, the provisions of Articles 40 and 41 of the SI Law will apply.

In addition, Decree 158 includes regulations on the authority, order and procedures for determining the number of employees who are subject to compulsory SI and temporarily absent from work, and the value of damaged assets as follows:

- (i) Authority:
- The authority to determine the number of employees who are subject to compulsory SI and temporarily absent from work belongs to local internal affairs agency for agencies, units, organizations and enterprises under the management of local People's Committees; and belongs to the ministries and branches for agencies, units, organizations and enterprises under the management of central ministries and branches. The number of employees who are subject to compulsory SI and temporarily absent from work shall be calculated compared to the total number of employees present before the temporary suspension of production or natural disaster, fire, epidemic, or crop failures.

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- The authority to determine the value of damaged assets belongs to the local financial agency for agencies, units, organizations and enterprises under the management of local People's Committees; and belongs to the financial agency of the ministry or branch for agencies, units, organizations, and enterprises under the management of central ministries and branches. The value of damaged assets shall be calculated compared to the value of assets according to the most recent asset inventory report before the time of damage;

(ii) Order and Procedures:

Step 1:

Employers who must temporarily suspend production and business for 30 days or more must make:

- a written request with a list of employees at the time before the temporary suspension of production and business and at the time of the request,
- a list of employees who are subject to compulsory SI and must temporarily stop working; or

Employers who suffer from losses of more than 50% of the total value of their assets must make:

- a written request with the most recent Asset Inventory Report before the time of the loss and the Minutes of the Inventory of Assets Damaged by Natural Disasters, Fires, Epidemics, and Crop Failures;
- a written request with a list of employees at the time before the natural disaster, fire, epidemics, and crop failure and at the time of the request; a list of employees who are subject to compulsory SI and must temporarily stop working in case of failure to arrange jobs for employees, in which the number of employees who are subject to compulsory SI and must temporarily stop working is 50% or more compared to the total number of employees present before natural disasters, fires, epidemics, crop failures.

Within 15 working days from the date of receipt of the employer's request, the competent authority specified in point (i) above shall be responsible for reviewing, determining and responding in writing to the employer.

Step 2:

Employers who meet regulatory conditions shall submit a written request to temporarily suspend contributions to the pension and death benefit fund, accompanied with a document identifying the number of employees who are subject to compulsory SI and temporarily stop working or a document identifying the value of damaged assets to the SI agency.

Within 10 working days from the date of receipt of the employer's request, the SI agency shall be responsible for resolving the temporary suspension of contributions to the pension and death benefit fund; in case of failure to resolve, a written response must be provided stating the reasons.

- (b) Decree 158 includes new regulations on cases of temporary suspension of payments for compulsory SI premiums when employees are temporarily suspended from work as follows:

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- (i) During the period of temporary suspension from work of 14 working days or more in a month, the employee and the employer will temporarily suspend payments for compulsory SI premiums.
- (ii) In case after a period of temporary suspension from work of 14 working days or more in a month, the employee is paid by the employer in full for the period of temporary suspension from work, the payments for compulsory SI premiums will be made for the period of temporary suspension from work.

The time limit for such payment is no later than the last day of the month following the month in which the suspension ends. The amount of the payment for the months of temporary suspension is equal to the amount of compulsory SI premiums required under Articles 33 and 34 of the SI Law. In case after the latest payment time limit, the employer and employee make such payments for the months of temporary suspension, the provisions of Articles 40 and 41 of the SI Law will apply.

- (iii) In case after a period of temporary suspension from work of 14 working days or more in a month, the employee is not paid the full salary by the employer for the period of temporary suspension from work, the payment of compulsory SI premiums for the period of temporary suspension from work shall not be required.

6. Retirement for people who pay both voluntary social insurance and compulsory social insurance premiums

Decree 158 also adds new guidance on the retirement for people who pay both voluntary SI and compulsory SI premiums as follows:

- (a) For employees who are eligible for pensions as provided in Article 64 of the SI Law with 15 years or more of payment for compulsory SI premiums or are eligible for pensions due to reduced working capacity as provided in Article 65 of the SI Law with 20 years or more of payment for compulsory SI premiums, the conditions and levels of pensions are implemented according to the compulsory SI policy.
- (b) For employees who are eligible for pension due to reduced working capacity and have paid both voluntary SI and compulsory SI premiums, and have participated in voluntary SI before 1 January 2021 but have paid voluntary SI premiums for 20 years or more, the age requirement for pension is 60 years old for men and 55 years old for women.

7. Social insurance for foreigners

In addition, Decree 158 for the first time has many regulations on SI benefits for foreign employees, such as:

- (a) One-time allowance: Foreigners who are receiving monthly pensions and SI allowances in Vietnam, if they wish, can submit a written request to the SI agency to settle one-time allowance according to Article 76 of the SI Law.
- (b) Death benefit:
 - (i) In the case where a foreign employee working in Vietnam dies abroad, the required documents shall be replaced by a notarized or certified Vietnamese translation in accordance with the provisions of the laws on notarization and certification of

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documents issued by competent authorities in foreign countries showing information about the deceased foreign employee (full name, time of death, place of death).

- (ii) The death benefit for foreign employees working in Vietnam and participating in compulsory SI who die will be resolved when one of the employee's relatives submits a request to the SI agency.

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