

Decree of Government N_o 12/CP dated 26 January 1995
On the promulgation of Social Security Regulations

The government

Pursuant to the Law on the organisation of the Government dated 30 September 1992;
Pursuant to the Labour Code dated 23 June 1994;
At the proposals of Minister of Labour Invalids and Social Affairs

Decrees

Article 1. The Social Security Regulations herewith promulgated in attachment to the present Government Decrees to apply to civil servants, public employees, workers at State Owned undertakings, and all other workers in the form of compulsory social insurance, and to be implemented uniformly through the country.

Article 2. The Decree shall take effect on 1 January 1995. All previous provisions contrary to this Decree are hereby repealed.

Article 3. The Ministry of Labour, Invalids and Social Affairs, the Ministry of Finance and the Ministry of Health shall provide detailed guidance for the enforcement of this Decree.

Article 4. The Ministers, the Heads of ministerial-level agencies and other Government offices, the Chairpersons of People's Committees of provinces and cities under the Central Government and the General Director of Vietnam Social Security are responsible for the enforcement of this decree.

**on behalf of the government
Prime minister**

**Vo Van Kiet
(Signed)**

Social security Regulations
(Attachment to Decree of Government No 12/CP dated 26/1/1995)

Chapter I
General Provisions

Article 1. The present Regulations elaborate for the provisions on social security laid down in the Labour Code, with an aim to improve the material security of the workers and to help the covered persons and their family to have a stable life in case of sickness, maternity, reduction in capacity to work, termination of work, old age or death.

Article 2. This regulations provides the following social security benefits:

- Sickness benefits
- Maternity benefits
- Occupational accidents and diseases benefits
- Retirement benefits
- Survivor's benefits and grant for funeral expense

Article 3. The following person shall fall within the compulsory social security coverage stipulated in this regulations:

- Workers in State-Owned undertakings
- Workers in non- State undertakings employing 10 workers or more.
- Vietnam workers in understandings with foreign invested capital, in Export Processing Zones and industrial Zones; in foreign agencies or organisations if an international treaty concluded, or acceded to by the Socialist Republic of Vietnam provides otherwise;
- Workers in business or service organisations belonging to administrative or non-productive bodies, Party organisations and people's organisations;
- Workers in undertakings and service organisations belonging to armed forces;
- Elected or appointed officials in administrative bodies of State, in Party organisations and people's organisations offices from district to central levels.
- The above - mentioned persons, while being in training or practice, in service trip or medical treatment inside or outside the country, but still receive wage or salaries, shall nevertheless continue to be under the compulsory social security coverage.

Hereinafter they are referred to generally as the workers.

Article 4. The employers and workers shall pay social insurance contribution for ensuring the payment of social security benefits to the workers. The workers paying social insurance contribution shall be issued with individual social security books, by relevant social security agencies and are entitled to be benefits determined in this regulations. The social security rights and benefits of the workers may be suspended reduced or rescinded in case of their acts of violation of the law.

Article 5. The Social Insurance Fund is formed from social insurance contributions and the subsidies of the State. This Fund shall be under unified administration and be used

for payment of the benefits specified in this regulation, and administrative expenses of social insurance operation.

Chapter II

Social security Benefits

I. Sickness Benefits

Article 6. The workers who are off work due to sickness or non-work connected accidents certified by the health services determined by the Ministry of Health, are entitled to sickness benefits.

The workers who are off work due to self-inflicted harm to the health, drunkenness or drug abuse, are not entitled to sickness benefits.

Article 7. The maximum period of time for the workers to be entitled to sickness benefits is as follows:

1. For the workers in normal working conditions:

- 30 days in a year, if he/she has paid social insurance contributions for less than 15 years;
- 40 days in a year, if he/she has paid social insurance contributions for from 15 years to less than 30 years;
- 50 days in a year, if he/she has paid social insurance contributions for 30 years or more.

2. For the workers in hard or harmful occupations or jobs, or in areas where the area allowance coefficient is 0,7 or more:

- 40 days in a years, if he/she has paid social insurance contributions for less than 15 years;
- 50 days in a years, if he/she has paid social insurance contributions for from 15 years to less than 30 years;
- 60 days in a year, if he/she has paid social insurance contributions for 30 years or more;

The list of hard or harmful occupations and jobs shall be jointly issued by the Ministry of Labour, Invalids and Social Affairs and the Ministry of Health.

3. For workers who suffer diseases requiring long treatment as specified in a list issued by the Ministry of health, the maximum period of time to be entitled to sickness benefits is 180 days in a year, irrespective of period of time for which the social insurance contributions have been paid.

In case where the treatment prolongs more than the 180 days limit, the workers concerned shall continue to be entitled to sickness benefits in accordance with the provisions of Paragraph 2, Article 9 of this Regulations.

Article 8

1. The worker whose first child or second child of less than 7 years of age (including children adopted in accordance with the provisions of Law of Marriage and the Family) is sick and he/she has to take time off work for attending to the sick child, is entitled to social security benefits.

2. In case where the parents of the sick child are both covered by the social security system, only one of the parents is entitled to the social security benefits during his/her taking time off work for attending to the sick child.

3. The maximum period of time for the workers to be entitled to the benefits for attending to the sick child is as follows:

- 20 days in a year, if the sick child is less than 3 years of age;
- 15 days in a year, if the sick child is from 3 years to less than 7 year of age.

4. The workers who take family planning measures such as intra-uterus device, abortion, vasectomy and take time off work as determined by the Ministry of Health are entitled to social security benefits stipulated in Paragraph 1, Article 9 of this Regulations.

Article 9

1. The sickness benefits and the benefits of taking time off work for attending to sick child or for taking family planning measures are respectively equal to 75 per cent of the wage taken as a basis to pay social insurance contribution before the day taking time off work.

2. In the case where a worker suffers long treatment diseases, and the treatment prolongs more than the 180 days limit as referred to in Paragraph 3, Article 7 of this Regulations, he/she is entitled to: Social security benefits equal to 70 per cent of the wage taken as a basis to pay social insurance contributions before the day taking time off work, if he/she has already paid contributions for 30 years or more; Social security benefits equal to 65 per cent of the wage taken as a basis to pay social insurance contributions before the day taking time off work, if he/she has already paid contributions for less than 30 years

II. Maternity BENEFITS

Article 10. The female workers who are on leave due to pregnancy and giving birth to the first or second child, are entitled to maternity benefits during the maternity leaves determined in Article 11 and 12 of this Regulations

Article 11. The female workers in pregnancy period are entitled to time off work for medical examination in 3 times, each time one day.

In case where the medical service is far away, the pregnancy is affected pathologically, the foetus is abnormal, she is entitled to time off work for medical examination each time two days, and the benefits therewith

In case of miscarriage, the female workers is entitled to time off work for 20 days, and the benefits therewith, if she is in pregnancy of less than 3 months; and for 30 days and the benefits therewith if in pregnancy of 3 months or more.

Article 12

1. The prenatal and postnatal leave is provided for in detailed as follows:

- 4 months for females workers in normal working conditions;
- 5 months for females workers in hard, or harmful occupations or jobs, in night shifts or in areas where the area allowance coefficient is between 0,5 and 0,7;
- 6 months for females workers in areas where the area allowance coefficient is 1 or in special occupations or jobs determined in a list issued by the Ministry of Labour, Invalids and Social Affairs.

2. In case of twin or multiple birth, the female workers shall be entitled to 30 additional days of leave for each child counted from the second one.

In case of death of the new-born child, if the child is less than 60 days of age (including still birth), the female worker is entitled to a leave of 75 days after the day of delivery, with benefits therewith; if the child is 60 days of age or more, the female worker is entitled to a leave of 15 days after the day of death of the child, but not exceeding the limits established in Paragraph 1 of this Article.

3. At the expiration of statutory maternity leave stipulated in Paragraph 1 and 2 of this Article, if so requested, a female worker may take additional leave on the condition that the consent of the employer must be sought, and she is not entitled to social security benefits.

4. A female worker may return to work before the expiration of her statutory maternity leave stipulated in Paragraph 1 of this Article, provided that she has taken at least 60 days postnatal leave and a doctor's certificate confirms that early resumption of work does not affect her health and that the employer is given notice one week in advance. In this case the female worker shall still be entitled, besides the working wage, to maternity benefits up to the end of her statutory maternity leave.

Article 13. A worker (irrespective of sex) taking time off work for nursing a new-born child as stipulated in the Law of Marriage and the Family is entitled to the benefits thereof until the child is 4 months of age.

Article 14. The amount of maternity benefits during maternity leave and time off work stipulated in Article 11, 12 and 13 of this Regulations is equal to 100 per cent of the wage taken as basis to pay social insurance contribution before the leave or time off work. Moreover, at the time of child delivery, the female worker is entitled to an additional allowance equal to a monthly rate of wage taken as a basis to pay social security contribution.

III. Occupational accidents and occupational diseases benefits

Article 15. The workers who are victims of accidents shall be entitled to occupational accidents benefits in the following cases:

- Accidents occurred in working time, at the workplace, including those occurred during overtime work performed at the employer's request;
- Accidents occurred outside the workplace but during performance of a work requested by employer
- Accidents occurred on the road that worker usually takes to go from home to the workplace and back home.

Article 16. The employer must pay all medical expenses incurred and the wages due to the workers from the time of emergency first aid to completion of the medical treatment resulting in the health stabilisation of the victims. After the stabilisation of their health, the victims of occupational accidents shall be assigned work suitable to their health and, under the recommendations of social security agencies, shall undergo medical assessment to have their ability to work determined at the Medical Assessment Board under the regulations issued by the Ministry of Health.

Article 17. The victims of occupational accidents are entitled to the social security benefits, the amount of which depends on the degree of reduction of their ability to work, and is calculated on the basis of the general minimum wage rate announced by the Government (hereinafter referred to shortly as minimum wage). The rate of occupational accidents benefits is defined as follows:

1. The victims of occupational accidents whose ability to work is reduced from to 5 to 30 per cent are entitled to a lump sum benefits at the following respectively degrees:

Degree of reduction in ability to work	Lump sum benefits equal to
From 5 to 10 per cent	4 times of monthly minimum wage
From 11 to 20 percent	8 times of monthly minimum wage
From 21 to 30 per cent	12 times of monthly minimum wage

2. The victims of occupational accidents whose ability to work is reduced by 31 per cent or more are entitled to monthly benefits at the following respective degrees:

Degree of reduction in ability to work	Monthly benefits equal to
From 31 to 40 per cent	0,4 of monthly minimum wage
From 41 to 50 percent	0,6 of monthly minimum wage
From 51 to 60 per cent	0,8 of monthly minimum wage
From 61 to 70 per cent	1,0 of monthly minimum wage
From 71 to 80 per cent	1,2 of monthly minimum wage
From 81 to 90 per cent	1,4 of monthly minimum wage
From 91 to 100 per cent	1,6 of monthly minimum wage

Article 18. The beneficiaries of monthly occupational accidents benefits who cease their labour relationships shall be entitled to health insurance contribution covered by the Social Security Fund

Article 19. The workers whose ability to work is reduced by 81 per cent or more as a result of an occupational accident and who suffer from vertebral column paralysis, loss of sight of both eyes, loss of two limbs or from serious mental disorder, is entitled to monthly attendance allowance equal to 80 per cent of minimum wage.

Article 20. The workers who suffer occupational accidents which affect the physical functioning of the legs, hands, ears, teeth, backbone, etc. Shall be provided with supporting devices suitable to functional losses and to the service duration of each device.

Article 21. The beneficiaries of employment injury benefits either in lump sum or monthly benefits shall be recommended by social security agencies to undergo reassessment of their ability to work if the injury recurs.

Article 22. In case where a worker dies as result of an occupational accident (Including the case of death during the first medical treatment), his/her family is entitled to lump sum benefit equal to 24 months of minimum wage, and to the survivor's pension and a grant for funeral expenses stipulated in Part V of this Regulations.

Article 23. The beneficiaries of occupational accidents lump sum benefit or monthly benefit, if meeting qualified conditions, are entitled to retirement benefits stipulated in Part IV of this Regulations

Article 24. Victims of occupational diseases determined in the list of occupational diseases issued by the Ministry of Health and the Ministry of Labour, Invalids and Social Affairs, are entitled to the occupational diseases benefits which are the same as for victims of occupational accidents stipulated in Articles 16,17,18,19, 20, 21, 22 and 23 of this Regulation

IV. Retirement Pension

Article 25. Workers are entitled to monthly retirement pension when they meet one of the following qualified conditions:

1. The age is of 60 in full for male, and 55 for female workers, and having paid social insurance contribution for 20 year or more.
2. The age is 55 for male and 50 for female workers, and having paid social insurance contribution for 20 years or more, provided that during this period:
 - He/she has worked 15 years in hard, hazardous job or occupation
 - He/she has worked 15 years in areas where the area allowance coefficient is 0,7 or more;
 - He/she has worked 10 years in south Vietnam or Laos before 30 April 1975, or in Cambodia before 31 August 1989.

Article 26. Workers are entitled to a monthly retirement pension at the rate lower than the rate specified in Article 25 of this Regulations when they meet one of the following qualified conditions:

1. The age is 60 for male, and 55 years for female workers; and having paid social insurance contribution for 15 years to less than 20 years.
2. The age of 50 years for male, of 45 years for female workers; the period of social insurance contribution of 20 years or more; and the capacity to work is reduced by 61 per cent or more;
3. A worker has worked at least 15 years in extremely hard or extremely harmful work; and having paid social insurance contribution for 20 years or more; and the capacity to work is reduced by 61 per cent or more (irrespective of age).

This list of hard or harmful work and of extremely hard or extremely harmful work shall be issued by the Ministry of Labour and Social Affair and the Ministry of Health.

Article 27. The beneficiaries of monthly retirement pension are entitled to the following rights:

1. The computation of monthly retirement pension shall be based on the period of social insurance contribution and on the average amount of the monthly wage taken as a basis for the payment of social insurance contribution in hereafter ways:
 - a) For the workers who have paid social insurance contributions for 15 years in full the monthly retirement pension shall be equal to 45 per cent of average amount of the

monthly wage taken as a basis to the payment of social insurance contribution. After that, an increase of 2 per cent shall be added for each year of social insurance contribution. The maximum pension is equal to 75 per cent of average amount of the monthly wage taken as basis for the payment of social insurance contribution.

b) For the beneficiaries of lower monthly retirement pension as referred in Article 26, the same way of calculation as defined in point a of this Article shall be applied, but a reduction of 2 per cent from the average amount of the monthly wage taken as a basis for the payment of social insurance contribution shall be made for each year of early retirement as determined in points 1 and 2 of the Article 25 of this Regulations. But in no case the minimum amount of monthly retirement pension shall be less than the minimum wage.

2. For the workers who have paid social insurance contribution for more than 30 years, upon retirement they are entitled, besides the monthly retirement pension, to a lump sum allowance which is calculated as followed: for each year (composing of 12 months) counting from the 31st year of paying social insurance contribution an amount of allowance equal to a half of average amount of the monthly wage taken as basis for payment of social insurance contribution shall be paid. But in no case the maximum amount of lump sum allowance shall exceed 5 times of monthly minimum wage.

3. The beneficiaries of monthly retirement pension shall be entitled to health insurance paid by the Social Security Fund

4. In the case where a retirement pensioner dies, his/her family is entitled to the survivor's pension and a grant for funeral expenses stipulated in Part V of this Regulations.

Article 28. The worker who retired from work but not yet meeting the age requirement for the entitlement to the monthly retirement pension determined in Article 25 and 26 of this Regulations, shall be entitled to a lump sum benefit which is computed as follows: for each year of paying social insurance contribution a lump sum equal to the average amount of monthly wage taken as a basis for the payment of social insurance contribution shall be paid. They may also wait for reaching the required age for the entitlement to the monthly retirement pension.

Article 29. The average amount of monthly wage taken as a basis for the payment of social insurance contribution and, therefore, for the determination of monthly retirement pension and a lump sum retirement benefit referred to in Article 27, and of lump sum allowance referred to in Article 28, is computed as follows:

1. For the workers who have paid social insurance contributions in accordance with Government wage scales, the average amount of monthly wage taken as a basis for the payment of social insurance contributions is equal to weighted average wage of the last 5 years immediately preceding their retirement

2. For the workers who have paid social insurance contributions in accordance with Government wage scales for one period of time, and not in accordance with Government wage scales for another period of time, the average amount of monthly wage taken as a basis for the payment of social insurance contributions is equal to weight average wage of all periods of payment.

Article 30. A beneficiary of retirement pension who legally stays abroad may authorise one of his/her relatives in the home country to receive monthly retirement pension. The letter of

authorisation is valid for 6 months and must be verified by the embassy of the Socialist Republic of Vietnam in the country where the beneficiary is a resident.

V. Survivor's pension and grant for funeral expenses.

Article 31. In case of death of a worker in actual employment, of a retiree waiting for a retirement pension or of a pensioner a grant for funeral expenses equal to 8 months of minimum wage shall be paid to a person in charge of funeral.

Article 32. In case of death of a worker who has paid social insurance contributions for 15 years or more, of a retiree waiting for final formalities for monthly retirement pension, of a current pensioner, and in case of death due to occupational accident, or occupational disease of a worker in actual employment, the following dependants of the deceased shall be entitled to monthly survivors' benefit:

1. Children under 15 years of age (including legally adopted children, children born out of wedlock, children born of conception at the time of the husband's death); If the children are still going to school, they shall enjoy the monthly survivor's benefit until 18 year of age.
2. The parents (including parents in law); the spouse; the person who has legally supported the deceased in his/her lifetime and has past the working age (60 years of age for male and 55 years of age for female workers)

Article 33

1. The amount of monthly survivors' benefit for each dependant referred to in points 1 and 2. Article 32 of this Regulations is equal to 40 per cent of monthly minimum wage. In case where the dependant has no other source of income, this monthly benefit shall be equal to 70 per cent of the monthly minimum wage.
2. The monthly survivors' benefit shall be paid only to not more than four beneficiaries from the date of death of the worker in question. The other exceptional cases shall be considered and decided by the Ministry of Labour, Invalids and Social Affairs.

Article 34. In case of death of a worker in actual employment, of a retiree waiting for the final formalities for retirement benefits or a current pensioner, and in case of death due to occupational accident or occupational diseases of a worker in actual employment, if the deceased has no relative who can be qualified for beneficiaries of monthly survivors' benefit, a lump sum survivors' benefit shall be paid to the family of the deceased.

Article 35

1. The amount of lump sum survivors' benefit paid to the family in case of death of a worker who is in actual employment or of a retiree who is waiting for final formalities for retirement benefits, shall depend on the number of years that the deceased has paid social insurance contributions, for each year of contributing shall be paid an amount equal to a half of the average of monthly wages taken as a basis for payment of social insurance contribution as defined in Article 29 of this Regulations, but the maximum amount shall not exceed 12 times of the average monthly wage.
2. The amount of lump sum survivors' benefit paid to the family in case of death of a current pensioner, shall depend on the number of years that the deceased has enjoyed pension or benefit. If pensioner dies in the first year of pension or benefit the lump sum shall be equal to 12 months of his/ her monthly pension or benefit, if the

pensioner dies in the second year of his/her pension onwards, a deduction of one month will be made for each year, but the minimum amount shall not be less than 3 his/her monthly pension or benefit.

Chapter III

Social Insurance Fund, social insurance contribution rate and obligation

Article 36 The Social Insurance Fund is formed the following sources:

1. The contribution of employers at the rate of 15 per cent of the total wages paid to the workers who are under social security coverage in the undertaking; of which 10 per cent shall go for retirement benefits, survivors' benefits and grant for funeral expenses, and 5 per cent for sickness, maternity, occupational accidents and occupational diseases benefits;
2. The contribution of workers at the rate of 5 per cent of their monthly wages, for retirement benefits, survivors' benefits and grant for funeral expenses.
3. The supplementing contribution and subsidies of the State with a view to ensuring the implementation of social insurance schemes for workers
4. Other sources

Article 37. Every month, the employer shall be obliged to pay his/her social insurance contribution in accordance with 1, Article 36, and at the same time pay social insurance contribution for his/her employees by deducting from the monthly wage of each worker his/her contribution at the rate stipulated in point 2, Article 36. The monthly wage of the worker taken as a basis for his/her social insurance contribution include wage paid in accordance with wage scales and other benefits of wage nature as allowances for area, for cost of living and for seniority, or reserved differentials in wages and allowances, if any.

Article 38. Every month, the Ministry of Finance shall remit from the State budget to the Social Insurance Fund an amount to cover sufficiently the expenses on the payment of retirement benefit, benefit for, loss of capacity to work, for occupational accidents, occupational diseases, survivors benefit and on health insurance for the persons who acquired these social security benefits before this Regulations takes effect, and also to pay retirement benefits for the workers in State sector who retired as from the date this regulations takes effect.

Article 39. The collection of social insurance contributions shall be carried out by the Vietnam Social Insurance.

Article 40. The Social Insurance Fund shall be managed in an uniform way in conformity with Government financial regulations, shall be self accounting, and protected by the Government.

The Fund may carry out measures to preserve and increase its value, as determined by the Government.

Chapter IV

Administration and implementation of social security.

Article 41. The Government assumes the unified State administration of social security. The Ministry of Labour, Invalids and Social Affairs is the Government body to exercise the State administration of social security, to develop and to submit for promulgation of social security laws to issue regulations on social security, to provide guidance, to inspect and to supervise the implementation of social security within its competency.

Article 42. The Government establishes an unified system of social insurance organisation to administer the social insurance fund and to implement social insurance policies and schemes for the workers in accordance with the law.

Chapter V

Rights and obligations of parties involved in social insurance

Article 43

1. The insured workers have rights:

- To get an individual social insurance book let.
- To get retirement benefits and other social security benefits in time, in full, by a convenient method, once meeting the qualified conditions laid down in this Regulations
- To complain to the competent authorities on the acts committed by the employers or by social insurance agency in breach of the Social Security Regulations.

2. The insured workers have obligations:

- To pay social insurance contributions in conformity with the regulations
- To follow prescribed procedures while claiming for social security benefits;
- To keep and use the individual social security booklet and the social insurance files in conformity with regulations.

Article 44

1. The employers have rights:

- To refuse a claim if it is made not in accordance with the provisions of the Social Security Regulations;
- To complain to the competent authorities on the acts committed by a social security agency in breach of the Social Security Regulations.

2. The employers have responsibilities:

- To pay social insurance contribution in conformity with the regulations
- To deduct the workers' wages and to remit their social insurance contributions in conformity with regulations
- To present relevant document and files and to provide information as requested by competent authorities for the purpose of inspection and check-up

Article 45

1. The Social security agency has rights:

- To submit to the Prime Minister for promulgation, or to promulgate within its competence, regulations governing the collection of contributions and payment of benefits, and the approval claims on social security benefits as stipulated in this Regulations;

- To select and to organise the appropriate financing mechanism of the Social Insurance Fund to ensure the efficient implementation of social security schemes;
- To educate people on social security and to promote their participation into the implementation of social insurance policy

To refuse a social security claim when there is a fraud and falsification in documents and files.

2. The social security agency has responsibilities:

- To organise the collection of contributions, to administrate and to use social insurance funds in conformity with regulations;
- To implement the social security schemes in conformity with the provisions of this Regulations.
- To organise and to carry out the payment of retirement benefits in time, in full and convenient to the beneficiaries;
- To settle disputes and to deal with complaints relating to social insurance;
- To keep workers and employers informed annually about the implementation of social security.

Chapter VI

Disputes settlement and sanctions against breaches of laws and regulations on social security

Article 46

1. Disputes occurring between workers or employers and social insurance agencies shall be settled in accordance with the provisions of Social Security Regulations.

2. Social insurance disputes occurring between workers and employers shall be settled in accordance with the provisions of Chapter XIV of the Labour Code.

Article 47. The entitlement to social security benefits of an insured worker shall be suspended during his/her imprisonment. The entitlement shall be resumed after imprisonment. In case the Court found that the worker is not guilty, he/she shall be paid back the benefits due to for the period of entitlement suspension.

Article 48. The entitled social security rights and benefits of a beneficiary may be reduced or rescinded in case of falsification of the files, illegal departure or illegal settlement abroad.

In addition to the reduction or rescission of his/her social security right and benefits, the falsifier is obliged to total reimbursement of the obtained money, and shall according to the degree of offence, be prosecuted for penal responsibility.

Article 49. The employer acting in breach of the provisions of Laws and regulations on social security shall according to the degree of infringement, be liable to such penalties as warning, fine, or other penalties prescribed in Article 192 of the Labour Code.

Article 50. Civil servants, public employees working in social security agencies, who act in violation of laws and regulation on social security shall, according to the degree of infringement, be liable to disciplinary or administrative sanctions, or be prosecuted for penal responsibility.

Chapter VII

Final Provisions

Article 51. The present Regulations shall take effect from 1 January 1995. All previous provisions on social security contrary to this Regulations are hereby repealed.

Article 52. The current beneficiaries of monthly retirement pension, of monthly benefits for loss of capacity to work, for employment injury due to an occupational accident or diseases, or of survivor's benefits before this Regulation takes effect, shall continue to enjoy such pension and benefits according to previous provisions, with adjustment of rates as determined by the Government. All expenses for the social insurance of the above-mentioned beneficiaries shall be covered by the State budget.

Article 53. The survivor's benefits and the grant for funeral expenses referred to in part V of this Regulations shall be applied to the cases of death of current beneficiaries of monthly retirement pension, of monthly benefits for loss of capacity to work, for employment injury due to an occupational accident or diseases, whose ability to work is reduced by 31 per cent or more before this Regulations takes effect.

In case of death of a worker in rubber plantation who currently receives the allowance according to the Government Decision No 206/CP of 30 May 19979, his/her family is entitled to a grant for funeral expenses referred to in Article 31 of this Regulations.

Article 54

1. Provided that no severance allowance or no lump sum social security benefits has been received by the workers who used to work in the State- Owned enterprises before this Regulations takes effect this period shall be included in qualified period for benefits.
2. Provided that no lump sum benefits from social insurance funds has been received by the workers who used to work in non-state sector and has paid social security in accordance with the Government stipulations before this Regulations takes effect the period in question shall be included in qualified period for the social insurance benefits.

On Behalf of the government
Prime Minister

Vo Van Kiet
(Signed)