

Vietnam⁶⁵⁵

Ngoc Luong (Bielefeld University) and **An Huy Tran** (Bielefeld University)⁶⁵⁶

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (Maternity regime: *Chế độ thai sản*) (responsibility of the Vietnam Social Security⁶⁵⁷)

Length of leave (before and after birth) (depending on the type of birth, the number of children born)

- Six months: 2 months may be taken before the birth.
- Female employees are also entitled to a leave for convalescence and health rehabilitation within the first 30 working days after the Maternity leave period:
 - A maximum of 10 days for a multiple birth
 - Up to 7 days for a surgical birth
 - Up to 5 days for other cases.

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⁶⁵⁶ The authors contributed equally to the writing of this country note.

⁶⁵⁷ Vietnam Social Security (VSS) is a governmental agency managing the implementation of social and health insurance regimes and policies; managing the unemployment insurance regime; as well as managing the funds for social, health, and unemployment insurance in accordance with the law. VSS is under the management of the Ministry of Labor, Invalids, and Social Affairs regarding social and unemployment insurances; under the Ministry of Health regarding health insurance; and under the Ministry of Finance regarding financial regimes for social, unemployment and health insurance funds (Decree defining the functions, tasks, powers and organizational structure of the Vietnam Social Security: <https://vss.gov.vn/english/legal/pages/default.aspx?ItemID=3559>).

- The number of leave days is jointly decided by the employer and the Trade Union at the grassroots level or solely decided by the employer if there is no grassroots Trade Union.

Payment and funding

- Maternity leave: 100 per cent of average earnings for the 6 months before leave on which social insurance premiums are based.
- Leave for convalescence and health rehabilitation: 30 per cent of the basic salary per day (30% x VND1,800,000 [€64,89]⁶⁵⁸ = 540,000 VND [€19.42] per day).⁶⁵⁹
- In addition, female workers are entitled to a lump-sum allowance equivalent to 2 times the basic salary rate at the month of childbirth (i.e., 3,600,000 VND [€129.38] per child).
- The payments are not taxed.
- Funded by the Social Insurance Fund (*Quỹ Bảo hiểm Xã hội*), managed by the Vietnam Social Security, which is financed by social security contributions from employers and employees (coming from those who participate in employment-based insurance, not voluntary (self-paid) social insurance contributions).⁶⁶⁰
- Exceptional maternity one-time payment from the state budget (not from VSS): a one-off birth allowance of VND2,000,000 [€72.89] per person is given to women giving birth with no compulsory social insurance who are ethnic minorities or Kinh ethnic (the major ethnic group in Vietnam) whose husbands belong to ethnic minority groups, or who belong to the poor household category in classified disadvantaged/poor areas.⁶⁶¹ If the mother is not covered by social insurance but the father is, the father is entitled to this allowance (See 1b).

Flexibility in use

- Female employees can negotiate with their employers for additional unpaid leave after the statutory leave period (no restriction on how long the unpaid leave can be).
- Female employees can return to work after they have taken at least 4 months of Maternity leave, if requested by the employees and agreed by the employers. Employees have to obtain a confirmation document from a qualified medical establishment stating that the early resumption of work

⁶⁵⁸ Conversion of currency undertaken for 16 July 2024, using: <https://www.xe.com/>.

⁶⁵⁹ From July 2023, the basic salary rate in Vietnam is VND1,800,000 [€64.68] per month: <https://thuvienphapluat.vn/chinh-sach-phap-luat-moi/vn/thoi-su-phap-luat/tu-van-phap-luat/57312/muc-luong-co-so-nam-2024-la-bao-nhieu>

⁶⁶⁰ Employees and employers are both required to contribute to the social insurance managed by the Vietnam Social Security (VSS). The contribution is based on employees' monthly gross wage. Employees are required to pay an eight per cent rate for the mandatory social insurance and employers are required to contribute 17.5 per cent.

⁶⁶¹ Decree 39/2015/ND-CP: to be entitled to the payment, women need to follow the population policy of having from 1 to 2 children only or having a 3rd child if they belong to minority groups with less than 10,000 individuals or with decreasing population.

does not negatively affect their health condition. In this case, the employees are still entitled to maternity benefit following the social insurance law plus the normal salary.

Eligibility (e.g., related to employment or family circumstances)

- Female employees who are Vietnamese citizen, and who work with indefinite-term, definite-term or seasonal labour contracts; or from 3 to 12 month full-time contracts; or are cadres, civil servants and public employees; or who work in defence, public security or cipher agencies (i.e., governmental agencies under the Ministry of Defence specialising in cryptogram, coding and decoding); or officers and professional non-commissioned officers and officers and technical non-commissioned officers of the people's public security and army; or salaried managers of enterprises and cooperatives.
- Female employees of non-Vietnamese citizenship who work legally (having a work permit) with indefinite-term contract or a fixed term contract of at least 1 year with an employer in Vietnam.⁶⁶²
- Female employees must have contributed to the social insurance system for at least 6 months within the 12 months before childbirth.⁶⁶³
- Female employees who need to take a leave during pregnancy for pregnancy care as prescribed by competent health establishment must have paid social insurance contributions for at least 12 months and have paid social insurance contributions for at least three months within the 12 months before childbirth.
- Overall, only a minority of women are eligible (see 4a)

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- If the employee is pregnant with multiple children, the length of the Maternity leave is extended by 1 month for each additional child.
- In case of a postnatal death of a child under 2 months of age, the mother is entitled to continue a 4 month leave, counted from the date of childbirth.
- In case of the death of a child older than 2 months of age, the mother is entitled to a 2 month leave, counted from the date of the child's death. However, the Maternity leave period must not exceed the statutory 6 month period.
- If the mother, who is eligible for the Maternity leave, dies in or after childbirth, her (remaining) post-natal leave is transferred to the father or an other direct guardian.
- If the mother dies and she has not accumulated enough contributory time within the social insurance system to be entitled to the Maternity leave, the

⁶⁶² According to Decree 143/2018/ND-CP.

⁶⁶³ In many cases, the employers have collected the contributions from the female employees but have not paid to VSS which can affect the actual maternity entitlement.

father or the direct guardian is entitled to Maternity leave until the child reaches 6 months of age.

- If the mother dies, the father or the direct guardian who currently contributes to social insurance but does not take transferred Maternity leave is entitled to both their regular salary and the Maternity leave for the remaining period applicable to the mother.
- If the mother dies in childbirth or faces a postnatal risk certified by a competent health establishment that she is unable to take care of the child and only the father is covered by social insurance, the father is entitled to a Maternity leave until the child reaches 6 months of age.

Additional note (e.g., frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- During pregnancy, a female employee is allowed leave on 5 occasions for prenatal check-ups. The length of each leave is 1 working day for a regular pregnancy and 2 working days for a risky pregnancy or in case the worker's place of residence is far from medical/health establishments.

b. Paternity leave (*chế độ thai sản cho nam giới có vợ sinh con*) (responsibility of the Vietnam Social Security and as stated in the Law on Social Insurance and the 2019 Labor Code)

Length of leave

- Five working days.

Payment and funding

- 100 per cent of average earnings for the 6 months before leave on which social insurance premiums are based, or the average salary of the months for which social insurance contributions have been paid in case the employee has less than 6 months of social insurance contributions.
- A male employee is entitled to a one-time lump sum payment equivalent to 2 times basic salary pay rate per child (3,600,000 VND [€129.38]) if he contributes to the social insurance system.
- Payments are made to the parent either in cash directly at the local Social Insurance Agencies, or through the employer, or transferred directly to their bank account.
- Taxed and funded as for Maternity leave.

Flexibility in use

- Leave can be taken within the first 30 days after the birth.

Eligibility (e.g., related to employment or family circumstances)

- Male employees, whose wives give birth to children (including surrogate mothers in surrogacy arrangements), are entitled to Paternity leave if they currently pay social insurance contributions. Same-sex and co-inhabiting couples are not recognized in Vietnam for any legal benefit entitlement, including Maternity and Paternity leave and benefit.
- Male employees who are Vietnamese citizen, and who work with indefinite-term, definite-term or seasonal labour contracts; or from 3-to-12-month full-time contracts; or are cadres, civil servants and public employees; or who work in defence, public security or cipher agencies (i.e., governmental agencies under the Ministry of Defence specialising in cryptogram, coding and decoding); or officers and professional non-commissioned officers and officers and technical non-commissioned officers of the people's public security and army; or salaried managers of enterprises and cooperatives.
- Male employees of non-Vietnamese citizenship who work legally (having a work permit) with indefinite-term contract or a fixed term contract of at least 1 year with an employer in Vietnam.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; single parent); or delegation of leave to person other than the mother

- The length of leave can be extended beyond 5 days, depending on the type of birth and the number of children born. In particular:
 - Seven working days in case of a surgical birth or a birth before 32 weeks of pregnancy.
 - Ten working days in case of twins; in case of multiple births, the length of leave is extended for 3 additional working days for each additional child.
 - Fourteen working days in case of a surgical multiple birth.
- In case the mother dies after childbirth, the father is entitled to take leave until the child reaches 6 months of age (if he contributes to social insurance), or to take the rest of the unused Maternity leave and benefits until the child reaches 6 months of age (if both the father and the mother contribute to social insurance or if only the mother contributes to social insurance). If the father does not want to take Maternity leave, he will receive the maternity allowance on top of the normal working salary.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

- In the case of the adoption of a child who is younger than 6 months of age, employees are entitled to Maternity leave and benefits until the child reaches 6 months. If both parents are covered by social insurance, either the father or the mother is entitled to Maternity leave.

Leave to take care of sick children

- When parents are covered by social insurance, both or one of them can take leave to care for sick children under 7 years of age, with the certification of a competent health establishment. The allowed number of leave days per parent depends on the age of the children and is as follows:
 - Maximum 20 working days per year if the child is under 3 years of age.
 - Maximum 15 working days per year if the child is between 3 and 7 years of age.
- Payment is based on the number of leave days x a monthly allowance equivalent to 75 per cent of earnings in the month preceding leave on which social insurance contributions are based and divided by 24 days.

Surrogacy leave and pay

- A surrogate mother is entitled to Maternity leave and benefits as a normal female employee, except that she can take Maternity leave only until the time of relinquishing the child to the intended mother. However, the minimum length of leave is 60 days and the maximum length of leave is 6 months from the childbirth regardless of the relinquishing date.
- An intended mother is entitled to Maternity leave from the time of receiving the child until when the child reaches 6 months of age.

Time off for the care of dependents

No statutory entitlement.

Specific provision for (breast)feeding (within stipulations for female employees nursing a child under 12 months of age)⁶⁶⁴

- A female employee with a child under 12 months of age is entitled to one 60 minute break for breastfeeding, lactating, or resting during every working day with full pay. The break time can be chosen and must be informed to the employer in advance. If the employee does not want to take the break and if agreed by the employers, she is entitled to extra payment for the additional hour of work.

⁶⁶⁴ According to the 2019 Labour Code and Decree 145/2020/ND-CP.

Miscarriage and abortion leave and pay

- In case of a miscarriage, abortion or stillbirth, or pathological abortion, a female employee may take Maternity leave as prescribed by a competent health establishment. The maximum leave period depends on how far the pregnancy was before the miscarriage or abortion and is as follows:
 - Ten days for a pregnancy under 5 weeks;
 - Twenty days for a pregnancy between 5 weeks and under 13 weeks;
 - Forty days for a pregnancy between 13 weeks and under 25 weeks;
 - Fifty days for a pregnancy of 25 weeks or more.
- The payment is calculated based on a monthly allowance divided by 24 days; the monthly allowance is equal to 100 per cent of average earnings during the 6 months before the leave on which social insurance contributions are based or the average of earnings during the months for which social insurance contributions have been paid if the employee has paid social insurance contribution for under 6 months.

Flexible working

- According to the 2019 Labour Code (Article 137 – Maternity protection), employers must not require female employees to work nightshifts, work overtime, or go on long-distance working trips if (i) they reach 7 months or more of pregnancy (or six months or more of pregnancy in case they work in highland, deep-lying, remote, border or island areas); or (ii) they are raising children under 12 months of age (unless the workers agree).
- In case the pregnant female employees engage in heavy, hazardous, dangerous work or works that can negatively affect their ability to reproduce and nurse children during pregnancy, their employees should assign them to safer and less laborious tasks or reduce 1 working hour per working day without reducing their salaries, rights, and benefits. This regulation applies until the female employees' children reach 12 months old.

2.Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave is 6 months, unless the employee negotiates a longer period with their employer. There is no entitlement to Early Childhood Education and Care (ECEC), and the compulsory school age is 6 years.

According to the 2019 Law on Education, public and private nurseries (for children from the age of 3 months to 3 years), kindergartens (for children from 3 to 6 years), and preschools (for children from 3 months to 6 years) are allowed to provide ECEC for children from 3 months to 6 years old. Yet, the majority of public nurseries only take in and provide ECEC for children starting from 12 months of age. Private nurseries take children from 5 months of age. In 2009, the Vietnamese government approved universal access to ECEC for children aged 5 years; even

though attendance is not mandatory, 99 per cent of 5 year-old children now attend.⁶⁶⁵

No information for ECEC attendance levels in 'relationship between leave and ECEC entitlements' in the [cross-country tables](#) at the front of the review.

3. Changes in policy since April 2023 (including proposals currently under discussion)

The revision of the 2014 Social Insurance Law has been under discussion since 2023, and proposes expansion of Maternity leave coverage to (i) part-time employees in communes, wards and townships' administration; and (ii) voluntary (self-paid) public social insurance contributors.

4. Uptake of leave

a. Maternity leave

Only 30 percent of Vietnamese women giving birth are covered by the Maternity leave and benefit. The majority of the remaining uncovered women are those working in the informal sectors.⁶⁶⁶

b. Paternity leave

No information available.

c. Parental leave

No statutory leave entitlement.

d. Other employment-related measures

No information available.

⁶⁶⁵ Nguyễn, H.T.T. and Boyd, W. (2022) 'Early Childhood Education in Vietnam', in L.P. Symaco and M. Hayden (eds.) *International Handbook on Education in South East Asia*. Singapore: Springer. https://doi.org/10.1007/978-981-16-8136-3_35-1

⁶⁶⁶ Vietnam's Women Union (2024) 'Maternity regime should apply to all women, including workers in informal sector'. Available at: <https://hoilhpn.org.vn/web/guest/tin-chi-tiet/-/chi-tiet/che-%C4%91o-thai-san-can-%C4%91uoc-ap-dung-cho-tat-ca-phu-nu-ke-ca-lao-%C4%91ong-tu-do-60378-1801.html>