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Payroll Compliance in Vietnam

Overview

Vietnam's payroll compliance landscape is a dynamic and evolving aspect of its business environment. This involves adherence to a complex set of regulations governing salary calculations, social insurance, personal income tax, and mandatory contributions.

Employers must accurately calculate and withhold taxes, including personal income tax and social insurance contributions, based on a progressive tax rate system. Compliance with these rules is crucial to avoid legal issues and ensure the financial well-being of employees.

Keep in mind that regulations may have changed since then, so it's essential to stay up to date with the latest payroll compliance requirements in Vietnam.

Basic Country Facts



Capital
Hanoi



Population
98.18 million
[The World Bank](#)



Currency
Vietnamese Dong (VND)



GDP per Capita
USD 4,163.50 (as of 2022)
[The World Bank](#)

Labour Contract

Labour Contract (Article 14, 19)

An employment contract shall be concluded in writing and made into two copies, one of which will be kept by the employee, the other by the employer.

An employment contract in the form of electronic data conformable with electronic transaction laws shall have the same value as that of a physical contract.

In some cases, both parties may conclude an oral contract with a term of less than 1 month.

- An employee may enter an employment contract with more than one employer, provided that he/she fully performs all terms and conditions contained in the concluded contracts.
- If the employee is foreigner, the contract may be bilingual, but the Vietnamese version shall prevail in case of inconsistencies between the 2 versions.
- Foreign employees are permitted to receive salaries, bonuses, and allowances in a foreign currency.
- Max 2 years of contract period for foreign employees, it can be renewed based on the Work Permit.

Labour Contract (Article 20)

Type of Contract	Duration & Nature
Definite Term Contract	<ul style="list-style-type: none">• Up to 36 months• Prior notice for termination of contract – 30 days
Indefinite Term Contract	<ul style="list-style-type: none">• After 2 definite term contracts, an indefinite term contract shall be signed at the 3rd time.• Prior notice for termination of contract – 45 days
Renew Labour Contract	<ul style="list-style-type: none">• Within 30 days from the expiration date, the parties' rights, obligations, and interests specified in the old employment contract shall remain effective.• After the 30 day period, Definite Term Contract will be Indefinite Term Contract.

Labour Contract (Article 21)

An employment contract shall include the following major particulars:

- a) Full name and address of the employer or of legal representative;
- b) Full name, date of birth, gender, residence, identity card number or passport number of the employee;
- c) The job and workplace;
- d) Duration of the employment contract;
- e) Wage, wage payment, due date of payment, allowances and other additional payments;
- f) Regimes for promotion, wage increase;
- g) Working time and rest periods;
- h) Personal protective equipment for the employee;
- i) Social insurance, health insurance, and unemployment insurance;
- j) Basic and advanced training, occupational skill improvement.

Probation (Article 24 - 27)

Job Types	Probationary Period
Job position of enterprise executive and management that prescribed by the Law on Enterprises, the Law on management and use of state investment in enterprises	Up to 180 days
Jobs requiring junior college degree or above	Up to 60 days
Jobs requiring a secondary vocational certificate, professional secondary school, technicians and skilled employees	Up to 30 days
Other jobs that require no training	Up to 6 working days

- Only one probationary period is allowed for a job.
- May include the contents of the probation in the employment contract or enter a separate probation contract.
- Probation is not allowed if the employee works under an employment contract with a duration of less than 1 month.
- During the probationary period, the employer must pay a salary that corresponds to at least 85% of the ordinary salary for the job.

Working Hours (Article 105)

- Normal working hours shall not exceed **8 hours** per day or **48 hours** per week.
- An employer has the right to determine the daily or weekly working hours and inform the employees accordingly. The daily working hours shall not exceed 10 hours per day and not exceed 48 hours per week where a weekly basis is applied.
- The State encourages employers to apply **40-hour work week**.
- Working hours at night is the period from **10pm to 6am**.
- Overtime work is the duration of work performed **at any other time than** during normal working hours, as indicated in the law, collective bargaining agreement or internal labour regulations of an employer.

Salaries & Benefits

Salaries (Article 90)

- A salary is an amount the employer pays the employee under an agreement for a work performed by the latter. Salary equals (=) base salary plus (+) allowances and other additional amounts.
- The base salary must not fall below the statutory minimum wages.
- Employers shall pay salaries fairly without discrimination against the genders of employees who perform equal works.

Salaries (Article 95- 97)

- The employer shall pay the employee based on the agreed salary, productivity, and work quality.
- The salary written in the employment contract and the salary paid in reality shall be in VND, unless the employee is a foreigner working in Vietnam.
- Every time salary is paid, the employer shall provide the employee with a note specifying the salary, overtime pay, nightshift pay and deductions (if any).
- Salary shall be paid in cash or transferred to the employee's personal bank account.
- An employer who receives an hourly, daily or weekly salary shall be paid after every working hour, day or week respectively, or shall receive a sum within not more than 15 days as agreed by both parties.
- An employee who receives a monthly or bi-weekly salary shall be paid after every month or every two weeks respectively. The payment time shall be periodic and agreed upon by both parties.

Salaries (Article 102)

- An employer shall have the right to deduct from an employee's salary only for the compensation for the damage to the employer's equipment and assets in accordance with Article 129 of the Labour Code.
- The employee has the right to be aware of the reasons for the deduction.
- Any monthly deduction shall not exceed 30% of the net monthly salary of the employee, after the payment of compulsory social insurance, health insurance, unemployment insurance premiums and personal income tax.

Minimum Base Salary (Article 91, Circular 78/2022/TT-BTC)

- From 1 July 2023, the statutory pay rate is **VND 1,800,000** per month. The capped salary subject to Social Insurance, Health Insurance and Trade Union contributions will be increased to **VND 36,000,000/month**.
- Related to the benefits from Social Insurance/Health Insurance claims (for those benefits which are calculated/paid by day or by month based on Minimum Base Salary), such as:
 - Convalescence and health rehabilitation after sickness/after the maternity leave period/ after injury or disease treatment;
 - Monthly or one-time occupational accident and occupational disease benefits;
 - Lump-sum allowance upon childbirth or child adoption;
 - Funeral allowance;
 - The monthly survivorship allowance for each relative.

Region-based Minimum Wages (with effect from 1 July, 2022)

Region*	Minimum Wage	Salary cap contributing Unemployment insurance (20 times of regional minimum wage)
I	VND 4,680,000 (approx. USD 202+)	VND 93,600,000
II	VND 4,160,000 (approx. USD 179+)	VND 83,200,000
III	VND 3,640,000 (approx. USD 157+)	VND 72,800,000
IV	VND 3,250,000 (approx. USD 140+)	VND 65,000,000

**Principles for application of region-based minimum wages*

Region-based Minimum Wages (with effect from 1 July, 2022)

- An enterprise located in a specific subregion shall apply the respective minimum wage applied thereto.
- In the event that affiliates and/or branches of the same enterprise located in different subregions to which different region-based minimum wages apply, they must apply the respective minimum wages applied thereto.
- If an enterprise is located in the industrial park or the export processing zone located in the territory containing two or more subregions to which different region-based minimum wages apply, the highest wage shall apply.
- If an enterprise is located in the subregion which is converted from a district to which a different region-based minimum wage applies or which is established by merger of two or more subregions to which different region-based minimum wages apply, it shall apply the highest region-based minimum wage.

Bonuses

- The bonus scheme can be determined based on the company's performance and the employee's individual performance over the past one year.
- Generally, companies will pay 13 months' salary as the company's year-end bonus before the Lunar New Year.
- According to Article 104 of the Labour Law, the bonus scheme needs to be consulted with the company's Trade Union before posting a notice to notify all employees.

Allowances

These would include:

Meal allowance	Phone allowance	Responsibility allowance
Housing allowance	Uniform allowance	Hazard/Toxic allowance

Sick Leave

Other benefits paid by Social Insurance (SI): Sick Leave

- Employee takes leave due to sickness or accidents other than labour accidents or caring for sick children aged under 7 years;
- Regime: 75% of the salary of the month preceding their leave on which social insurance premiums are based;
- 30-180 days depends on working condition and number of year contributed SI.

Maternity Leave

Other benefits paid by Social Insurance (SI): Maternity Leave

- Leave period for childbirth: 6 months (inclusive of public holidays, New Year holidays and weekends);
- Leave period upon miscarriage, abortion, stillbirth, or pathological abortion: 10 to 50 days depends on number of weeks of pregnancy;
- Leave period for prenatal checks-up: 5 times (1 day/time);
- Regime: 100% of the average of salaries of 6 months preceding the leave on which social insurance premiums are based + a lump-sum allowance equalling 2 times the minimum base salary for each child.

Paternalty Leave

Other benefits paid by Social Insurance (SI): Paternity Leave

- Male employees currently paying social insurance premiums whose wives give birth to children;
- 5 working days;
- 7 working days, in case their wives undergo a surgical birth or give birth to children before 32 weeks of pregnancy;
- 10 working days, in case their wives give birth to twins; or additional 3 working days for each infant from the second;
- 14 working days in case their wives give birth to twins or more infants and take childbirth operation;
- Regime: 100% of the average of salaries of 6 months preceding the leave on which social insurance premiums are based.

Overtime Limit (Article 107)

Time	Normal Work (Max)	Specific Industries (Max)
1 day	4 hours	4 hours
1 week	12 hours	12 hours
1 month	40 hours	40 hours
1 year	200 hours	300 hours

OT Type	Rate	Tax Type
Night work (from 10pm to 6am next day)	30%	Non-taxable
EE works overtime on normal days	150%	100% taxable
		50% non-taxable
EE works overtime on weekly days off	200%	100% taxable
		100% non-taxable
EE works overtime during public holidays	300%	100% taxable
		200% non-taxable
EE works overtime at night of normal days	210%	100% taxable
		110% non-taxable
EE works overtime at night of weekly days	270%	100% taxable
		170% non-taxable
EE works overtime at night of public holiday	390%	100% taxable
		290% non-taxable

*EE = employee

Final Payments for Leavers (Decree 145/2020/ND-CP)

- **Severance Allowance = salary (1) * employment period (2) * [1/2]**
 - The salary is the average salary of the last 6 months before the employee resigns or loses the job;
 - The employment period: “actual work period” minus (-) the period over which the employee participates in unemployment insurance;
 - Employee who has worked on a regular basis for at least 12 months.
- **Unused Annual Leave Encashment = The salary written in his/her employment contract of the month preceding the month in which the employee resigns or loses his/her job / standard working day of the month preceding the month in which the employee resigns or loses his/her job * Number of unused annual leave day.**

Social Security

Social Security (SI-HI-UI)

Type	Employer Contribution	Employee Contribution	Total	Notes
Social Insurance	17.5%	8%	25.5%	<ul style="list-style-type: none">• Applies to contracts of 1 month or more;• Max declared wage is 20 months' wage at the Minimum Base Salary, i.e. VND 36,000,000 (approx. USD 1,558);• Applied for all employers, Vietnamese employees and foreign employees;
Health Insurance	3%	1.5%	4.5%	<ul style="list-style-type: none">• Applies to contracts of 3 months or more;• Max declared wage is 20 months' wage at the Minimum Base Salary, i.e. VND 36,000,000 (approx. USD 1,558);• Applied for all employers, Vietnamese and foreign employees;
Unemployment Insurance	1%	1%	2%	<ul style="list-style-type: none">• Applies to contracts of 3 months or more;• Max declared wage is 20 months' wage at the regional min wage; i.e. VND 93,600,000 (Region I)• Applied for all employers and Vietnamese employees.
Total for local	21.5%	10.5%	31.5%	
Total for expat	20.5%	9.5%	29.5%	

Salary and Allowances to Contribute SHUI

- **Job- or position-based salary:** state the salary paid based on the performance time of the job or position in the pay scale or payroll developed by the employer in Article 93 of the Labour Code; or state the piece work pay or fixed wage for an employee who receives piece work pay or fixed wage.
- **Allowances as agreed by the contracting parties:**
 - Allowances to compensate factors such as working conditions, job complexity, employee's life and employment attraction that the base salary agreed under the employment contract fails to take into account or sufficiently take into account;
 - Allowances associated with the job process and performance of the employee.

Allowances Not to Contribute SHUI

Bonuses mentioned in Article 104 of the Labour Code, initiative bonuses; mid-shift meal allowance; vehicle, cell phone, travel, lodging, daycare, children raising allowances; allowances for the employee with relatives who are dead or get married, employee's birthday, allowances for the employee suffering financial hardship upon an occupational accident or disease and other allowances.

Taxation

Personal Income Tax (PIT)

Status	Tax Type	Remarks
Resident & sign labour contract \geq 3 months	Progressive on Assessable income	Assessable Income = Taxable Income – Deductions (Personal/Dependents/SHUI)
Resident & sign labour contract $<$ 3 months or no labour contract	10% on Total income	
Non-resident	20% on Taxable income	Taxable Income = Total Income – Non taxable Income

Progressive Tax Table

Accessible Income/Year (VND)	Accessible Income/Month (VND)	Tax Rate (%)	Tax Amount (VND)
Less than or equal to 60 Mil	Less than or equal to 5 Mil	5	5% x Accessable Income
More than 60 Mil to 120 Mil	More than 5 Mil to 10 Mil	10	10% x Accessable Income – VND 250,000
More than 120 Mil to 216 Mil	More than 10 Mil to 18 Mil	15	15% x Accessable Income – VND 750,000
More than 216 Mil to 384 Mil	More than 18 Mil to 32 Mil	20	20% x Accessable Income – VND 1,650,000
More than 384 Mil to 624 Mil	More than 32 Mil to 52 Mil	25	25% x Accessable Income – VND 3,250,000

Accessible Income/Year (VND)	Accessible Income/Month (VND)	Tax Rate (%)	Tax Amount (VND)
More than 624 Mil to 960 Mil	More than 52 Mil to 80 Mil	30	30% x Accessible Income – VND 5,850,000
More than 960 Mil	More than 80 Mil	35	35% x Accessible Income – VND 9,850,000

Personal Income Tax Relief (with effect from 1 July 2020)

- **Personal** – VND 11 million/month
- **Dependents** – VND 4.4 million/person/month, include:
 - Group 1: Children, legitimate adopted children, illegitimate children, stepchildren
 - Group 2: The taxpayer’s parents, parents-in-law, stepparents, legitimate adoptive parents or The taxpayer's spouse
 - Group 3: Other dependants that the taxpayer has to provide for such as the taxpayer’s brothers and sisters, grandparents, aunts, uncles, nieces and nephews
- Documents required: Tax Authority guide specific conditions and supporting documents for all above dependents

Supporting Documents for Dependent Registration

Dependent	Condition	Document
GROUP 1: Children, legitimate adopted children, illegitimate children, stepchildren	Children under 18 years of age that have no income or the average monthly income in the year from all sources ≤ VND 1,000,000	<ul style="list-style-type: none"> • A copy of Birth Certificate • A copy of Identity Card (if any)
	Children from 18 years of age studying in Vietnam or overseas in universities, college, that have no income or the average monthly income in the year from all sources ≤ VND 1,000,000	<ul style="list-style-type: none"> • A copy of Birth Certificate • A copy of Identity Card (if any) • A copy of student card or statement certified by university might be required
	Children from 18 years of age and over that are disabled and incapable of work that have no income or the average monthly income in the year from all sources ≤ VND 1,000,000	<ul style="list-style-type: none"> • A copy of Birth Certificate • A copy of Identity Card (if any) • A copy of the certificate of disability accordance to Law
GROUP 2: Parents, parents-in-law; stepparents, legitimate adoptive parents, spouse of taxpayer	The people out of working age (refer to below table), that have no income or their average monthly income from all sources does not exceed VND 1,000,000	<ul style="list-style-type: none"> • A copy of Birth Certificate • Papers proving the relationship between the dependents and the taxpayer such as a photocopy of the written confirmation of residence or notice of personal identification number and citizen information in national population database or another paper issued by the police authority (which proves the husband and wife relationship), certificates of birth, decisions on certification of adoptions made by competent authorities.

Dependent	Condition	Document
<p>GROUP 2: Parents, parents-in-law; stepparents, legitimate adoptive parents, spouse of taxpayer</p>	<p>The person of working age is disabled and incapable of work, has no income or average monthly income from all sources does not exceed VND 1,000,000</p>	<ul style="list-style-type: none"> • Same as above • Papers proving the dependents' incapability of work are required
<p>GROUP 3: Other dependents that the taxpayer has to directly take care of:</p> <ul style="list-style-type: none"> • The taxpayer's brothers and sisters • The taxpayer's grandparents, aunts, uncles • The taxpayer's nieces and nephews • Other people to take care of as prescribed by law 	<p>Same as Group 2 and is directly taken care of by the taxpayer</p>	<ul style="list-style-type: none"> • A copy of Birth Certificate or Identify Card • Paper of dependents' incapability of work if dependents are in working age • Other legal document that proves the relationship between the taxpayer and the dependent, such as: <ul style="list-style-type: none"> ○ Photocopies of the papers proving the custody (if any), ○ A photocopy of the written confirmation of residence or notice of personal identification number and citizen information in national population database or another paper issued by the police authority (if their names are in the same residence place), ○ A photocopy of the certificate of temporary residence of the dependent (if their names are not in the same household book), ○ A declaration (Form 07.XN-NPT-TNCN that the dependent is living with the taxpayer or not living with taxpayer but living alone, which made by the taxpayer according to the forms provided in documents on tax administration and certified by the People's Committee of the commune where the taxpayer/dependent resides.

Taxable Income

Based on Vietnam PIT regulations, all remuneration and fringe benefits (such as utilities, non-compulsory insurance, etc.) paid by the employer in cash and/or in kind for employees are fully taxable.

Non-taxable Income

- Stationery, telephone, meal allowance (cap: VND 730,000/month) and clothing allowances (cap: VND 5,000,000/year) paid to employees at the level deductible for Company's CIT purpose, or pursuant to internal policy/financial rule.
- One time relocation allowances for foreign employees moving to Vietnam, for Vietnamese employees moving overseas, and for Vietnamese residing overseas returning to work in Vietnam.
- The house rent, payment for electricity and water supply, and payment for associated services (if any) paid by the employer on behalf of the employee shall be included in taxable income according to the actual amount paid on behalf of employees. Nevertheless, the amount **must not exceed 15% of the total taxable income** (excluding house rent, payment for electricity, water supply, and associated services (if any)) earned at the workplace regardless of income payer.

Non-taxable Income

- Overtime: the difference between the overtime salary and the standard day shift or normal working hours salary.
- Per-diem for domestic and overseas business trips paid under the Company's policy.
- Transportation expenditures for employees to commute from home to work and vice versa under the Company's policy.
- Wedding and funeral allowances paid under the Company's policy and the current Corporate Income Tax regulations.
- Employer's purchase of non-mandatory health insurance and death insurance of non-accumulative nature with exception to refundable death insurance from local insurance suppliers or offshore insurance suppliers having the right to sell insurance in Vietnam.
- Annual round trip air-tickets one time a year for employees to return to his/her home country or a country where his/her family resides: 1 time/year.
- School fees paid by the employer for children of foreign employees to attend school in Vietnam or for children of Vietnamese employees working overseas to attend school overseas, from kindergarten to high school level.
- Benefits paid by an employer (e.g. access to golf clubs, tennis courts, fitness centre, etc.) which cannot be allocated to any specific employee as the beneficiary of the provided benefits.
- Pensions received from Social Insurance Agency under the law on Social Insurance; voluntary pension funds; and pension payments that individuals living and working in Vietnam receive from overseas.

Personal Income Tax (PIT) Finalisation

Residency		Remarks
Non-residents	Shall declare tax whenever an income is earned, no need to do PIT Finalisation.	
Residents	Must do PIT Finalisation as per tax period. Vietnamese: Calendar year, deadline: 30 th April Foreigner: <ul style="list-style-type: none">✓ Calendar year or 12 consecutive months from the date of arrival for first tax year✓ Calendar year for 2nd tax year and so on✓ Before leaving Vietnam	PIT Documents: <ul style="list-style-type: none">✓ 05KK form✓ Certificate of tax withheld at source.✓ Income Confirmation Letter✓ Authorisation Letter

Trade Union (TU)

- At least 5 or more employees in a company have the right to unite and form a TU.
- Trade Unions of all companies are directly under the jurisdiction of the Vietnam General Confederation of Labour.
- Represent employees collectively in dialogues, exchanges and negotiations with employers on labour issues.
- Employers are not obliged to establish a TU and have no right to interfere with union operations.
- Employers must provide the union in their company with a suitable workplace and adequate facilities.
- The **compulsory TU Fund from company** equals **2%** of total Social Insurance salary of all employees per month and has to be paid to the grassroots union. If there is a union within the company, 70% of the deducted fee to the grassroots union will be returned by the grassroots union directly to the union within the company for employees' welfare and union's activities.
- **Employees who join TU** will contribute **1%** of Social Insurance salary (max VND 180,000) for TU Fee.

Case Study

Payroll Structure

Income (EE)	(A)	Deductions (EE)	(E)	Contribution (ER)	(F)
Basic Salary	(1)	Social Insurance	(8)	Social Insurance	(15)
Allowance A	(2)	Health Insurance	(9)	Health Insurance	(16)
Allowance B	(3)	Unemployment Insurance	(10)	Unemployment Insurance	(17)
Allowance C	(4)	Self Deduction	(11)	Trade Union Fund	(18)
Bonus	(5)	Dependent Deduction	(12)		
Incentive	(6)	Personal Income Tax	(13)		
Other	(7)	Trade Union Fee	(14)		
TAXABLE INCOME (B) = (A) - Non taxable income					
ASSESSABLE INCOME (C) = (B) - (8) - (9) - (10) - (11) - (12) → Apply PIT Rate to have (13)					
NET TAKE HOME (D) = (A) – (E)					
TOTAL COMPANY COST = (A) + (F)					

Sample

Question:

Mrs. C earns an income of VND 25 million from wages and remuneration in the month, and pay 10.5% of wages for social insurance premium. Mrs. C has 2 children under the age of 18 and makes no charitable donations. Please calculate her net take home and total cost of the company.

Answer:

Taxable income of Mrs. C is **VND 25,000,000**

Mrs. C is eligible for the deductions: VND 18,800,000

- Personal deduction: VND 11,000,000
- Deductions for 2 dependants (2 children): VND 4,400,000 x 2 = VND 8,800,000
- SI, HI, UI (EE): VND 25,000,000 x 10.5% = **VND 2,625,000**
- Total deduction: VND 11,000,000 + VND 8,800,000 + VND 2,625,000 = VND 22,425,000

Assessable income of Mrs. C: VND 25,000,000 – VND 22,425,000 = VND 2,575,000

Tax payable: Using the abridged method (*The assessable income in the month. VND 2,575,000 is the assessable income in level 1*).

The personal income tax payable: VND 2,575,000 x 5% = **VND 127,750**

Net take home: 25,000,000 – 2,625,000 – 127,750 = **VND 22,246,250**

- SI, HI, UI (ER): VND 25,000,000 x 21.5% = **VND 5,375,000**
- TU (ER): VND 25,000,000 x 2% = **VND 500,000**

Total company cost: VND 25,000,000 + VND 5,375,000 + VND 500,000 = **VND 30,875,000**

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Mauritius

2-3 Oct
Africa Partnership
Conference



**AFRICA
PARTNERSHIP
CONFERENCE**
2nd & 3rd October 2023 • Mauritius

Singapore

10-11 Oct
Accounting & Finance
Show Asia 2023

**accounting
& FINANCE SHOW** ASIA

31 Oct - 2 Nov
Singapore Week of
Innovation & Technology
(SWITCH)

SWITCH
SINGAPORE WEEK OF
INNOVATION & TECHNOLOGY

Lao

4 Oct
Australian Embassy Sundowner
Lao PDR



Cambodia

24 Oct
Cambodia's Labour Law
& Employment Regulations
with Bros Hou



Brunei

25-29 Oct
BETCON23

BETCON
connecting businesses

Malaysia

30-31 Oct
National Human Capital
Conference & Exhibition

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NATIONAL HUMAN CAPITAL
CONFERENCE & EXHIBITION
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