

NEW REGULATIONS ON UNEMPLOYMENT INSURANCE

HONG NHUNG

In order to meet the practical situation and ensure compliance with new legal regulations on unemployment insurance (UI) and other related regulations, the Ministry of Labour - Invalids and Social Affairs issued Circular 15/2023/TT-BLDTBXH amending, supplementing some provisions of Circular 28/2015/TT-BLDTBXH providing guidelines for Article 52 of the Law on Employment and Decree 28/2015/ND-CP providing guidelines for the Law on Employment in terms of UI (**Circular 15**). Circular 15, taking effect from February 15, 2024, focuses on changes related to UI as follows:

Firstly, amending and supplementing cases for reservation of UI payment period. Accordingly, in addition to cases inherited from Circular 28/2015/TT-BLDTBXH for reservation of UI payment period such as an employee does not come to receive unemployment benefits, the decision on receipt of unemployment benefits is canceled, or the unemployment benefits are terminated during entitlement period, Circular 15 introduces some following amendments:

(i) Amending the case for reservation of UI payment period when an employee has outstanding months for which he/she has not yet enjoyed unemployment benefits. As per Circular 15, in the case that the UI payment period of an employee ranges from more than 36 months to a full 144 months, the unresolved period for unemployment benefits shall be reserved. In case the UI payment period exceeds 144 months, the unresolved period for unemployment benefits shall not be reserved. Therefore, in this case, Circular 15 has set the maximum limit for the UI payment period (144 months) instead of only providing the minimum UI payment period (36 months) as previously.

(ii) Supplementing cases for reservation of UI payment period when the social insurance agency certifies supplementary UI payment period for employees after termination of unemployment benefit entitlement, specifically:

- An employee has contributed UI premiums for 36 months or more, which is the basis to settle unemployment benefit entitlement: The supplementary UI payment period certified by the

social insurance agency will be reserved for calculating unemployment benefits when it fully satisfies the conditions as stipulated;

- An employee has contributed UI premiums for less than 36 months, which is the basis to settle unemployment benefit entitlement: The supplementary UI payment period certified by the social insurance agency equals (=) the number of months already considered for receiving unemployment benefits, plus (+) the number of months of UI payment certified as supplemented, minus (-) the number of months of UI payment corresponding to the months the employee received unemployment benefits, minus (-) the number of months of UI payment corresponding to the number of months temporarily suspended from enjoying unemployment benefits.

Secondly, amending and supplementing regulations on job-seeking notification. Circular 15 introduces some notable changes regarding the obligation of job-seeking notification for employees while receiving unemployment benefits, as follows:

(i) Expanding the cases where employees receiving unemployment benefits are not required to directly report their job-seeking activities monthly, such as men aged 60 and more, women aged 55 and more; maternity leave with confirmation from an authorized healthcare facility, implementing an employment contract with a definite term of fewer than three months, etc. Before Circular 15, these were types of employees exempt from monthly job-seeking notification.

(ii) Supplementing the responsibilities of the employees. Accordingly, despite not being required to directly make their job-seeking notification monthly, the employees must state the reasons thereof to the employment service center via phone calls, emails, faxes, etc., within three working days from the deadline for monthly job-seeking notification as stipulated.



Comments and recommendations

It is expected that Circular 15 will contribute to improving the applicable regulations on UI and assisting employees in accessing support policies. Individuals and organizations should promptly update the provisions of Circular 15 for timely application and compliance with the regulations and guidance of the Ministry of Labour - Invalids and Social Affairs. It should also be noted that the Forms included in the administrative procedure dossier received before the effective date of Circular 15 but not yet resolved will be processed in accordance with Circular 28/2015/TT-BLDTBXH.