

EXPANDING EMPLOYEE BENEFITS FROM NEW REGULATIONS ON COMPULSORY SOCIAL INSURANCE

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On June 30, 2025, the Minister of Home Affairs officially promulgated Circular 12/2025/TT-BNV guiding the Law on Social Insurance concerning compulsory social insurance (**Circular 12**). This Circular is issued to guide the implementation of certain provisions of the Law on Social Insurance 2024, with the task assigned to the Ministry of Labour - Invalids and Social Affairs (currently the Ministry of Home Affairs). The Circular provides detailed provisions relating to working days; the calculation and determination of eligibility conditions for each specific case regarding sickness benefits (clause 6, Article 45); the calculation and determination of eligibility conditions for health convalescence and recovery after sickness (clause 4, Article 46); and the calculation and determination of eligibility conditions for maternity benefits (clause 5, Article 59), etc. This Circular took effect from July 1, 2025, replacing several related legal documents, such as Circular 59/2015/TT-BLDTBXH providing details and guidelines for the implementation of certain articles of the Law on Social Insurance regarding compulsory social insurance, and Circular 06/2021/TT-BLDTBXH amending and supplementing several articles of Circular 59/2015/TT-BLDTBXH. Below are some key highlights of Circular 12:

Firstly, amendment and supplementation of some regulations related to the sickness regime as follows:

- Circular 12 **expands the beneficiaries** eligible for sickness benefits. Accordingly, the Circular still determines the cases in which employees are entitled to sickness benefits as provided in Article 42 of the Law on Social Insurance 2024. These include treatment for a non-occupational disease, a non-labor accident, or a labor accident while commuting between their accommodation and the workplace, etc. In addition, Circular 12 supplements several special groups of beneficiaries, such as female employees who use surrogacy services, the husbands of female employees who use surrogacy services, and female employees who return to work early during their maternity leave (before the full 6-month period ends). Furthermore, employees working in areas with particularly difficult economic conditions are also entitled to sickness



benefits, with the duration of benefits depending on their profession, occupation, or workplace at the time they take sick leave.

- Circular 12 **clearly provides the method for calculating days of entitlement to sickness benefits**, instead of scattered provisions as in Circular 59/2015/TT-BLDTBXH. Accordingly, the number of leave days with sickness benefits is calculated based on actual working days, excluding public holidays, Tet holidays, and weekly rest days. It also excludes any period that overlaps with leaves granted under labour laws, leaves with full pay under other specialized legal provisions, or maternity leave, health convalescence and recovery leave as prescribed by the Law on Social Insurance. Below is an example for the calculation of the number of leave days with sickness benefits:

Example 1: Mr. A is employed under a 1-year fixed-term labour contract starting from January 1, 2026. On January 12, 2026, he had an accident and required medical treatment until January 31, 2026. Under the law, Mr. A is entitled to 18 days of sickness benefits (from January 12 to January 31, 2026, excluding 2 weekly rest days).

Secondly, amending and supplementing some regulations related to the maternity regime as follows:

- Circular 12 **supplements the eligibility conditions for maternity benefits.** Specifically, Circular 12 introduces additional conditions for female employees who give birth after taking leave for infertility treatment. In such cases, the female employee must have paid compulsory social insurance contributions for at least 6 months within the 24 consecutive months immediately preceding childbirth. For normal pregnancies, the existing regulation of compulsory social insurance contribution for at least 6 months within 12 consecutive months before childbirth still applies. A specific example of maternity benefit eligibility for a female employee who gives birth after taking leave for infertility treatment is as follows:

Example 2: Ms. B continuously paid compulsory social insurance contributions from January 2025 to August 2025. Due to infertility, she resigned from her job to undergo infertility treatment. Ms. B became pregnant and gave birth on January 14, 2027. This is a case of taking leave for infertility treatment. During the 24 months before giving birth (from January 2025 to December 2026), Ms. B pays compulsory social insurance contributions for 8 months. Therefore, Ms. B is eligible for maternity benefits when giving birth.

- Circular 12 **extends the period of entitlement to maternity benefits.** Typically, the time of leave for prenatal check-ups for female employees has been increased. Specifically, pregnant employees are now entitled to leave for up to 5 prenatal check-ups with a maximum of 2 working days off per check-up (excluding public holidays and weekends). Under the previous regulations, only 1 day of leave is permitted for each check-up. In addition, there has been an adjustment to the maternity leave period for male employees. Previously, male employees were allowed to take maternity leave within 30 days from the date of their wife's childbirth, and the total leave must not exceed the period prescribed by law. Although this content is no longer specified in Circular 12, the Law on Social Insurance 2024 has officially recognized that male employees are entitled to take maternity leave within 60 days from the date of their wife's childbirth.

The amendments introduced in Circular 12 have broadened the legitimate rights of employees, reflecting the State's increased attention to the people's benefits and welfare policies in Viet Nam. Not only employees but also employers are encouraged to study this Circular to develop appropriate implementation plans during their operations, ensuring compliance with the law while safeguarding the legitimate rights and benefits of employees. Should you need a more in-depth understanding of the relevant social insurance regulations, NHQuang&Associates will be willing to provide legal advice and support for any relevant procedures (if any).