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ISSUES ABOUT SOCIAL INSURANCE AND SALARY WHEN EMPLOYEES WORK FROM HOME DURING COVID-19 PANDEMIC

Can enterprises reduce wages when employees work from home during the Covid-19 pandemic?

Article 95 of the Labor Code 2019, the payment of wages to employees is:



Based on the agreed salary, productivity, and quality of work



Not based on the working location

- ▶ If the productivity and quality of work of employees remain unchanged, the enterprise cannot reduce wages.

Are employees working overtime at home entitled to overtime pay?

If the employee works outside the time specified in the enterprise's internal labor regulations, he/she will be paid overtime.

Overtime pay is calculated according to the guidance in Article 98 of the Labor Code 2019:

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Employees who work overtime will be paid an amount based on their actual salary as follows:

- On normal days, at least **150%**
- On weekly days off, at least **200%**
- During public holidays, paid leave, at least **300% (*)**

An employee who works at night will be paid an additional amount of at least **30%** of the normal salary.

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An employee who works overtime at night will be paid, in addition to the salary specified in Clause 1 and Clause 2 of this Article, an amount of at least **20%** of the day work salary (**)

Can employees working from home be paid social insurance?

According to Clause 26, Article 1 of Circular 06/2021/TT-BLDTBXH, the monthly salary on which social insurance premiums are based is the wage, allowance and other additional amounts.

- ▶ If employees still work online and earn salary, they still have to pay social insurance according to the provisions of law.

If employees are in working from home period, but not continuously working, do you have to pay social insurance?

According to the provisions of Clause 4 of Decision 595/QĐ-BHXH dated April 14, 2017:

YES

- If the number of days off are **13 days** or **less** in a month
- If the number of days off is **14 or more days** in a month and employees **still receive salary** paid by the employer

NO

- If the number of days off is **14 or more days** in a month and **without salary paid** by the employer

(*) Not including the daily salary during the public holidays or paid leave for employees receiving daily salaries

(**) Of a normal day, weekend or public holiday.