THE GOVERNMENT **-------**	**SOCIALIST REPUBLIC OF VIETNAM** **Independence - Freedom - Happiness** **----------**
No.: 38/2022/ND-CP	*Hanoi, June 12, 2022*

DECREE

PRESCRIBING STATUTORY MINIMUM WAGES PAID TO EMPLOYEES WORKING UNDER EMPLOYMENT CONTRACTS

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on Amendments to the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;

Pursuant to the Labour Code dated November 20, 2019;

At the request of the Minister of Labour, War Invalids and Social Affairs;

The Government promulgates a Decree prescribing the statutory minimum wages paid to employees working under employment contracts.

Article 1. Scope

This Decree deals with the statutory minimum wages per month and per hour paid to employees working under employment contracts.

Article 2. Regulated entities

1. Employees who work under employment contracts as prescribed in the Labour Code.

2. Employers as defined in the Labour Code, including:

a) Enterprises as defined in the Law on Enterprises.

b) Regulatory authorities, organizations, cooperatives, family households, and individuals that employ other people under agreements.

3. Other regulatory authorities, organizations and individuals involved in the application of the statutory minimum wages as prescribed in this Decree.

Article 3. Statutory minimum wages

1. The region-based statutory minimum wages per month and per hour paid to employees are provided for as follows:

Region	Statutory minimum wages per month (Unit: VND/month)	Statutory minimum wages per hour (Unit: VND/hour)
Region I	4.680.000	22.500
Region II	4.160.000	20.000
Region III	3.640.000	17.500
Region IV	3.250.000	15.600

2. The list of region-I, region-II, region-III and region-IV subregions is provided in the Appendix enclosed herewith.

3. Determination of a subregion as the basis for application of the statutory minimum wages shall be conducted based on the employer's place of operation. To be specific:

a) An employer located in a specific subregion shall apply the respective statutory minimum wage applied thereto.

b) In the event that an employer has its affiliates and/or branches located in different subregions to which different statutory minimum wages apply, such affiliates and/or branches must apply the respective statutory minimum wages applied thereto.

c) If an employer is located in an industrial park or export processing zone located in the territory containing two or more subregions to which different statutory minimum wages apply, the highest statutory minimum wage shall apply.

d) If an employer is located in a subregion which is renamed or divided, the statutory minimum wage applied to that subregion before it is renamed or divided shall still apply until new regulations promulgated by the Government come into force.

dd) If an employer is located in a subregion which is converted or established from a subregion or by consolidation of two or more subregions to which different statutory minimum wages apply, it shall apply the highest statutory minimum wage.

e) In case an employer is located in a provincial city which is established from one or more subregions in the region IV, it shall apply the statutory minimum wage applied to the remaining provincial cities as prescribed in Clause 3 of the Appendix enclosed herewith.

Article 4. Application of statutory minimum wages

1. The statutory minimum wage per month is the minimum wage used as the basis for any agreement between employers and employees on monthly salary and payment thereof. The job- or position-based salary of an employee who ensures the monthly normal working hours and has fulfilled his/her labor productivity norms or tasks as agreed shall not be lower than the statutory minimum wages per month.

2. The statutory minimum wage per hour is the minimum wage used as the basis for any agreement between employers and employees on hourly salary and payment thereof. The job- or position-based salary paid for every working hour to an employee who has fulfilled his/her labor productivity norms or tasks as agreed shall not be lower than the statutory minimum wages per hour.

3. In case an employee receives a weekly or daily salary, a piece-rate pay or a fixed pay, the wages paid to the employee, when converted into monthly or hourly salary, shall not be lower than the statutory minimum wage per month or per hour. The normal working hours-based converted monthly or hourly salary shall be subjected to the employer's decision in accordance with regulations of law. To be specific:

a) The converted monthly salary shall equal the product of the weekly salary and 52 weeks divided by 12 months; or the daily salary multiplied by total normal working days in a month; or the piece-rate pay or fixed pay for the works performed during normal working hours in a month.

b) The converted hourly salary shall equal the weekly or daily salary divided by the normal working hours in a week or a day respectively; or the piece-rate pay or fixed pay divided by the working hours, considered as normal working hours, spent for producing a predetermined quantity of products or performing assigned works.

Article 5. Effect and responsibility for implementation

1. This Decree comes into force from July 01, 2022.

2. The Government's Decree No. 90/2019/ND-CP dated November 15, 2019 shall cease to have effect from the effective date of this Decree.

3. Employees shall review and make appropriate modifications to their agreements in employment contracts, collective bargaining agreements as well as other regulations and rules; are not allowed to cut or reduce any overtime pay, nightshift pay, perquisites and other benefits paid to employees as prescribed by the Labour Code. Agreements or commitments under employment contracts, collective bargaining agreements or other lawfully concluded agreements that are more advantageous to employees than the provisions of this Decree shall remain valid, unless otherwise agreed upon between the parties.

Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of provincial People's Committees and employers are responsible for the implementation of this Decree./.

ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER

Pham Binh Minh

APPENDIX

LIST OF SUBREGIONS TO WHICH STATUTORY MINIMUM WAGES ARE APPLIED FROM JULY 01, 2022
(Enclosed with the Government's Decree No. 38/2022/ND-CP dated June 12, 2022)

1. Region I includes the following subregions:

- Urban/suburban districts of Hanoi City, including: Gia Lam, Dong Anh, Soc Son, Thanh Tri, Thuong Tin, Hoai Duc, Thach That, Quoc Oai, Thanh Oai, Me Linh, and Chuong My, and Son Tay Town;

- Ha Long City of Quang Ninh Province;

- Urban/suburban districts of Hai Phong City, including: Thuy Nguyen, An Duong, An Lao, Vinh Bao, Tien Lang, Cat Hai and Kien Thuy;

- Thu Duc City and other urban/suburban districts of Ho Chi Minh City, including: Cu Chi, Hoc Mon, Binh Chanh and Nha Be;

- Bien Hoa City, Long Khanh City and other suburban districts of Dong Nai Province, including: Nhon Trach, Long Thanh, Vinh Cuu, Trang Bom and Xuan Loc;

- Thu Dau Mot City, Thuan An City, Di An City, Ben Cat Town, Tan Uyen Town, and other suburban districts of Binh Duong Province, including: Bau Bang, Bac Tan Uyen, Dau Tieng and Phu Giao;

- Vung Tau City and Phu My Town of Ba Ria – Vung Tau Province.

2. Region II includes the following subregions:

- Remaining suburban districts of Hanoi City;

- Remaining suburban districts of Hai Phong City;

- Hai Duong City of Hai Duong Province;

- Hung Yen City, My Hao Town and other suburban districts of Hung Yen Province, including: Van Lam, Van Giang and Yen My;

- Vinh Yen City, Phuc Yen City, and two suburban districts of Vinh Phuc Province, including Binh Xuyen and Yen Lac;

- Bac Ninh City, Tu Son City and other suburban districts of Bac Ninh Province, including: Que Vo, Tien Du, Yen Phong, Thuan Thanh Gia Binh and Luong Tai;

- Cam Pha City, Uong Bi City, Mong Cai City, Quang Yen Town and Dong Trieu Town of Quang Ninh Province;

- Thai Nguyen City, Song Cong City and Pho Yen City of Thai Nguyen Province;

- Hoa Binh City and Luong Son suburban district of Hoa Binh Province;

- Viet Tri City of Phu Tho Province;

- Lao Cai City of Lao Cai Province;

- Nam Dinh City and My Loc suburban district of Nam Dinh Province;

- Ninh Binh City of Ninh Binh Province;

- Vinh City, Cua Lo Town and two suburban districts of Nghe An Province, including Nghi Loc and Hung Yen;

- Dong Hoi City of Quang Binh Province;

- Hue City of Thua Thien Hue Province;

- Hoi An City and Tam Ky City of Quang Nam Province;

- Urban/suburban districts of Da Nang City;

- Nha Trang City and Cam Ranh City of Khanh Hoa Province;

- Da Lat City and Bao Loc City of Lam Dong Province;

- Phan Thiet City of Binh Thuan Province;

- Can Gio suburban district of Ho Chi Minh City;

- Tay Ninh City, Trang Bang Town, Hoa Thanh Town, and Go Dau suburban district of Tay Ninh Province;

- Two suburban districts of Dong Nai Province, including Dinh Quan and Thong Nhat;

- Dong Xoai City and two suburban districts of Binh Phuoc Province, including Chon Thanh and Dong Phu;

- Ba Ria City of Ba Ria – Vung Tau Province;

- Tan An City and suburban districts of Long An Province, including: Duc Hoa, Ben Luc, Thu Thua, Can Duoc and Can Giuoc;

- My Tho City and Chau Thanh suburban district of Tien Giang Province;

- Ben Tre City and Chau Thanh suburban district of Ben Tre Province;

- Vinh Long City and Binh Minh Town of Vinh Long Province;

- Urban districts of Can Tho City;

- Rach Gia City, Ha Tien City and Phu Quoc City of Kien Giang Province;

- Long Xuyen City and Chau Doc City of An Giang Province;

- Tra Vinh City of Tra Vinh Province;

- Bac Lieu City of Bac Lieu Province;

- Ca Mau City of Ca Mau Province.

3. Region III includes the following subregions:

- Remaining provincial cities (except provincial cities of region I and region II);

- Kinh Mon Town and suburban districts of Hai Duong Province, including: Cam Giang, Nam Sach, Kim Thanh, Gia Loc, Binh Giang and Tu Ky;

- Suburban districts of Vinh Phuc Province, including: Vinh Tuong, Tam Dao, Tam Duong, Lap Thach and Song Lo;

- Phu Tho Town and suburban districts of Phu Tho Province, including: Phu Ninh, Lam Thao, Thanh Ba and Tam Nong;

- Suburban districts of Bac Giang Province, including: Viet Yen, Yen Dung, Hiep Hoa, Tan Yen and Lang Giang;

- Suburban districts of Quang Ninh Province, including: Van Don, Hai Ha, Dam Ha and Tien Yen;

- Sa Pa Town and Bao Thang suburban district of Lao Cai Province;

- Remaining suburban districts of Hung Yen Province;

- Suburban districts of Thai Nguyen Province, including: Phu Binh, Phu Luong, Dong Hy and Dai Tu;

- Remaining suburban districts of Nam Dinh Province;

- Duy Tien Town and Kim Bang suburban district of Ha Nam Province;

- Suburban districts of Ninh Binh Province, including: Gia Vien, Yen Khanh and Hoa Lu;

- Bim Son Town, Nghi Son Town and suburban districts of Thanh Hoa Province, including Dong Son and Quang Xuong;

- Thai Hoa Town, Hoang Mai Town, and other suburban districts of Nghe An Province, including: Quynh Luu, Yen Thanh, Dien Chau, Do Luong, Nam Dan, Nghia Dan.

- Ky Anh Town of Ha Tinh Province;

- Huong Thuy Town, Huong Tra Town and suburban districts of Thua Thien Hue Province, including: Phu Loc, Phong Dien, Quang Dien and Phu Vang;

- Dien Ban Town and suburban districts of Quang Nam Province, including: Dai Loc, Duy Xuyen, Nui Thanh, Que Son, Thang Binh and Phu Ninh;

- Two suburban districts of Quang Ngai Province, including: Binh Son and Son Tinh;

- Song Cau Town and Dong Hoa Town of Phu Yen Province;

- Two suburban districts of Ninh Thuan Province, including: Ninh Hai and Thuan Bac;

- Ninh Hoa Town and suburban districts of Khanh Hoa Province, including: Cam Lam, Dien Khanh and Van Ninh;

- Dak Ha suburban district of Kon Tum Province;

- Two suburban districts of Lam Dong Province, including Duc Trong and Di Linh;

- La Gi Town and two suburban districts of Binh Thuan Province, including Ham Thuan Bac and Ham Thuan Nam;

- Phuoc Long Town, Binh Long Town and suburban districts of Binh Phuoc Province, including: Hon Quan, Loc Ninh and Phu Rieng;

- Remaining suburban districts of Tay Ninh Province;

- Remaining suburban districts of Dong Nai Province;

- Suburban districts of Ba Ria - Vung Tau Province, including: Long Dien, Dat Do, Xuyen Moc, Chau Duc and Con Dao;

- Kien Tuong Town and suburban districts of Long An Province, including: Duc Hue, Chau Thanh, Tan Tru and Thanh Hoa;

- Go Cong Town, Cai Lay Town, and two suburban districts of Tien Giang Province, including Cho Gao and Tan Phuoc;

- Suburban districts of Ben Tre Province, including: Ba Tri, Binh Dai and Mo Cay Nam;

- Two suburban districts of Vinh Long Province, including: Mang Thit and Long Ho;

- Suburban districts of Can Tho City;

- Suburban districts of Kien Giang Province, including: Kien Luong, Kien Hai and Chau Thanh;

- Tan Chau Town and suburban districts of An Giang Province, including: Chau Phu, Chau Thanh and Thoai Son;

- Suburban districts of Hau Giang Province, including Chau Thanh and Chau Thanh A;

- Duyen Hai Town of Tra Vinh Province;

- Gia Rai Town and Hoa Binh suburban district of Bac Lieu Province;

- Vinh Chau Town and Nga Nam Town of Soc Trang Province;

- Suburban districts of Ca Mau Province, including: Nam Can, Cai Nuoc, U Minh and Tran Van Thoi;

- Suburban districts, including Le Thuy, Quang Ninh, Bo Trach and Quang Trach, and Ba Don Town of Quang Binh Province.

4. Region IV includes the remaining subregions./.

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