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Research Paper

Challenges and Solutions for Labor Law Reform that Strengthens Workers' Rights in Viet Nam

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Abstract: This study provides a comprehensive analysis of the legal protections for bargaining rights in Viet Nam, exploring the impacts of rapid economic development, globalization, and recent legislative reforms. The *Đổi Mới* reforms of the late 20th century marked a significant shift from a centrally planned economy to a socialist-oriented market economy, leading to substantial changes in Viet Nam's labor laws. These reforms aimed to align Viet Nam's labor regulations with international standards, particularly concerning workers' bargaining rights. Employing a qualitative research approach, this study analyzes the effectiveness of Viet Nam's Labour Code, the role of trade unions, and recent legislative updates through documentary research and expert interviews. Findings highlight both progress and challenges: while legal provisions for collective bargaining and the role of trade unions have seen improvements, significant weaknesses remain in enforcement mechanisms and coverage for informal workers. The research identifies practical issues, including the disparity between formal and informal sectors and the limited independence of trade unions. The study proposes recommendations to enhance bargaining rights protections, such as strengthening enforcement, expanding legal coverage to informal workers, increasing trade union autonomy, and improving legal aid services. These insights aim to inform policymakers, legal practitioners, and labor rights advocates on how to address existing gaps and improve the effectiveness of labor protections in Viet Nam. Ultimately, this research contributes to the broader discourse on labor rights in transitioning economies, offering strategies for advancing legal protections in response to ongoing economic and social changes.

Keywords: Bargaining Rights, Economic Reforms, Labor Laws, Legal Protection, Trade Unions.

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1. Introduction

The legal protection of bargaining rights is a cornerstone for fostering fair labor practices and equitable working conditions. Effective bargaining rights enable workers to actively negotiate their terms of employment, advocating for better wages, working conditions, and other crucial aspects of their professional lives. In doing so, these rights ensure that workers' voices are heard and that their fundamental rights are protected within the workplace. In the context of Viet Nam, this issue is particularly pressing due to the country's rapid economic development and significant changes in the labor market, primarily driven by globalization and sweeping economic reforms [1].

The economic reforms initiated in Viet Nam during the late 20th century, particularly the *Đổi Mới* reforms, significantly reshaped the country's economy. These reforms were designed to transition Viet Nam from a centrally planned economy to a socialist-oriented market economy, bringing substantial shifts in labor laws and workers' rights. The transformation created new opportunities for economic growth and job creation but also introduced challenges in ensuring that workers were not left behind in the rapid push toward modernization. As the country continues to integrate further into the global economy, balancing economic expansion with the protection of labor rights has become increasingly critical [2].

Globalization has had a profound impact on Viet Nam's labor market, with both positive and negative effects on workers. While foreign investments and trade opportunities have boosted economic growth and created jobs, they have also led to heightened competition and pressures on wages and working conditions. In response, Viet Nam has been compelled to reassess its labor laws, ensuring that they align with international labor standards. However, despite these efforts, the enforcement of legal protections for bargaining rights remains inconsistent, with many workers unable to fully exercise their rights in practice [3].

Understanding the legal framework surrounding bargaining rights in Viet Nam requires an in-depth exploration of the historical evolution of the country's labor laws. Over time, Viet Nam has made strides in aligning its labor legislation with global standards, particularly in the context of its commitments to international agreements and labor conventions. However, challenges persist, particularly in fully implementing these laws on the ground. These challenges are often tied to the complexity of navigating between the demands of a fast-evolving economy and the protection of workers' rights, especially in sectors exposed to global competition [1] [3].

The effectiveness of Viet Nam's legal mechanisms in safeguarding workers' bargaining rights amidst ongoing economic transformations remains an area of concern and a vital focus for future reforms. With the continued expansion of the labor market and the increasing integration into global trade networks, ensuring that workers have the legal protection and institutional support to exercise their bargaining rights will be critical. Addressing these issues will require not only strong legal frameworks but also greater political will and institutional capacity to enforce these protections effectively, ensuring that economic progress does not come at the expense of labor rights [2] [3].

This article aims to provide a comprehensive analysis of the legal mechanisms for protecting bargaining rights in Viet Nam. It evaluates the current legal framework, including the Labour Code and the role of trade unions, and assesses their effectiveness in safeguarding workers' rights [4]. Furthermore, it examines recent legislative reforms and their impact on bargaining practices, highlighting both advancements and areas needing improvement.

In addition to evaluating legal frameworks, this study explores practical implications for both employers and employees. The dynamics of bargaining rights are influenced by various factors, including the effectiveness of legal enforcement and the ability of workers to exercise their rights [5]. By analyzing specific case studies and practical challenges, this article provides insights into how these legal protections function in real-world scenarios.

The purpose of this research is to identify strengths and weaknesses in the current legal protections for bargaining rights and to offer recommendations for enhancing these protections. This includes exploring potential reforms and policy adjustments that could improve the effectiveness of bargaining rights legislation in Viet Nam. Through this analysis, the study aims to contribute to the broader discourse on labor rights and economic development in transitioning economies.

Ultimately, this article seeks to offer a thorough understanding of the legal landscape surrounding bargaining rights in Viet Nam and to propose actionable strategies for ensuring that workers' rights are effectively safeguarded in the face of ongoing economic and social changes. The findings from this research are intended to inform policymakers, legal practitioners, and stakeholders involved in labor rights advocacy.

2. Literature Reviw

2.1. Historical Development of Labor Laws in Viet Nam

2.1.1. Overview of Labor Laws in Viet Nam from the Pre-Reform Era to the Present

Viet Nam's labor laws have undergone significant transformations from the pre-reform era to the present. During the pre-reform period, labor regulations were primarily influenced by a centralized, socialist model where state control was paramount, and workers' rights were minimally addressed [6]. The labor market was characterized by state ownership and central planning, which limited the scope for individual bargaining and private sector involvement [7].

The *Đổi Mới* economic reforms, initiated in 1986, marked a pivotal shift towards a market-oriented economy. These reforms necessitated a revamp of labor laws to accommodate a more dynamic and private-sector-driven economy [8]. The introduction of the 1994 Labor Code was a landmark development, as it established the foundation for individual labor contracts and collective bargaining, reflecting the new economic realities [9].

The 2002 and 2012 amendments to the Labor Code further refined the legal framework by enhancing protections for workers and formalizing collective bargaining processes [10]. The 2012 code introduced comprehensive provisions for collective agreements and dispute resolution, significantly advancing workers' rights [11].

The most recent revisions in the 2019 Labor Code continued this trend, addressing issues such as minimum wage adjustments and better working conditions [12]. These updates represent ongoing efforts to balance labor protections with economic growth, reflecting Viet Nam's evolving economic landscape and commitment to improving labor rights.

2.1.2. Key Changes and Their Impact on Bargaining Rights

The introduction of the 1994 Labor Code was a significant milestone in Viet Nam's labor law history, as it laid the groundwork for collective bargaining and individual labor contracts [6]. This shift enabled workers to negotiate employment terms more effectively, enhancing their bargaining power and contributing to improved labor conditions [7].

The 2012 Labor Code made further advancements by specifying procedures for collective bargaining and the formation of trade unions [8]. This code emphasized the importance of transparency in negotiations and established clearer guidelines for collective agreements, thus strengthening workers' ability to negotiate better terms [9].

The 2019 revisions brought additional improvements, including provisions for greater worker participation and enhanced protections for vulnerable groups [10]. These changes aimed to address previous gaps in labor protections and ensure that bargaining rights were better safeguarded [11].

Despite these advancements, challenges remain in the practical implementation of bargaining rights. Issues such as weak enforcement mechanisms and limited union representation continue to affect the effectiveness of labor laws [12]. Addressing these challenges is crucial for realizing the full potential of legal protections for bargaining rights.

2.2. Current Legal Framework for Bargaining Rights

2.2.1. Analysis of the Labour Code and Its Provisions Related to Bargaining

The Labour Code of Viet Nam provides the primary legal framework for regulating labor relations and protecting bargaining rights [6]. Key provisions include the requirement for employers to engage in collective bargaining with trade unions or employee representatives [7]. This ensures that workers have formal mechanisms to negotiate employment terms and conditions.

The Labour Code mandates that collective agreements cover various employment aspects, including wages, working hours, and conditions [8]. It outlines procedures for forming trade unions and workers' councils, which play a critical role in the bargaining process [9]. These provisions are designed to enhance transparency and fairness in labor negotiations.

Additionally, the Labour Code establishes dispute resolution mechanisms such as mediation and arbitration to address conflicts arising during bargaining [10]. These mechanisms aim to resolve disputes in a timely and equitable manner, minimizing disruptions to both workers and employers.

However, challenges exist in the implementation of these provisions. Limited union representation and enforcement issues can undermine the effectiveness of the Labour Code [11]. Ensuring that these provisions are fully implemented and enforced is essential for protecting workers' bargaining rights.

2.2.2. Role of Trade Unions and Workers' Councils in the Bargaining Process

Trade unions and workers' councils are central to the bargaining process in Viet Nam [12]. Trade unions represent workers' interests, facilitate collective bargaining, and advocate for labor rights [13]. They play a crucial role in negotiating agreements and addressing labor disputes.

Workers' councils, established at the workplace level, provide a platform for workers to participate in decision-making and voice concerns [14]. These councils collaborate with trade unions to address workplace issues and negotiate on behalf of employees [15].

The effectiveness of trade unions and workers' councils depends on their capacity to represent workers and engage in meaningful negotiations [16]. Challenges such as limited resources and union membership can impact their ability to advocate effectively for workers' rights.

Recent reforms aim to strengthen these organizations by providing additional support and resources [17]. These efforts seek to enhance the capacity of trade unions and workers' councils to participate in bargaining and improve their effectiveness in representing workers.

2.3. Comparative Analysis with International Standards

2.3.1. Comparison of Viet Nam's Labor Laws with International Labor Standards

Viet Nam has made significant strides in aligning its labor laws with international standards [6]. Efforts include revising labor regulations to address key issues such as workers' rights, collective bargaining, and dispute resolution [7].

International Labor Organization (ILO) conventions serve as benchmarks for assessing compliance with global labor standards [8]. Viet Nam has ratified several ILO conventions related to freedom of association and collective bargaining [9]. However, challenges remain in fully implementing these standards.

Comparative analysis reveals that while Viet Nam's labor laws have improved, gaps in implementation and enforcement persist [10]. Issues such as limited union representation and weak enforcement mechanisms can affect compliance with international standards [11].

Ongoing reforms and international cooperation are driving efforts to enhance labor law compliance [12]. These efforts include technical assistance and capacity-building initiatives to strengthen labor rights protections and improve adherence to international conventions [13].

2.3.2. Discussion on Compliance with ILO Conventions

Compliance with International Labour Organization (ILO) conventions is crucial for ensuring that labor rights are protected and aligned with international standards [14]. Viet Nam's commitment to ILO conventions is demonstrated by its ratification and incorporation into national legislation [15].

Despite this commitment, challenges in compliance persist. Limited union autonomy and weak enforcement mechanisms can undermine the effectiveness of labor laws and impact Viet Nam's ability to fully meet ILO standards [16]. Addressing these challenges is essential for improving labor rights and ensuring compliance with international obligations.

The ILO provides support to member states in implementing labor standards through technical assistance and capacity-building [17]. This support aims to strengthen labor rights protections and improve compliance with international conventions.

Ongoing dialogue between Viet Nam and the ILO is crucial for addressing compliance issues and enhancing labor rights protections [18]. By working together, Viet Nam can strengthen its labor laws and ensure alignment with international standards.

2.4. Case Studies and Practical Challenges

2.4.1. Examination of Specific Case Studies Where Bargaining Rights Were Contested

Several case studies highlight challenges related to bargaining rights in Viet Nam [6]. For example, labor disputes at a garment factory revealed issues such as poor working conditions and inadequate wages, highlighting the limitations of labor law enforcement [7].

Another case study in the construction sector exposed problems such as unsafe working conditions and lack of proper contracts, emphasizing the need for stronger regulatory oversight [8]. These cases underscore the challenges workers face in advocating for their rights and the importance of effective legal frameworks.

Case studies also illustrate the impact of limited union capacity on bargaining outcomes [9]. In some instances, unions lacked the resources needed to effectively negotiate on behalf of workers, resulting in suboptimal agreements [10]. Analyzing these case studies helps identify areas for

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improvement in the legal framework and provides recommendations for addressing practical challenges in bargaining rights protection [11].

2.4.2. Challenges Faced by Workers and Employers in the Practical Application of Bargaining Rights

Implementing bargaining rights in practice presents challenges for both workers and employers [12]. Workers may struggle to access effective representation and negotiate favorable terms due to weak enforcement mechanisms and limited union resources [13].

Employers may also face difficulties in navigating the bargaining process and complying with labor laws [14]. Issues such as unclear regulations and inconsistent enforcement can create obstacles for effective bargaining and dispute resolution [15].

Addressing these challenges requires a comprehensive approach that includes strengthening legal frameworks, enhancing enforcement mechanisms, and improving support for trade unions and workers' councils [16]. By addressing these issues, Viet Nam can improve the effectiveness of bargaining rights protections and support fair labor practices.

2.5. Recent Reforms and Policy Changes

2.5.1. Overview of Recent Legislative Reforms Affecting Bargaining Rights

Recent legislative reforms in Viet Nam have aimed to improve bargaining rights and labor protections [6]. These reforms include updates to the Labour Code and other labor regulations to address emerging issues and align with international standards [7].

The 2019 revision of the Labour Code introduced several changes designed to enhance workers' rights and improve the bargaining process [8]. These changes include provisions for better working conditions, minimum wage adjustments, and increased worker participation [9].

Other recent reforms have focused on strengthening enforcement mechanisms and providing additional support for trade unions and workers' councils [10]. These reforms aim to address practical challenges in implementing bargaining rights and ensure that legal protections are effectively enforced [11].

The impact of these reforms on the effectiveness of bargaining rights is an area of ongoing analysis [12]. Evaluating the outcomes of these changes and identifying areas for further improvement is crucial for ensuring that labor protections continue to evolve in response to changing economic conditions.

2.5.2. Analysis of Their Impact on the Effectiveness of Legal Protections

The impact of recent legislative reforms on the effectiveness of legal protections for bargaining rights is a key area of study [13]. These reforms have introduced new provisions and mechanisms aimed at improving labor rights and enhancing the bargaining process [14].

Initial evaluations suggest that while these reforms have led to improvements in certain areas, challenges remain in fully realizing their intended benefits [15]. Issues such as inconsistent enforcement and limited union capacity continue to affect the effectiveness of legal protections [16].

Ongoing monitoring and analysis are necessary to assess the impact of these reforms and identify opportunities for further enhancement [17]. By addressing remaining challenges and building on recent successes, Viet Nam can strengthen its legal framework for bargaining rights and improve labor protections. The findings from this analysis will contribute to a deeper understanding of how recent reforms have influenced bargaining rights and provide valuable insights for future policy development [18].

3. Methodology

This research adopts a qualitative approach, specifically through documentary research and expert interviews. These methods are used to analyze Viet Nam’s Labour Code, the role of trade unions, and recent legislative updates, focusing on the challenges and improvements in the legal protection of bargaining rights. This methodology is designed to assess both formal and informal sectors and the effectiveness of enforcement mechanisms within the labor framework in Viet Nam.

3.1. Research Design

The research design is centered on a legal and policy analysis framework. This approach involves examining the historical evolution of labor laws, current legal texts, and practical applications within

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Viet Nam's labor market. By focusing on both primary and secondary sources, the study provides an in-depth understanding of the regulatory environment and its implications for workers and employers. The research is exploratory in nature, aimed at identifying strengths and weaknesses in Viet Nam's legal protections for bargaining rights.

3.2. Data Collection Methods

The data collection process in this study relied on two primary sources: documentary research and expert interviews.

- Documentary Research
  Primary legal documents, including Viet Nam's Labour Code (especially the 2019 reforms), Trade Union Law, and collective bargaining agreements, were analyzed to understand the legal basis for bargaining rights. In addition, secondary sources such as journal articles, policy briefs, and reports from international organizations (e.g., the International Labour Organization) were reviewed to provide context on how Viet Nam's legal framework aligns with international labor standards.
- Expert Interviews
  Semi-structured interviews were conducted with legal experts, policymakers, and representatives from trade unions and labor rights organizations. A total of 10 interviews were carried out, with participants selected based on their expertise in labor law, collective bargaining, and workers' rights in Viet Nam. The interviews provided insights into the practical challenges of enforcing bargaining rights and the effectiveness of the current legal framework.

3.3. Sampling and Participant Selection

The sampling method used for expert interviews was purposive sampling, as the research sought to include individuals with specialized knowledge of labor law and collective bargaining in Viet Nam. Interviewees included:

- Legal scholars with expertise in labor law.
- Trade union officials involved in the negotiation of collective bargaining agreements.
- Representatives from non-governmental organizations (NGOs) advocating for workers' rights.
- Policymakers responsible for drafting and implementing labor legislation.

This selection ensured that the research captured diverse perspectives on the strengths and weaknesses of Viet Nam's bargaining rights framework.

3.4. Data Analysis

The data analysis process involved two stages: legal analysis and thematic analysis.

- Legal Analysis
  The documentary research focused on analyzing legal texts and regulations to identify how Viet Nam's laws protect bargaining rights. The analysis also compared Viet Nam's labor laws with international labor standards, particularly the conventions of the International Labour Organization (ILO). This comparison was used to evaluate the extent to which Viet Nam complies with international norms on collective bargaining.
- Thematic Analysis
  The interview transcripts were analyzed thematically to identify recurring themes related to the enforcement and practical challenges of bargaining rights. Key themes included the role of trade unions, the disparity between formal and informal workers, enforcement mechanisms, and the impact of recent reforms. NVivo software was used to assist in coding the data and organizing the themes into a coherent framework for discussion.

3.5. Comparative Legal Analysis

A significant part of the methodology involved comparative legal analysis, where Viet Nam's legal provisions on bargaining rights were juxtaposed with international labor standards. The study analyzed how closely Viet Nam's labor laws aligned with ILO Conventions No. 98 (Right to Organize and Collective Bargaining) and No. 87 (Freedom of Association). This comparative approach highlighted areas where Viet Nam's labor laws meet, exceed, or fall short of international expectations, providing a framework for assessing the potential for future reforms.

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4. Finding and Discussion

4.1. Findings

Table 1 shows the summarized interviews with various experts involved in collective bargaining in Viet Nam. Each interview focused on different aspects of bargaining rights protection, such as the role of trade unions, legal challenges, and issues faced by informal workers.

Table 1. Summary of Expert Interviews

No.	Occupation	Main Discussion Topic	Key Findings
1	Labor Law Expert	Effectiveness of Bargaining Rights Protections in Viet Nam	Although laws exist, the enforcement of bargaining rights is weak due to a lack of oversight and implementation.
2	National Trade Union Official	Role of Trade Unions in Collective Bargaining	Trade unions have limited influence in bargaining with companies, especially in the private sector.
3	Labor Lawyer	Legal Challenges in Bargaining Rights Disputes	Many collective bargaining disputes do not reach court due to complex procedures and high legal costs.
4	NGO Workers' Rights Advocate	Challenges for Informal Workers in Accessing Bargaining Rights	Workers in the informal sector often lack access to collective bargaining mechanisms due to legal ambiguities.
5	Policymaker at the Ministry of Labor	Impact of Labor Law Reforms on Bargaining Rights	The 2019 reforms introduced some improvements, but gaps in the implementation of bargaining rights for workers remain.

4.2. Discussion

In the examination of the current legal framework for bargaining rights in Viet Nam, the research highlights a complex mix of strengths and weaknesses that characterize the country's approach to protecting workers' rights. These findings are crucial for understanding both the successes and shortcomings of the existing legislation and the broader socioeconomic context in which labor rights are negotiated.

1) Strengths of the Current Legal Protections
   One of the primary strengths identified in Viet Nam's legal framework for bargaining rights is the inclusion of collective bargaining provisions in the Labour Code, particularly after the 2019 reforms. These reforms have sought to align Viet Nam's labor laws with international standards, especially in relation to the International Labour Organization (ILO) conventions, which emphasize the right to collective bargaining. The legal recognition of these rights provides workers with a formal avenue for negotiating better wages and working conditions, which is a significant step toward labor rights advancement in a transitioning economy like Viet Nam.
2) Empowerment of Trade Unions
   Another notable strength is the role of trade unions and workers' councils. Viet Nam's legal system empowers these institutions to represent workers in negotiations, thereby formalizing the bargaining process. The Trade Union Law complements the Labour Code by stipulating that trade unions are legally responsible for protecting workers' rights. This structure not only provides workers with representation but also institutionalizes bargaining as a collective and regulated process, reducing the likelihood of arbitrary employer decisions.
3) Limitations in Enforcement Mechanisms
   Despite these strengths, significant weaknesses remain, particularly in the enforcement of legal protections. Many of the provisions within the Labour Code related to bargaining rights lack clear enforcement mechanisms, which undermines the effectiveness of these rights in practice. Reports suggest that, while workers are legally entitled to collective bargaining, employers often circumvent or ignore these provisions, particularly in rural areas and smaller

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enterprises where oversight is minimal. Without robust enforcement, the legal protections in place cannot fully safeguard workers' bargaining rights.

4) Inequalities Between Different Economic Sectors
   Another issue arises from the disparity in bargaining power between different economic sectors. In sectors with strong international investment and foreign partnerships, such as manufacturing, bargaining processes tend to be more formalized and enforceable. However, in smaller domestic industries and the informal sector, workers often lack the organizational support necessary for effective bargaining. This inequality exacerbates the existing economic divide between rural and urban areas, where labor protections are considerably weaker in the former.
5) Gaps in Coverage for Informal Workers
   The Labour Code's provisions primarily cover workers in formal employment, leaving a large portion of Viet Nam's workforce—those in informal sectors—without sufficient protection. Informal workers, particularly in agriculture and construction, frequently lack access to collective bargaining processes, leaving them vulnerable to exploitation. This gap represents a significant flaw in the current legal framework, as a substantial portion of the workforce remains outside the protective scope of existing labor laws.
6) Practical Challenges in Trade Union Operations
   Trade unions, while empowered legally, face practical challenges in effectively representing workers' interests. The hierarchical and often bureaucratic structure of trade unions in Viet Nam has been criticized for its alignment with government and employer interests rather than prioritizing the needs of the workers they represent. Additionally, the centralization of trade union activities means that many local and grassroots unions lack the autonomy and resources to negotiate effectively with employers.
7) Comparative Analysis with International Standards
   A comparative analysis reveals that Viet Nam's labor laws are not fully aligned with international labor standards, particularly regarding the independence of trade unions. While the Labour Code allows for collective bargaining, trade unions are not fully independent of government influence, which limits their ability to act solely in the interests of workers. This lack of independence has been flagged by international bodies such as the ILO, which has called for further reforms to ensure that trade unions can function as truly representative bodies.
8) The Role of Multinational Corporations
   Multinational corporations (MNCs) play a dual role in Viet Nam's labor landscape. On one hand, they bring international labor standards into their operations, often providing better working conditions and wages than domestic firms. On the other hand, MNCs may also exploit the weaknesses in Viet Nam's labor laws by pushing for more flexible labor practices that undermine bargaining rights. For instance, the rise of subcontracting and outsourcing in MNCs has made it more difficult for workers to organize and engage in collective bargaining, as their employment relationships are fragmented.
9) Case Studies of Labor Disputes
   Several high-profile labor disputes in Viet Nam illustrate the challenges in enforcing bargaining rights. One notable case involved a large manufacturing plant where workers went on strike after their collective bargaining agreement was unilaterally altered by management. Although the workers eventually won concessions, the case highlighted significant delays and inefficiencies in the legal process, as well as the difficulties workers face in accessing timely and effective remedies.
10) Recent Reforms and Policy Adjustments
    Recent legislative reforms, including the 2019 amendments to the Labour Code, have made some progress in addressing the gaps in legal protections. These reforms introduced clearer definitions of collective bargaining and provided more detailed guidelines for the negotiation process. However, experts have pointed out that these reforms are only a starting point and that more comprehensive changes are needed to fully realize the potential of collective bargaining as a tool for workers' empowerment.
11) Recommendations for Enhancing Legal Protections
    Based on the findings, this research proposes several recommendations for enhancing the legal protections for bargaining rights in Viet Nam. First, there is a need for stronger

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enforcement mechanisms to ensure that employers comply with collective bargaining agreements. This could involve the creation of independent oversight bodies with the authority to investigate and penalize violations. Second, labor laws should be expanded to cover informal workers, providing them with access to the same bargaining rights as their counterparts in formal employment.

12) Increasing Trade Union Autonomy
A key recommendation is to increase the autonomy of trade unions from both government and employer influence. This can be achieved by reforming the organizational structure of trade unions to make them more decentralized and worker-led. Additionally, training and capacity-building programs for trade union leaders would improve their ability to negotiate effectively on behalf of workers.
13) Strengthening Legal Aid for Workers
Another important recommendation is the expansion of legal aid services for workers involved in bargaining disputes. Many workers, especially those in rural areas, lack access to legal representation, which weakens their ability to challenge unfair labor practices. Providing more accessible and affordable legal aid would empower workers to defend their rights more effectively.
14) Addressing the Informal Sector
The research also calls for specific policy adjustments aimed at better integrating informal workers into the formal economy. One approach could be the development of cooperative models that allow informal workers to organize and engage in collective bargaining as a group. These cooperatives could serve as a bridge between informal workers and the formal labor market, providing them with the protections and benefits of formal employment.
15) Promoting International Cooperation
Finally, the research emphasizes the importance of international cooperation in strengthening Viet Nam's labor laws. Partnerships with international organizations such as the ILO and bilateral agreements with countries that have strong labor rights frameworks could help Viet Nam develop a more robust legal system for protecting bargaining rights.

Here are two examples of workers' bargaining rights being implemented in large companies in Viet Nam:

1) Samsung Electronics Viet Nam: Workers successfully negotiated for improved working conditions and wages through their trade union. The Collective Bargaining Agreement (CBA) addressed issues like long working hours and inadequate safety measures. This case illustrates the influence of international labor standards, as Samsung is a multinational corporation.
2) Pou Chen Group: A strike at the Pou Chen footwear factory led to a renegotiated CBA, granting workers better pay and more breaks. This case showed the role of worker solidarity and media attention in improving labor rights.

5. Conclusion

The analysis of Viet Nam's legal framework for workers' bargaining rights reveals both progress and ongoing challenges. The 2019 Labour Code reforms have been a significant advancement, incorporating collective bargaining provisions that align with international standards, particularly those of the International Labour Organization (ILO). These reforms provide a formal avenue for workers to negotiate improved wages and working conditions. Concrete illustrations of legal protection efforts include successful negotiations at Samsung Electronics Viet Nam, where trade unions secured better working conditions and wages, and the Pou Chen Group, where worker solidarity and media attention led to improved labor conditions. These examples reflect the potential of organized bargaining within a framework influenced by international labor standards.

However, significant weaknesses persist, particularly in enforcement and coverage. Enforcement mechanisms are inadequate, especially in rural and smaller enterprises, where oversight is minimal. Trade unions face bureaucratic challenges that hinder their effectiveness, often aligning with government and employer interests rather than solely representing workers. Additionally, the Labour Code's provisions primarily benefit those in formal employment, leaving informal sector workers vulnerable and without adequate protection. To address these issues, it is recommended to strengthen enforcement mechanisms, expand legal protections to informal workers, and increase trade union autonomy. Enhancing legal aid services and integrating informal workers into the formal economy

through cooperative models are also essential. Future research should explore the broader impacts of labor law reforms on areas like minimum wage and workplace safety, and comparative studies with other Southeast Asian economies could offer valuable insights. International cooperation with organizations such as the ILO is crucial for further developing a robust legal system for protecting workers' bargaining rights in Viet Nam.

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