

# CORPORATE SOCIAL RESPONSIBILITY (CSR) IN THE LABOR CODE 2019 AND RECOMMENDATIONS TO IMPROVE THE EFFECTIVENESS OF LAW APPLICATION IN LABOR RELATIONS FROM A COMPREHENSIVE DEVELOPMENT PERSPECTIVE

## RESPONSABILIDADE SOCIAL CORPORATIVA (RSC) NO CÓDIGO DO TRABALHO 2019 E RECOMENDAÇÕES PARA MELHORAR A EFICÁCIA DA APLICAÇÃO DA LEI NAS RELAÇÕES DE TRABALHO A PARTIR DE UMA PERSPECTIVA DE DESENVOLVIMENTO INTEGRAL

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**Abstract:** Corporate social responsibility (CSR) is considered as a "hinge" to build corporates' culture and brand, especially in protecting the interests of employees. This is a fundamental issue to create high-quality products, to build business reputation, to contribute to the sustainable development of enterprises, and to increase the competitiveness of enterprises in the context of international economic integration. The article evaluates the impacts of new regulations on labor relations aspect of CSR under the Labor Code 2019. From there, through the lens of comprehensive development perspective, the author proposes some recommendations to improve the effectiveness of applying those regulations in reality.

**Keywords:** CSR. Labor Relations. Labor Code 2019.

**Resumo:** A responsabilidade social corporativa (RSE) é considerada como uma "dobradiça" para construir a cultura e a marca das empresas, especialmente na proteção dos interesses dos funcionários. Esta é uma questão fundamental para criar produtos de alta qualidade, construir reputação empresarial,

contribuir para o desenvolvimento sustentável das empresas e aumentar a competitividade das empresas no contexto da integração econômica internacional. O artigo avalia os impactos das novas regulamentações no aspecto das relações de trabalho da RSE sob o Código do Trabalho 2019. A partir daí, através da perspectiva de desenvolvimento integral, o autor propõe algumas recomendações para melhorar a eficácia da aplicação dessas regulamentações na realidade.

**Palavras-chave:** CSR. Relações Trabalhistas. Código Trabalhista 2019.

## 1. Introduction

There have been many different views on Corporate social responsibility (CSR). Accordingly, responsibility is approached from the following angles: i) the result of an obligation; ii) is the result of a commitment. In which CSR is defined: “To be socially responsible is not only to fulfill all legal obligations in force but also to go further and invest more in human capital, for the environment and for relationships with stakeholders”. (Quariel-Lanoizelee, 2009), (Paul Hohnen, Author, Jason Potts, Editor, 2007). According to the Open Encyclopedia, CSR, is also understood under other names such as corporate sustainability, sustainable business, corporate conscience, corporate duty, or responsible business. (Quariel-Lanoizelee, 2009), (Risi, 2019).

In the past, the term was understood as an organization's own internal policy or an ethical business strategy, but this is no longer accurate due to the development of numerous international laws and regulations. including how a wide range of organizations has used their ability to take the term beyond being just an initiative or ideal of a few individuals or even of a certain line of business. Then, CSR (CSR) is seen as a way of self-regulation of enterprises.

Meanwhile, the World Bank (WB) introduced the concept of CSR: “the commitments of enterprises to contribute to sustainable economic development, cooperation with employees, families, and society to improve their quality of life in a way that is both beneficial to business and to development”. (Vietnam General Confederation, 2009), (Leonard & McAdam, 2003).

CSR in labor relations is a very important content to protect employees, create stability for the enterprises and build the reputation of the enterprises. Therefore, this is considered the core content, directly affecting enterprises as well as finding business partners. CSR in labor relations has been a concern by our Party and State through the promulgation of legal documents such as: the Labor Code 1994, the Ordinance on Labor Protection, etc. At that time, although the system of legal documents regulating the issue of CSR in labor relations is incomplete, initially these legal documents created a legal basis to protect employees and create a legal corridor for enterprises to develop, etc. However, in the actual implementation process, the legal regulations have gradually revealed limitations and shortcomings. Therefore, the State has promulgated the Labor Code 2019 and related

legal documents regulating CSR in labor relations in order to achieve comprehensive development.

## 2. Overview of the research situation

Nowadays, CSR has gained attention not only from the Government, lawmakers, legal scientists as well as the business community itself. In the world and in Vietnam, there have been a number of scientific works approaching the legal framework on CSR from different angles, different aspects.

\* In the world

- Carroll, A. (1991). The pyramid of CSR: Toward the moral management of organizational stakeholders. *Business horizons*. April 34. The author has studied the parts of CSR and corporate ethics in building relationships between businesses and stakeholders.

- Lee, E., Park, S., & Lee, H. (2013). *Responsibility: Green Paper*. Office for Official Publications of the European Communities. Karin Buhmann. (2006). CSR: what role for law? Some aspects of law and CSR. Employee perception of CSR activities: Its antecedents and consequences. The authors have studied the role of the law in ensuring the implementation of CSR. Research also shows that in order to enhance the role of CSR, it is necessary to raise employees' awareness of CSR.

- Bauman, C. W., & Skitka, L.J. (2012). CSR as a source of employee satisfaction. *Research in Organizational Behavior*. 32: 63-86. The authors have studied a number of theoretical issues about CSR and the role of enterprises in protecting workers, reflecting the relationship between corporate responsibility and employees.

- Thomas, W. (2018). Employee perceptions of CSR: Effects on pride, embeddedness, and turnover. The author has pointed out the role of CSR in corporate branding and employees' awareness of the role of CSR.

- Jianju Wang, Jingzhe Zhang, 2018, Research on CSR and Harmonious Labor Relations, *Advances in Economics, Business and Management Research*, Volume 56 3rd International Conference on Economic and Business Management (FEBM 2018). 280510329@qq.com). This work studies CSR and the relationship between CSR and labor relations. The role of enterprises in building harmonious, stable, and developing labor relations.

- “Societal Support for Social Dialogue, Europe’s Trade Unions and Employers’ Associations”, *The Role of Employers' Associations and Labor Unions in EMU: Institutional Requirements for European Economic Policies*, Aldershot, Ashgate, UK, pp. 79-92. The study points out the role of business social dialogue, employee representative organizations, and employers' representative organizations in building harmonious, stable and development labor management.

\* In Vietnam

- Vietnam General Confederation of Labor, (2009), *The role of trade unions to promote the implementation of CSR in Vietnam*, Labor Publishing House. Research on CSR and the role of trade unions in promoting CSR in Vietnam.

- Pham Van Duc, "CSR in Vietnam: Some urgent theoretical and practical issues", *Philosophical Review*, 2 (2010). The author has researched a number of theoretical issues on CSR and the practice of CSR as well as proposed solutions to improve the effectiveness of CSR application.

- Nguyen Phuong Mai, "A practical study of CSR - The case of Dap Cau Garment Joint Stock Company", School-level scientific research project, KT. 11.13 (2012). The topic studies the practice of implementing CSR at Dap Cau Textile and Garment Joint Stock Company and proposes solutions to improve the effectiveness of applying CSR.

- Nham Phong Tuan, Do Thi Phuong (2013), *Research on the implementation of social responsibility of multinational companies in Vietnam*, Proceedings of the scientific conference "Green growth in the era of globalization". Research on CSR in multinational companies.

- Nguyen Thi Bich Cham, Chau Thi Le Duyen, Tang Thi Bich Hang (2013), *Awareness and level of implementation of CSR – the case of enterprises in Can Tho City*, Proceedings of the scientific conference Study "Green growth in the era of globalization". The work studies the implementation of CSR in enterprises in Can Tho city as well as proposes solutions to implement CSR.

- Dang Thi Hoa; Giap Thi Huyen Trang, (2016). *CSR issues*. The Journal of Forestry Science and Technology No.1. Research shows the CSR in building the business's brand and the role of protecting employees in the enterprise.

- Le Phuoc Huong. (2017). *CSR*. Journal of Science Can Tho University: Volume 50. The work studies a number of theoretical issues on CSR and assesses the current state of CSR as well as proposes solutions to improve the effectiveness of CSR.

### 3. Methodology

The qualitative research method is considered the basic method to approach and solve research objectives in jurisprudence which are: inductive - deductive method; method of analysis - synthesis, and comparison. The methods are used synthetically on the basis of research and analysis of secondary documents from such sources as books, dissertations, yearbooks, reports, articles published in scientific journals, and seminars to clarify the current legal CSR. The purpose of the literature review is to evaluate the issues that have been solved, the "open" contents that have not been studied, and the issues that need to be inherited and developed.

### 4. Results

Labor law plays an important role in regulating the relationship between employees and employers in the labor process. This relationship is one of the constituent parts of the production relations of the groups of organizational, and management relationships, and is dependent on ownership relations. In a labor relationship, a party participating as an employee is obliged to perform work at the request of the other party and has the right to receive remuneration for such work; the second party is the employer who has the right to use the employee's labor and is obliged to pay remuneration for the use of that labor. The content of labor relations also includes issues of working time, the influence of the parties on working conditions and the order of work, and the distribution of products (Hanoi Law University, 2015). Therefore, labor relations play an important role in society in general and in enterprises in particular. In addition to creating a solid legal framework for enterprises to operate effectively, ensure the legitimate rights and interests of enterprises, and improve the efficiency of the employer's management rights in labor relations, the legislators need to stipulate a legal framework for CSR toward employees in labor relations. This comes from the following basic factors: (i) In order to adjust the labor relations in harmony, stability, and development, the law is considered as a pedestal that plays an important role in ensuring the balance of position of employees and employers; (ii) In labor relations, under the influence of many different factors, especially labor supply, and demand in the market economy, employees are always in a weaker position than employers; dependent on the

employers, under the management and assignment of the employers; especially vulnerable employees: female employees, disabled employees, underage employees, and elderly employees, etc. These employees often have certain physical limitations and defects compared to other employees, leading to the employers being able to take advantage of those limitations and defects to put pressure on them and have unfair treatment towards them (Cuong, 2016). Therefore, the labor law demonstrates the function of protecting employees (This function is reflected in the construction of a system of labor rights and a legal mechanism to ensure the enforcement of those rights in order to ensure the essential life for employees; towards the protection of social values for people). Accordingly, the provisions of the labor law ensure the protection of employees in a broad sense, i.e. protection of life, health, income, and spiritual values of employees during the working process. (Ho Chi Minh City University of Law, 2013). CSR in protecting the interests of employees is a very important content in the process of implementing labor relations, maintaining harmonious labor relations, and sustainable development to create stability for enterprises and build the reputation of the enterprises. (Jianju Wang, 2018)

Therefore, this is considered the core content, directly affecting enterprises as well as finding business partners. CSR is understood as the commitment of enterprises towards employees, consumers, to environmental and social protection issues in order to build a corporate culture to increase competitiveness in the regional and international markets. In particular, the commitment of enterprises toward employees is considered a direct interaction process, which has a great influence on the issue of sustainable business development, and building harmonious, stable, and growing labor relations. (Diep, CSR in protecting employees' rights, 2021).

Regarding legislative techniques, Vietnam's labor law does not specify the contents of CSR toward employees. However, ISO 26000:2013 specifically mentions 5 core issues of CSR towards employees, including: (1) Employment; (2) Working conditions; (3) Social dialogue; (4) occupational safety and health at the workplace; (5) Developing and training people in the workplace. Although the practical law does not specify the contents of the CSR towards employees, when analyzing the provisions of the law, it shows that the recommendations of ISO 26000: 2013 are specified quite specifically and in detail by the Labor Code 2019.

## 4.1 Employment

Employment is one of the socio-economic issues closely related to the life of each person. Ensuring stable and long-term jobs for all employees, etc. is always the basic content of the socio-economic development strategy for each country in the world, including Vietnam. From the perspective of practicing law, employment regulation has been regulated since the promulgation of the first Labor Code in 1994; and is considered an important regulation not only for employees working under labor contracts but also for all employees in society, is a principled regulation of the object of social labor. (Luu Binh Nhuong, 2015). Therefore, ISO 26000:2013 has described the issue of CSR for employees' employment as follows: "The meaning of employment for human development is recognized everywhere. As an employer, an organization contributes to one of the most widely recognized social goals, which is to improve living standards through full, secure, and sustainable employment. The employment relationship confers rights and imposes obligations on both the employers and the employees in the interests of both the organization and society. (Leonard & McAdam, 2003). According to ISO 26000:2013, the social responsibility of the employers is not only reflected in the obligation to ensure employment for the employees as agreed in the labor contract but also includes the responsibility for basic rights of employees in the workplace such as ensuring equal opportunities for all employees, not discriminating directly or indirectly in any labor practice; excluding arbitrary or discriminatory severance practices; protecting personal data and privacy of employees.

Compared to the Labor Code 2012, the Labor Code 2019 directly recognizes the "employees' right to freely choose employment" in order to institutionalize the above provision in the Constitution 2013 (Constitution 2013); At the same time, it creates a compatibility between the Labor Code 2019 and the basic principles of employment stated in the Employment Law 2013 which affirms: "Ensure the right to work, freedom to choose jobs and workplaces" (Employment Law 2013). The recognition of the practical law of the right to freedom of employment of employees shows the relationship between freedom of thought, creativity, and labor behavior. A working activity without freedom will inevitably reduce efficiency, and even create forced labor, thereby causing conflicts and disputes in labor relations. In fact, the provisions on freedom of employment of the Labor Code have changed the social perception of employment. In the past, employees who were aware that they had to get a job in state agencies, state-owned enterprises, and large enterprises have

now switched to actively looking for jobs in non-state enterprises, foreign-invested enterprises, small and medium-sized enterprises, cooperatives, or self-employment through start-ups, opening small business shops, investing in vehicles to doing business in collaboration with big digital enterprises (online selling, via facebook, driving for uber/grab, or mining bitcoins.).

#### **4.2 Working conditions**

Human resources are considered an important factor, playing a decisive role in the survival of an enterprise. Enterprises that possess quality human resources and make good use of these resources will be successful. One of the important contents showing the good use of human resources in an enterprise is motivational activities for employees. Motivating employees means identifying and satisfying their spiritual and material needs of employees. To satisfy material needs, enterprises will implement financial stimulus measures related to the construction of salary, bonus, and welfare regimes. As for the satisfaction of spiritual needs, the enterprises will take measures such as: setting standards for employment positions (helping employees understand their duties, responsibilities, working conditions, and job-related issues); reasonable assignment and arrangement of labor; fair evaluation of job performance; creating a suitable, friendly, safe and healthy working environment for employees (Quyen, 2020). Recognizing the importance of employers' ensuring working conditions for employees in labor relations, so ISO 26000:2013 has recommended that CSR be understood as follows: "Working conditions include wages and other benefits, working hours, rest time, holidays, disciplinary practices and termination of employment, protection of pregnant women and welfare issues such as safe drinking water, sanitation, canteens, and health services. Many working conditions are covered by national laws and regulations or legally binding agreements between the contracting parties to an employment relationship. The enterprises offer good working conditions in terms of wages, working hours, weekly breaks, health and safety holidays, maternity benefits, and the ability to combine work with family responsibilities." In general, the CSR towards employees in basic working conditions is reflected in regulations on working time, rest time, and wages.

Assessing the new points of the Labor Code 2019 compared to the Labor Code 2012, there were a number of amendments and supplements to regulations on wages, working time, and rest time to ensure working conditions in accordance with relevant



international labor standards; At the same time, it contributes to enhancing CSR towards employees.

Firstly, the Labor Code 2019 has revised the regulations on the minimum wage; at the same time remove regulations on industry minimum wages. Accordingly, the Labor Code 2019 has defined the purpose of the minimum wage more clearly, which is to "ensure the minimum standard of living of employees and their families in accordance with the of socio-economic development conditions". Ensuring a minimum standard of living is understood as ensuring a certain minimum level of living for employees and their families (Doan Thi Phuong Diep, 2021). This regulation enhances the employees' responsibility and ensures the employees' rights are in line with the labor relations in the market economy.

At the same time, Clause 2, Article 94 of the Labor Code 2019, according to which "employees must not restrict or interfere with the employees' right to self-determination of salary expenditure; Employees must not force the employees to spend their wages on the purchase of goods or using services of the employers or other units designated by the employers". This is an important addition in the spirit of Convention No. 95 of the International Labor Organization to protect the employees' ownership rights, the right to self-determination in the use of wages before the employers, especially in the current context when the labor supply-demand relationship is unbalanced, the employee is faced with job pressure and is always in a weaker position than the employers. However, in legal science, there is a view that: "The current legal grounds are enough to protect employees on this issue; because the wages upon being transferred to the employees (whether by transfer or direct cash payment) will be the property of the employees and they will refer to clause 2 Article 160 of the Code Civil 2015. Therefore, the employers' forcing the employees to use their wages to spend on the purchase of goods and services of the employers is a complete violation of the provisions of Article 160 of the Civil Code 2015 as mentioned above, then, if there is such a coercive provision, this clause in the labor contract will be invalidated because of violating the law according to the provisions of Article 49 of the Labor Code 2019 (Doan Thi Phuong Diep, 2021).

Secondly, the Labor Code 2019 has also had some significant changes in working and resting hours compared to the Labor Code 2012, according to which the Labor Code has been amended and supplemented as regulations on breaks between working hours; increasing the maximum number of overtime hours in a month from 30 hours to 40 hours and at the same time specify cases of overtime work up to 300 hours/year, etc. These

amendments aim to overcome difficulties and obstacles, in line with the needs of employees and employers in the process of implementing the Labor Code 2012. Typical practical implementation of overtime regulations since 1995 shows that the current provisions of the Labor Code on overtime hours are not feasible and cannot be applied in practice: violations of the law on the organization of working overtime over the prescribed number of hours are common, especially in labor-intensive enterprises (garment, textiles, seafood processing for export, assembling electronic components) and information technology enterprises. This situation occurs because of: (i) the needs of enterprises, business associations want to increase the maximum overtime hours of employees to improve production and business efficiency of enterprises; (ii) the need of employees to increase their income and (iii) the competitiveness of the Vietnamese labor market is not high because the maximum number of overtime hours of Vietnamese employees is currently low compared to other countries in the region. The vast majority of enterprises believe that the monthly limit on overtime (no more than 30 hours/month) is rigid and not suitable for the production and business cycle of enterprises producing, processing goods, and processing aquatic products for export which depends on orders and business seasons.

#### **4.3 Social dialogue**

Social dialogue is a term imported from abroad (Social Dialogue). In Vietnam, this term has been used since the mid-1990s, but it was not until 1999 that it was used relatively officially when the International Labor Organization together with the Ministry of Labor, Invalids and Social Affairs Association, and social partners of Vietnam implement the Project for South Asian countries and Vietnam on the tripartite mechanism and social dialogue. According to the International Labor Organization, “Social dialogue includes all forms of negotiation, consultation or simply the exchange of information between representatives of governments, employers and employees on issues of common interest related to social and economic policies (Ishikawa, 2003). Social dialogue can take place between social partners, which are representative organizations of employees and representative organizations of employers, it is called a bilateral social dialogue, or it takes place between social partners and the Government, called a tripartite social dialogue (Binh, Completing the law on social dialogue in labor relations in Vietnam, 2014). In Vietnam's labor law, social dialogue often appears in the form of dialogue at the workplace. However, dialogue in the workplace is just one instance of bilateral social dialogue taking place within

an enterprise. Bilateral social dialogue is also converted at sectoral, inter-sectoral, national, or even transnational levels (Yoon, 2012). Dialogue in the workplace mainly aims to: (i) Enhance information sharing and understanding among the parties in the labor relations; (ii) Implement democracy regulations at the grassroots level; (iii) Build stable and peaceful labor relations (Ho Chi Minh City University of Law, 2013). According to current legislation, the dialogue mechanism at work can be carried out directly between the employees and the employers or between the representative of the labor collective and the employers. Recognizing how important it is for employers to ensure dialogue at work with employees in their labor relations, ISO 26000:2013 has recommended that CSR be understood as “Social dialogue includes any type of negotiation, consultation or exchange of information between or among representatives of government, employers and employees on matters of common interest relating to economic and social matters. Dialogue should take place between employers and employees' representatives, on issues affecting employees' rights, but also the role of government, as broader factors, such as laws and social policies are at risk of being violated”. To effectively enforce CSR for employees, ISO 26000:2013 recommends: “Independent parties need to engage in social dialogue. Employees' representatives should be freely elected, following national laws, regulations, or mutual agreement, by members of trade unions or by employees concerned. These representatives should not be appointed by the government or employers. At the organizational level, social dialogue takes many forms, including information and consultation mechanisms such as employment councils and collective bargaining. Trade unions and employers' organizations, as selected representatives of the respective parties play a particularly important role in social dialogue.”

The new and outstanding feature of the Labor Code 2019 compared to the Labor Code 2012 has introduced a specific concept of dialogue in the workplace in Clause 1, Article 63. Accordingly, this concept has been generalized. issues about the form of dialogue at the workplace (sharing information, consultation, discussion, exchange of ideas), the subject of dialogue at the workplace (employees, employers, or representative organizations of employees, employers), the content of the dialogue at the workplace (issues related to the rights, interests, and concerns of the parties in the workplace); the purpose of dialogue at the workplace (strengthening understanding, cooperation, joint efforts towards mutually beneficial solutions). Thereby, it creates a theoretical basis for stipulating issues of rights and obligations of the parties in the dialogue at the workplace,

and at the same time showing the agreement with the provisions on the concept of collective bargaining and collective labor agreement as regulated in the Labor Code 2019 (Tran Thi Thuy Lam, 2021). This unified understanding will better ensure the ability of employers to enforce regulations on dialogue at the workplace; in addition, it represents progress in line with the concept of social dialogue as introduced by the International Labor Organization in its 1998 declaration.

#### **4.4. Occupational safety and hygiene at the workplace**

When participating in labor relations, in order for labor power to be combined with means of production, a working environment is required. The working environment is understood as the totality of technical, labor organization, economic, social, and natural factors expressed through technology, means, labor objects, employees' capacity, and the interplay between these factors which creates the working conditions of people in the working process. Based on factors existing in the working environment and their ability to affect the health of employees, they can be divided into two types: favorable working environment and unfavorable working environment. To protect the health of employees, the labor law sets out regulations on occupational safety and hygiene at the workplace. On the international side, the International Labor Organization has developed many Conventions and Recommendations related to occupational safety and health at the workplace such as Convention No. 155, Protocol 2002, Convention No. 167, etc. The view of the International Labor Organization is that the regulations on occupational safety and hygiene at the workplace must aim at the following purposes: (i) Promoting, and maintaining the highest level of physical, spiritual, and social welfare assurance for employees in all professions; (ii) Prevention of adverse health effects on employees caused by working conditions; (iii) Protecting employees during work against risks due to adverse health factors; (iv) Stabilizing and maintaining a professional working environment suitable to the physical and mental needs of employees (International Labor Organization, 2023).

Regarding legislative techniques, regulations on occupational safety and hygiene are recognized by legislators in the Law on Occupational Safety and Hygiene 2015; and Labor Code 2019. Accordingly, occupational safety is understood as a solution to prevent and combat the impact of dangerous factors to ensure that no injury or death occurs to people during the working process. Occupational hygiene is understood as a solution to prevent and combat the impact of harmful factors that cause diseases and degrade human health

during the working process (Law on Occupational Safety and Hygiene 2015). Poor occupational safety will cause occupational accidents, and poor occupational hygiene will cause occupational diseases and damage the health of employees. Current legislation recognizes that ensuring occupational safety and hygiene is a very important content to ensure working conditions and avoid risks from the working environment for employees; Therefore, it is mandatory for all enterprises, agencies, organizations, and individuals related to labor, production and business, both in areas with or without labor relations to comply with the law on occupational safety and hygiene. That is, employers must comply with occupational safety and hygiene standards in accordance with current laws to ensure a favorable working environment; Specifically, according to the Law on Occupational Safety and Hygiene 2015, the employers must implement the following solutions:

- Ensure that the workplace, machinery, and equipment at the workplace meet technical standards;
- Develop, promulgate, and organize the implementation of internal rules and procedures to ensure occupational safety and hygiene;
- Develop and issue plans for incident handling and emergency response at the workplace;
- Communicate, disseminate, and provide training on occupational safety and hygiene for employees;
- Provide adequate personal protective equipment for employees when performing jobs with dangerous and toxic elements;
- Implement protection and health care regimes for employees, and regimes for people suffering from occupational accidents and occupational diseases in accordance with the law.

Recognizing, the importance of the responsibility of ensuring occupational safety and hygiene at the workplace for employees, ISO 26000:2013 makes the following recommendations: “Health and safety at the workplace is related to the promotion and maintenance of the best physical, mental and social well-being of employees and the prevention of unhealthy working conditions. This also involves the protection of employees from health risks and the adaptation of the working environment to the psychophysiological needs of the employees”.

#### 4.5. Developing and training professional skills for employees at the workplace

For employees, having a job is a goal to be achieved with many different purposes. To have a job, employees need to meet the health and skill requirements. Vocational qualifications are at different levels, both an objective requirement of the job and a subjective requirement of the employers for any employee. Vocational training is the right and positive way to help employees have the necessary knowledge about the profession, to meet objective and subjective requirements when entering the labor market (Huong, 2013). Vocational training is conducted in two forms: formal training and continuing training. The objective of vocational training is to train human resources directly for production, business, and services, with practicing capacity corresponding to the training level; be ethical and healthy; have professional responsibility; have the ability to be creative and adapt to the working environment in the context of international integration; ensure improvement of productivity and quality of labor; create conditions for trainees after completing the course to be able to find a job, create their own job or study to a higher level.

For employers, vocational skills training for employees is also an important need; especially in the current situation of scarcity of skilled and highly qualified human resources in the labor market. Therefore, the law stipulates that vocational training to serve the needs of production and business is the basic responsibility of employers. Not only that, but this regulation also aims to implement the policy of socialization of vocational training activities; contribute to meeting the human resource needs of the employers; and the labor market. Recognizing the role and significance of responsibility for vocational skills training for employees at the workplace, ISO 26000:2013 makes the following recommendations: “(i) Help employees have access to skills development, training, and apprenticeships, as well as career development opportunities, on an equal and non-discriminatory basis at all stages of work experience of employees; (ii) Ensure that, where needed, redundant employees are helped to access new employment support, training and counseling; (iii) Establish a labor-management program that promotes health and a good life”.

Regarding legislative techniques, regulations on vocational skills development and training for employees at the workplace are regulated in the Labor Code 2019 and the Law on Vocational Education 2014. However, the Labor Code 2019 focuses only on the development and training of professional skills for employees to work for the units. The case of apprentices seeking employment or self-employment is governed by the Law on

Vocational Education 2014. Thus, the current Vietnamese law has made a distinction between vocational education at training institutions according to the provisions of the Law on Vocational Education 2014 and vocational training and apprenticeship for employees to work at enterprises according to the Labor Code 2019.

Compared with the Labor Code 2012, a new highlight in this chapter of the Labor Code 2019 is the definition of the concept of apprenticeship and internship. Previously, the Labor Code 2012 and its guiding documents did not have any specific regulations explaining what apprenticeships and internships are. Therefore, the Labor Code 2019 has filled this gap and clearly distinguishes between two cases of apprenticeship and internship: (i) Apprenticeship to work for an employer means that an employer recruits people to receive vocational training at the workplace. Apprenticeship duration is according to the training program of each level as prescribed by the Law on Vocational Education 2014. Thus, an apprentice is a person who has not yet had professional knowledge and skills, so the employers must provide training. (ii) Internship to work for an employer means that an employer recruits people to provide training in job practice and job training according to job positions at the workplace. The internship period shall not exceed 3 months. Thus, an intern is a person who has acquired professional knowledge and skills and is recruited by an employer to guide practice according to a certain position. The addition of the provisions of the Labor Code 2019 on the concepts of apprenticeship and internship is the basis for determining the legal status of the subjects in the settlement of disputes over the interests of employees ( (Dung, 2020).

## **5. Discussion**

### **5.1. Supplementing regulations on explaining the term “working conditions” in the guiding document for the implementation of the Labor Code 2019**

In Vietnam for a long time, the Labor Code has also used many different terms, namely “working conditions” and “occupational conditions”, meanwhile, it can be seen that although there is a similar understanding the concept of working conditions has a broader meaning than the concept of occupational conditions. Therefore, there is a necessary requirement to clearly define the term "working conditions" in the Labor Code in the future, because even the newly promulgated Labor Code 2019 (effective from 2021) has not yet defined this concept specifically. That will be the basis to create assurance in the performance of both employees and employers with their rights and obligations on the

basis of labor law. In addition, it helps the employees understand their jobs and working environment more clearly, thereby, they will be more proactive in maintaining and stabilizing labor relations and protecting their legitimate rights and interests; Furthermore, this specific definition of the term will help employers, employees, and their representatives get a full view and assessment of how employees' working conditions are going in the working process in enterprises; eg: assessment of the working environment; assessment of labor standards; Risk assessment in the workplace is an important activity in protecting employees and enterprises, as well as in compliance with the law. From there, enterprises or planners can come up with policies and measures to ensure working conditions for employees, and improve working conditions to create motivation for employees (such as improving occupational health and safety conditions in the workplace, satisfying the needs of employees, etc..).

## **5.2. Expanding the scope of social dialogue in labor relations**

As mentioned, the concept of dialogue at the workplace in the Labor Code 2019 represents the conformity with the concept of social dialogue of the International Labor Organization. However, compared with the concept of social dialogue proposed by the International Labor Organization, the content of the concept of "dialogue at the workplace" of the Labor Code 2019 is more narrowly understood. Specifically, regarding the scope of dialogue implementation, the Labor Code stipulates dialogue at the workplace, that is, the place where labor activities directly take place, arising and associated with issues related to rights and obligations of the parties in the labor relationship; According to the International Labor Organization, the broader scope of implementation can be at the workplace or industry, area or region. Regarding the subject of dialogue, the Labor Code stipulates that the subject of dialogue at the workplace is the parties in the labor relations (the employees and the employers; or the employers and representative organizations of the employees). According to the International Labor Organization, the subject of dialogue can be bilateral or tripartite parties (representatives of employees, employers, the state) or tripartite plus (+) including representatives of employees, employers, the state, and other subjects. Regarding the content of the dialogue, the Labor Code 2019 stipulates the content of dialogue at the workplace, including issues related to the rights and obligations of the parties in labor relations. According to the International Labor Organization, there can be any economic and social problems related to the rights and obligations of the parties.



The regulation on the expansion of social dialogue in labor relations from the point of view of the International Labor Organization must derive from certain developments in economic and social conditions, a democratic foundation, and the development of industrial relations; the labor market (Binh, Law on social dialogue in labor relations of the market economy - Some theoretical issues, 2018). In the future, when these conditions are met, the labor law needs to expand the subject, scope, and content of the dialogue in order to better ensure the rights of the parties in labor relations.

### **5.3. Enhancing the responsibility of enterprises for vocational training activities for employees at the workplace**

To ensure law enforcement on the responsibility of enterprises for vocational training activities for employees, the following solutions should be implemented:

Firstly, the law needs to specify that an enterprise is a real subject of vocational training activities for employees. The law should prescribe mechanisms and policies to encourage enterprises to develop vocational training activities for employees. The law needs to specify the main responsibilities of enterprises in determining the list of training professions, developing vocational skill standards, and vocational training programs for employees according to the needs of the labor market.

Secondly, the current law needs to supplement regulations on the participation of enterprises in vocational training activities for employees as a mandatory obligation and have a mechanism to ensure that enterprises operate effectively in the field of vocational training for employees, training, fostering, and improving skills for employees. In addition, the law needs to specify the types and levels of participation of enterprises in vocational training activities for employees, specify issues for enterprises that have vocational training facilities for employees, enterprises that both conduct business and participate in vocational training for employees or enterprises that only engage in business activities and have a need for high-quality human resources to meet the requirements of the globalization process in the current period (Diep, State management of vocational training for rural workers: From legal regulations to practice in Thua Thien Hue Province, 2021).

### **5.4. Developing a roadmap to promulgate the Law on CSR standards**

Through the experience of multi-countries in the world, typically: (i) China has developed and unified a set of standards for CSR in the Textile industry. In addition, China

uses 100 important enterprises from 10 corporations to implement the set of CSR standards; (ii) In Thailand, the Government has assigned the Ministry of Labor to issue Labor Standards to help enterprises overcome the strict requirements of international customers. At the same time, the Government has assigned the responsibility to the Ministry of Social Development and Human Security to establish the Center for Promotion of CSR; (iii) In the Philippines, the Government has introduced the implementation of social responsibility of small and medium enterprises, promoting the supervisory role of the mass media as practical solutions to promote the implementation of CSR. (Vietnam General Confederation of Labour, 2009); The State needs to promulgate a Law on CSR standards, which focuses on a number of contents such as Labor contracts, child labor, forced labor, working hours, wages, unions, and collective bargaining, prohibiting discrimination, sexual harassment, and ensuring safety and health at the workplace. In addition, the State also needs to assign responsibilities to plenty of agencies to ensure the effective implementation of CSR. These are the lessons for Vietnam in the process of implementing CSR in protecting employees' rights ( (Diep, CSR in protecting employees' rights, 2021).

### **5.5. Raising awareness of employers about labor law**

All subjects in society must have roles and responsibilities in the general community, the strict observance of the law is not only for the personal benefit of the subject but is a responsibility to the society. For employers (mainly enterprises), it is necessary to be proactive and aware of corporate rights and responsibilities to the community through voluntarily complying with the law and committing to performing common responsibilities with the whole society in labor relations. Raising business awareness to understand that doing this well will help enterprises gain a long-term foothold in the hearts of employees is the solution to be aimed at.

## 6. Conclusion

CSR in labor relations is considered the core for branding and sustainable development of enterprises. CSR focuses on issues such as employment; working conditions; social dialogue; occupational safety and health; Vocational training and skill development for employees, etc. In order to build harmonious, stable, and sustainable labor relations, it is necessary to focus on solutions to perfect the law and improve the effectiveness of applying the law on CSR to labor relations such as:

- i) Focus on perfecting regulations on working conditions for employees
- ii) Focus on perfecting regulations on workplace dialogue, collective bargaining, and collective bargaining agreements
- iii) Continue to improve the law on vocational training
- iv) Build a legal framework on CSR standards
- v) Pay attention to awareness and role of enterprises and employees in the implementation of legal regulations on CSR for labor relations.

Building a transparent legal framework is the foundation for the effective implementation of CSR in the current period of industrial relations.

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