

DEVELOPING SKILLS IN SIGNING AND IMPLEMENTING LABOR CONTRACTS FOR EMPLOYEES IN THE CONTEXT OF LIBERALIZATION OF LABOR RELATIONS

DESENVOLVER COMPETÊNCIAS NA ASSINATURA E EXECUÇÃO DE CONTRATOS DE TRABALHO PARA COLABORADORES NO CONTEXTO DA LIBERALIZAÇÃO DAS RELAÇÕES DE TRABALHO

VIEN THE GIANG

Ho Chi Minh University of
Banking,
Vietnam

giangvt@hub.edu.vn

Received: 5 Jan 2023

Accepted: 28 Feb 2023

Published: 18 Mar 2023

Corresponding author:

giangvt@hub.edu.vn



Abstract: For a labor contract, employees need to correctly identify the characteristics of the labor contract, actively practice, and form skills in signing and implementing labor contracts with the optimal choice, with low risk and cooperation between the parties in labor relations. Equipping employees with the necessary skills will be an important part of Vietnam's efforts to accelerate economic growth and continue its economic reform process. Raising the awareness for employees in using labor contracts as an important legal tool to protect their legitimate rights and interests. Building employees' skill sets that cover a variety of skill areas, including skills to sign and perform labor contracts; because empirical understandings of the relationship between the law, skills, and the wide range of contract labor are the driving force behind a high-quality workforce. It also means that understanding and proficiently using the skill system is a good factor to help Vietnamese employees proactively adapt to the fluctuations of labor contract relations in the current international integration period.

Keywords: Labor contracts. Workers' skills. Liberalization of labor relations. Vietnam.

Resumo: Para um contrato de trabalho, os funcionários precisam identificar corretamente as características do contrato de trabalho, praticar ativamente e formar habilidades na assinatura e implementação de contratos de trabalho com a escolha ideal, com baixo risco e cooperação entre as partes nas relações de trabalho. Equipar os funcionários com as habilidades necessárias será uma parte importante dos esforços do Vietnã para acelerar o crescimento econômico e continuar seu processo de reforma econômica. Sensibilizar os colaboradores para a utilização do contrato de trabalho como importante instrumento jurídico de defesa dos seus legítimos direitos e interesses. Construir conjuntos de habilidades dos funcionários que cubram uma variedade de áreas de habilidades, incluindo habilidades para assinar e executar contratos de trabalho; porque os entendimentos empíricos da relação entre a lei, as habilidades e a ampla gama de contratos de trabalho são a força motriz por trás de uma força de trabalho de alta qualidade. Isso também significa que entender e usar com proficiência o sistema de habilidades é um bom fator para ajudar os funcionários vietnamitas a se adaptarem proativamente às flutuações das relações contratuais de trabalho no atual período de integração internacional.

Palavras-chave: Contratos de trabalho. Habilidades dos trabalhadores. Liberalização das relações trabalhistas. Vietnã.

1. Introduction

In any stage of social development, labor relations always play an important role, related to the socio-economic relations of each country as well as the whole world, especially in new-generation free trade agreements, in which the labor standards and conditions are always a matter of concern. Labor relations are the actual expression of the relationship between employees, employers, and the working process in which the employee's capacity is expressed in practice (Sycheva, I. N., Akhmetshin, E. M., Dunets, A. N., Svistula, I. A., Panteleva, T. A., & Potashova, I. Yu., 2018). Labor relations in an enterprise are the expression of the relationship between employees, employees' representatives (the grassroots trade union), and the employer in the implementation of the provisions of the labor law and the enterprise's commitments on a labor contract, collective labor agreement, salary, social insurance, working time, rest time, occupational safety and health, and other conditions to ensure the rights and interests of the parties. In the national (or local) scope, labor relations are the relations among the State, the representative of the employee, and the representative of the employer in planning and organizing the implementation of labor laws and policies, supporting and promoting the two parties at the enterprise to build a harmonious, stable and progressive labor relationship.

To develop a labor-relation model, the State has a dual role. This role includes establishing the labor law, guiding the implementation of the labor law, and also being a subject in the tripartite relationship, representing the interests of the country and the entire community. The State participates in labor relations from the central to local levels, through its State administrative system (Government, Government agencies, and local authorities). Consultation, dialogue, and negotiation are the mechanism for operating labor relations, in which the Government has the main role in consulting the parties' opinions on issues related to the formulation and promulgation of legal policies on labor relations; dialoguing to solve problems as well as supporting the parties in the implementation of the provisions of the labor law, building harmonious labor relations (Ministry of Labour, Invalids and Social Affairs, 2018; Nguyen, T.P., 2019). The skills of workers in the working environment are the factors that promote comprehensive and high growth. Skill

proficiency and effective use in the workplace are directly related to salary differences (Quintini, G., 2014), promotion opportunities, and reduce the acceptance of unfavorable terms when negotiating labor contracts (Cirillo, Valeria; Fanti, Lucrezia; Mina, Andrea; Ricci, Andrea., 2021; Chilton, A. & Woda, B., 2022).

Reviewing the implementation of the Labor Code on labor contracts has pointed out many disadvantages in signing and performing contracts, leading to many disadvantages for employees, especially the provincial workers who come to the city to work, because they are not aware of the meaning and necessity of signing labor contracts, they often negotiate the sketchy labor contracts. The parties of labor contract relations do not provide necessary information to each other when making the labor contract. Employers often provide information about jobs, workplaces and working hours, salaries and allowances, social insurance, health insurance, occupational safety and health, and working conditions, the contract duration. There are many cases of working overtime, not getting paid for overtime, and not participating in social insurance for employees. In many cases, employers also take advantage of a prolonged probationary period to pay low wages or intentionally enter into short-term labor contracts many times, especially for workers from the province. When taking a job, workers are not instructed on occupational safety, so there are many occupational accidents, especially in construction jobs and for female workers from rural areas to the city. It is still common to enter into the wrong type of contract, causing damage to workers. The illegal termination of the contract is still common for both the employee and the employer (Ministry of Labour, Invalids and Social Affairs, 2011). There are many reasons leading to this situation, including the reason that employees are not aware of the importance of equipping and developing skills in negotiating, signing, and performing labor contracts. Therefore, developing skills in signing and performing contracts is a decisive factor in ensuring the harmonious and sustainable development of labor relations (Singh, J., Das, D.K., Kukreja, P. et al. 2017).

When participating in new-generation free trade agreements such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership and the European Union-Vietnam Free Trade Agreement, Vietnam pays attention to agreements on labor relations (Le, T.T.H, 2019; Tran, T.T.D, 2019). Although they are different in terms of regulations (as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership dedicates Chapter 19 with 15 articles to labor regulations or EU-Vietnam Free Trade Agreement, labor commitments are not separated into a separate chapter but are

only mentioned in Article 3. Labor standards and multilateral agreements of Chapter 15. Trade and sustainable development) but they all emphasize the obligation to perform labor rights in their territories. Accordingly, the parties recognize the importance of full and productive labor and sustainable employment for all and re-affirm their commitments, which are consistent with obligations arising from members of the ILO, and The ILO Declaration on Fundamental Principles and Rights at Work and its subsequent declaration adopted by the International Labor Conference at its 86th session in 1998, will respect, promote and effectively implement the principles of fundamental rights in the workplace, in particular: a) freedom of association, and the effective recognition of the right to collective bargaining; b) elimination of all forms of forced or compulsory labor; c) an effective abolition of child labor; and d) the elimination of discrimination in employment and occupation. In other words, the awareness of workers' rights as well as ensuring safety in the workplace and the actual recognition of employment positions and values of employees, make an important contribution to promoting the ability to access better living conditions. This is the goal of labor relations in the 21st century (Elísio Estanque and Hermes Augusto Costa., 2012; Nguyen, N., & Nguyen, T., 2022).

2. METHODOLOGY

This study is conducted based on the method of analysis, synthesis, and systematization based on observation and description of signing and implementing labor contracts in Vietnam. Through the analysis process, the authors point out a gap in developing skills in signing and implementing labor contracts for employees in the context of the liberalization of labor relations in Vietnam.

3. RESULTS AND DISCUSSION

3.1. Access to skills in signing and performing labor contracts of employees

3.1.1. Educational environment and skills for creating contractual relationships

Vorontsova, A., Mayboroda, T., & Lieonov, H. (2020) pointed out that the policy of education management innovation not only has a direct impact on labor relations but also has the effect of adjusting the training process and using skilled workers to create a premise for reforming educational programs in association with market demands, and at the same time, to improve the country's general socio-economic situation. This is a requirement for

higher education institutions to innovate training programs to develop skills for learners so that they can actively enter the labor market after graduation, including skills in signing and performing labor contracts.

The skill of signing and performing a contract is an expression of the synthesis of many soft skills that learners need to be equipped with basic knowledge and skills. However, in Vietnam, programs of education and training at all levels from the university to vocational training often do not pay attention to the skills to form contracts for learners. Therefore, when entering the labor market, learners cannot identify potential risks in labor contracts and do not know how to make appropriate requirements (actually negotiate contracts), leading to the acceptance of adverse conditions. When signing and performing a contract, the employee needs to know that it is the expression of the knowledge of the training field in the contract. Those are agreements in employment, salary, working conditions, and other conditions that guarantee a job position. If workers are not equipped with skills to sign and perform contracts, it will be very difficult to distinguish between job positions, job requirements, ability to complete the assigned work, etc. For example, the working conditions in the fisheries industry are strongly influenced by non-state impact factors, including ship owners and captains, fishing technology, marine ecosystems, vessels, and frontiers. These are the cause of unfavorable working conditions, and abuse in the fishing industry is quite common (Vandergeest, P., 2018).

The structures of training programs in higher education institutions, colleges, professional intermediate schools, vocational intermediate schools, and primary vocational schools show that the training program for employees spends most of the program time providing and accumulating academic knowledge and vocational skills depending on the level of training to meet the output standards of the training programs. This is true but not sufficient because it does not meet the requirements of comprehensive education for learners in the market economy. This is the cause of the shortage of training content to enter the labor market.

Skills to enter the labor market include not only emotional intelligence, and behavior in social relationships, but also the ability to deal with relationships with friends, and colleagues, working manners, the ability to cooperate, share, persuade, lead, plan goals for self-development, the work as well as the ability to quickly and effectively solve problems... Understanding and knowing how to apply skills to enter the labor market is one of the decisive factors for success in establishing a labor contract relationship, especially skills in

communication, persuasion, reasoning, and making reasonable requests in connection with the context, and relation to the employer. In other words, adding knowledge on signing and performing labor contracts helps to overcome the imbalance between professional knowledge and the requirement to develop necessary skills so that employees can actively participate in the labor market, and reduce the disadvantage of interests in labor relations.

3.1.2. Weaknesses in labor relations: the difficulty of achieving justice

Labor relations are social relations arising in the hiring, employing, and paying salaries between employees, employers, the representative organizations of the parties, and competent state agencies, including individual labor relations and collective labor relations (Labor Code No. 45/2019/QH14 dated November 20, 2019, Article 3, Clause 5). Unlike the legal relationship on the supply of goods and services, the labor law relationship is directly related to the human factor - that is the employee with special goods (labor power), and at the same time has direct contact with many other stakeholders. This requires that labor relations are established through dialogue, negotiation, and agreement on the principles of willingness, goodwill, equality, cooperation, and respect for each other's legitimate rights and interests (Labor Code No. 45/2019/QH14 dated November 20, 2019, Article 7, Clause 1).

Many efforts to recognize workers' rights (Labor Code No. 45/2019/QH14 dated November 20, 2019 Article 5, Clause 1) as well as emphasize the principles of “voluntariness, goodwill, equality, cooperation, respect for each other's legitimate rights and interests” (Labor Code No. 45/2019/QH14 dated November 20, 2019 Article 7, Clause 1); a tripartite mechanism in labor relations (Nguyen, X.T., 2008); the role of workers' representative organizations (Dao, M.D., 2011); promoting the role of workers' representative organizations in the workplace dialogue, collective bargaining, and labor dispute settlement (Nguyen, H.C., 2010; Dao, M.D., 2014); social security regimes and policies such as social insurance and other regimes for employees in labor relations (Nguyen, H.B., Nguyen, H.P., 2009; Nguyen, H.P., 2014)..., but the inherent weaknesses of workers in labor relations are also very difficult to overcome. Therefore, providing a system of legal tools with specific explanations and instructions, with timely help and guidance from trade unions and employers' representative organizations to join with state agencies to strengthen the supporting channels in the process of negotiating labor contracts to reduce risks due to adverse selection, and due to the need for jobs, income, stable life workers' lives (Michael Lipsitz, Evan Starr. 2021). Using micro-level data from China

Employer-Employee Survey, Qu Xiaobo (2018) pointed out that with China's economic development, firms more proactively implement the Labor Contract Law, resulting in a higher percentage of employees with labor contracts. Labor contracts significantly increase the probability of employees receiving social insurance, such as a pension, health, unemployment, work injury, and birth insurance, and have a significantly positive effect on wage income, including foreign employees working in Vietnam (Hai, V.T.B., Anh, P.T., Hieu, L.H.T., Van Quynh, D.K. 2023).

The practice of establishing contracts shows that employers sign service contracts instead of labor contracts to avoid paying social insurance; sign the labor contract/labor supply contract instead of the labor sublease contract; enter into a verbal labor contract, or only sign a labor contract with a term of fewer than 3 months to do regular jobs for 12 months or more, even for jobs over 3 months to evade the obligation to pay social insurance and health insurance; sign labor contracts with a fixed-term more than twice in succession. According to reports of localities in recent times, many foreign-invested enterprises and labor-intensive enterprises in the area have terminated labor contracts with employees who have worked for the enterprise for a long time. Although the termination of labor contracts with these workers is legal (in the case of expired labor contracts), it has pushed the workers - often elderly - into unemployment, and it is very difficult to find a new job at that age. This strongly affects the right to work of employees, causing irritation to public opinion and posing challenges to state management agencies on labor (Ministry of Labour, Invalids and Social Affairs, 2017).

3.1.3. Access to a draft of the labor contract before signing

In terms of a legal viewpoint, a labor contract under the current Labor Code is an agreement between an employee and an employer on paid jobs, wages, working conditions, and the rights and obligations of each party in the labor relations (Labor Code No. 45/2019/QH14 dated November 20, 2019 Article 13, Clause 1). This regulation emphasizes the ability to express the will and unify the will (agreement) between the employee and the employer. However, employers have many advantages in expressing their will, especially the right to recruit, and the right to decide on salary and working conditions. Moreover, in labor management, each enterprise has a specialized department in charge of drafting labor contracts. In the process of labor management, and solving problems arising from the labor contract, the employer is significantly “increased” in legal experience as a basis for completing the labor contract most beneficially. Meanwhile, employees often

don't have "a chance to learn from" mistakes or risks arising from established labor contracts.

In terms of practice, a labor contract is a direct expression of the "rules of conduct" with a legal value binding legal acts, rights, and obligations of employees as well as employers. To understand the consistency, logic, and potential risks in the contract, the employee must not only understand the content of the provisions of the labor contract law but also understand the specifics of the job, the labor regime, the "trap" placed by the employer under the guise of language. In other words, to understand the content of a labor contract, the employee must be able to combine knowledge of legal regulations, professional characteristics, job position, and ability to understand and apply language to avoid potential risks. For example:

- Employment information is often described in a very general way or referenced to a job description that is directly related to the obligations to be performed. The job description is usually very detailed, attached to each target that needs to be achieved, which the case does not exclude the case that there are targets beyond the ability of workers and employees to perform. This is the cause of a breach of contract due to failure to complete the tasks according to the assigned job position.

- Although salary information is specified in the law, the employer can "integrate" the right to delay in paying salaries and other benefits of workers and employees into the contract. However, when reading the contract, the employee can ignore, or unknowingly "agree" to this right of the employee. Therefore, when the employer is late to receive salaries, the employee has no basis to force the employer to perform the obligation.

- Agreements on the limitation of protection of business secrets and technology secrets are often difficult for workers and employees because this agreement is often associated with expertise or profession, or it may be subjective, so employees often do not learn carefully, and consequently they are easily violated.

- In the actual implementation of social insurance and health insurance policies, there are still many cases where enterprises intentionally circumvent the law and do not sign labor contracts for employees to avoid paying social insurance, or health insurance or sign a contract on the case to delay the participation in social insurance and health insurance for employees, affecting the employee's enjoyment of welfare policies. There are many cases where many workers still agree with business owners not having to pay insurance (Anh Thu, 2018). The inspection results of the social insurance industry in Bac Kan province

found that 42,263 employees were required to participate but did not participate or paid late with an arrears amount of 88.2 billion VND; 50,734 employees pay less than the prescribed amount with the arrears amount of 47.3 billion VND (Delegation of the National Assembly of Bac Kan province, 2018).

3.1.4. Mechanisms to support employees in labor relations: skills to enter into and perform labor contracts are still not equipped

To build harmonious, stable, and progressive labor relations, the Labor Code stipulates that trade unions and employers' representative organizations shall join together with state agencies to support and supervise the implementation of labor laws as well as the protection of the legitimate rights and interests of employees and employers. The institutions that support workers and employees of state agencies are only interested in complying with labor laws on a large scale, such as signing labor contracts with employees or not; the observance and complying with regulations on labor discipline, working time, and rest time; occupational safety and hygiene, implementation of social insurance regimes for employees...through inspection, examination, and supervision of the employer's observance and compliance with labor laws, but rarely going into details. This fact is not due to the state agency's negligence or indifference to employees, but due to the principle of freedom of contract, any intervention or request from the relevant competent state agencies to sign and perform the labor contract will violate this principle. This requires, in the process of inspection, examination, and supervision of the employer's compliance with the law, the competent state agency should pay attention to and request the employer to publish contracts on the website for monitoring and supporting employees when necessary. Because the publicity of labor contract information will help detect and overcome “weaknesses” in the employee's contract, from which the competent state agency will guide and support employees to take remedial measures. According to Doan, V.T. (2020) informal economy workers are those who have bad technical expertise, unstable jobs, lack labor contracts, or work on verbal contracts.

Trade unions have not been able to promote their role in eliminating unfavorable terms or providing timely guidance to employees when encountering problems caused by contractual agreements. The solution or the participation of the trade union is mainly “calling” for the implementation of social responsibilities and supportive policies rather than a real counterweight to employees in the relationship to protect the rights of workers.

Therefore, trade unions need to set up a specialized information page on labor contracts, focusing on:

- Update experience in negotiating labor contracts, situations that may be encountered in the process of signing and implementing contracts, and solutions; skills and methods to sign and perform labor contracts in the most beneficial way for employees.

- Update and publicize the “problematic” labor contracts so that employees know and learn for themselves when signing and performing labor contracts.

- Encourage the participation of experts and researchers to analyze, comment, and evaluate the collected labor contracts as the best way to convey skills of signing and performing labor contracts to employees.

3.1.5. Information to ensure the establishment and maintenance of labor contract relations: one-way and not diverse

The current Labor Code stipulates the responsibility of both employees and employers to provide information before signing a contract. Accordingly, employees must provide information to employers on their full name, age, gender, place of residence, education level, skill level, health conditions, and other issues directly related to the conclusion of a labor contract as required by the employer. Employers must provide employees with truthful information about their jobs, working locations, working conditions, working hours, rest time, occupational safety and health, salaries, forms of salary payment, social insurance, health insurance, unemployment insurance, regulations on the protection of business secrets, protection of technology secrets and other issues directly related to signing the labor contract that the employee requires (Labor Code No. 45/2019/QH14 dated November 20, 2019 Article 16, Clause 1). Employees must provide truthful information to the employer about their full name, date of birth, gender, place of residence, education level, professional qualifications, health status confirmation, and other issues directly related to signing a labor contract required by the employer (Labor Code No. 45/2019/QH14 dated November 20, 2019 Article 16, Clause 2). However, this information is difficult to visualize when signing a contract. In other words, if employees do not have or are not equipped with contract reading skills, they are easy to fall into traps set by employers in the content of the contract.

During the contract performance, the law does not stipulate the employee's right to access information as well as the employer's responsibility to provide information. Therefore, the dialogue at the workplace is a very necessary “valve” to promptly help the

two parties in the labor relations at the enterprise to “release” pressure and frustration in the labor relations without causing the consequences of collective labor disputes, and stressful strikes as in previous years. For an effective workplace dialogue, employees need to be able to access and provide information related to the dialogue content in advance to achieve high efficiency, but the responsibility to provide dialogue at the workplace has not been specified, so it may lead to the situation that the employers “do alone” at the dialogue, while the employee does not know what to talk about because there is no information. This is a gap that needs to be overcome because it directly helps the parties to perform well in the contract, take the initiative in preventing risks as well as taking remedial measures when the change of circumstances has a direct impact on the continuation of performing the contract or requiring a competent state agency to intervene promptly to protect the interests of the employee.

3.2. Developing skills in signing and performing labor contracts in the period of liberalization of labor relations in Vietnam

Knowledge and skills about entering into and performing labor contracts do not come naturally, it is only formed through the practice of entering into and performing contracts. Employees need to consider the process of entering into and performing a contract with an employer as a “school” to self-improve knowledge and skills related to entering into and performing a labor contract, because, when the labor contract has been established, the parties in the labor contract must fulfill the commitments and not allow the employee to say “if only”. That means, to adapt and master the situation in entering and performing the labor contract, the employee needs to know the labor contract, and the job traps in signing the labor contract commonly used by employers. They also need to have the ability to measure risks that may arise during the performance of a contract. Moreover, they need to prepare the measures to solve legal issues arising when performing the contract by “assumptions” inferred from the contract contents... To achieve the above-mentioned expectations:

Firstly, employees must learn, self-study, and self-practice the necessary skills to detect, and handle appropriately and profitably. This is a solution to overcome the inherent weakness in the stage of establishing a contract depending on the subjective will of the employer. This solution needs the initiative of employees and the support of state agencies and employee representative organizations through the following measures:

- Determine the value and price of your labor in the labor market by understanding the recruitment needs, job descriptions, levels, and ability to complete jobs according to job descriptions... to create the necessary initiative and choice when deciding to establish a labor contract. Competition in the labor market is increasingly fierce. Employees with skills, knowledge, good attitudes and practical experience will certainly find suitable jobs with worthy remuneration.

- Understand the nature and labor relations established for the first time or continue to choose a labor contract by the provisions of law. The current Labor Code does not bind the establishment of a labor contract for the first time, but only limits the selection of a labor contract in cases where the employee and the employer have entered into a definite-term labor contract or a seasonal labor contract, or a job-specific contract with a term of fewer than 12 months. However, when expiration, the employee continues to work, within 30 days from the date of expiration of the labor contract, both parties must sign a new labor contract. If the parties do not sign a new labor contract, the definite-term labor contract shall be converted into an indefinite-term labor contract; seasonal labor contracts or a specific-job contract with a term of fewer than 12 months becomes a definite-term labor contract with a term of 24 months. In case, two parties sign a new labor contract, which is a definite-term contract, it can only sign one more time, after that, if the employee continues to work, he/she must sign an indefinite-term labor contract. According to the provisions of the current law, it can be seen that there is a limit to the establishment of a definite-term labor contract. The purpose of this limit is to protect the rights of employees. However, in the current period, there are many cases where the employee actively asks the employer not to enter into an indefinite-term contract, they want to sign a definite-term contract by terminating the labor contract, liquidating, and establishing a new labor contract relation. This situation may pose a risk to the employee in case the employer violates the employee's rights or abuses the provisions of law to request the court to declare the labor contract to be invalid due to a violation of regulations on the contract establishment in case the parties have signed a definite-term labor contract more than once. Therefore, employees should carefully consider transitional labor contracts.

- Actively prepare content for entering into labor contracts through direct interviews and tests of employers. To succeed in the stage of entering into a labor contract, an employee must use it competently, and skillfully combine knowledge and skills in contracting. The skills that are frequently used in contracting and need to be trained are:

i) Identify the job position requirements through reading, understanding, and applying the correct job description.

ii) Connect the content of the job description with the requirements of the employer and his/her capabilities.

iii) Use the content of the job description to make your offer skillfully.

iv) Know how to refuse requests that are beyond your ability or are difficult to complete, thereby avoiding a breach of the labor contract.

v) Immediately record and choose the options that are beneficial to themselves, and at the same time carefully read the labor contract to see if their requirements have been expressed in the contract or not before signing.

vi) When employees work directly related to business secrets or technology secrets according to the provisions of law, the employer has the right to reach a written agreement with the employee on the content and duration of protection of business secrets, protection of technology secrets, rights and compensation in case of violation.

Secondly, during the employment process (employment), the employee is subject to the management of the employer through internal regulations, labor discipline, and the possibility of termination of the labor contract...at the same time, because of the influence of work (related to the fulfillment of obligations as committed in the labor contract), income..., it is difficult for employees to learn, practice knowledge and skills to sign and perform contracts. Psychological stability is also a significant barrier to employees' self-study and self-training skills in entering into labor contracts. This reduces the ability of workers to adapt to the current volatile labor market and labor mobility trends. To be able to adapt well to the shift in labor relations, employees need to:

- Regularly updated information on the labor market.

- Update disputes, risks that employees often encounter during the performance of labor contracts, and preventive measures.

- Actively update information related to the employer, especially information from dialogue sessions at the workplace, the performance results of the employee representative organization, and the amendment, and supplementation of the content of internal labor regulations, and collective labor agreement..., because these changes are directly related to the performance and fulfillment of obligations as committed in the labor contract.

- Study and regularly update the legal provisions of labor contracts, especially those related to the rights and obligations of employees to request the employer to amend, supplement, and update promptly in the labor contract.

- Proactively propose a plan to amend and supplement the contract in case of necessity to avoid possible damage or disadvantage when performing the labor contract.

- In case, it is necessary to terminate the labor contract, it is necessary to pay attention to strictly comply with the commitments in the contract, the provisions of the law on duration, procedures, and benefits upon termination of the labor contract.

- When amending and supplementing the contract, the employee must comply with the obligation to notify the other party at least 03 working days in advance of contents to be amended or supplemented. The amendment and supplementation of the labor contract can only be made when the two parties reach a consensus. If the two parties cannot agree on the amendment and supplementation of the labor contract, the signed labor contract shall continue to be performed.

Thirdly, the support of the state, labor dispute settlement agencies, and employee representative organizations in providing information and advice on how to solve problems arising from labor contracts.

Although employees try their best, it is very difficult to update the actual implementation of labor contracts in the labor market, because the labor relations of employees are unique and specific. However, the practice of entering into, and implementing labor contracts, and disputes arising from labor contracts are very diverse. Therefore, the support of the State, the labor dispute settlement agencies, and employee representative organizations in providing information and advice on how to solve problems arising from labor contracts is a valuable information channel for employees to learn from experience to have the optimal solution or choice for their labor contract relations. Because, the results of performing the state management function on labor, the dispute settlement practice of the labor-dispute-settlement agency, and the practice of performing the responsibility of representing employees of the representative organization are practical evidence to help employees actively learn and overcome their labor relations.

4. CONCLUSION

The capacity of employees is demonstrated not only in terms of professional capacity but also the ability to protect themselves with legal tools, especially through the creation of

labor contracts. To create a low-risk labor contract and apply the provisions of labor law, the collective labor agreement, and the labor contract to settle disputes during the working process, the employee must acquire the necessary skills to sign and perform labor contracts. Most workers still lack the necessary skills to sign and perform labor contracts by the law and separate agreements with employers. This is reflected in the fact that the employees have not paid attention to the terms of the contract, especially the terms that pose the risk of harming the employees.

Vietnam's market economy, including the labor market, is in a period of deep integration into the world economy, but the influences from the centrally planned and subsidized economic mechanism still exist. Therefore, the perceptions of the subjects about labor relations are still at different levels, especially the perceptions of employees in the market mechanism is still fuzzy, and slow to innovate. Moreover, the ability to exercise the right to self-negotiation and self-agreement in choosing jobs, workplaces, and issues related to the interests of employees is limited (Ministry of Labour, Invalids and Social Affairs, 2018). This practice requires all enterprises and employees participating in market relations to be proactive in adapting to the changes in market relations. During the implementation phase of new-generation free trade agreements, it is necessary to equip and develop the skills to sign and perform labor contracts so that employees can anticipate or orient the core contents of the labor contract to minimize risks arising in the labor process (Thu, N.X., Dung, N.T., Hung, N.X., 2022). This needs to be done as quickly as possible so that the employee can actively integrate with new labor standards., including skills to sign and perform labor contracts; because empirical understandings of the relationship between the law, skills, and the wide range of contract labor are the driving force behind a high-quality workforce (Singh, J., Das, D.K., Kukreja, P. et al. 2017; Alhakim, Abdurrakhman; Tan, Kendry. (2022). It also means that understanding and proficiently using the skill system is a good factor to help Vietnamese employees proactively adapt to the fluctuations of labor contract relations in the current international integration period.

References

Alhakim, Abdurrakhman., Tan, Kendry. (2022). Improving legal understanding via education of legal entities on the essential working agreement in Batam City Business Management. **ConCEPT - Conference on Community Engagement Project**, [S.l.], v. 2, n. 1, p. 652-664. ISSN 2776-5652. Available at: <<https://journal.uib.ac.id/index.php/concept/article/view/6446>>.

Chilton, A. & Woda, B. (2022). The expanding universe of bilateral labor agreements. *Theoretical Inquiries in Law*, 23(2), 1-64. <https://doi.org/10.1515/til-2022-0010>

Cirillo, Valeria; Fanti, Lucrezia; Mina, Andrea; Ricci, Anrea. (2021). *Digitalizing firms: Skills, work organization and the adoption of new enabling technologies*. LEM Working Paper Series, No. 2021/04, Scuola Superiore Sant'Anna, Laboratory of Economics and Management (LEM), Pisa.

Dao, M.D. (2011). Solutions to improve the performance of labor representatives. *Journal of Legislative Studies*, No. 7(192), pp.32-37.

Dao, M.D. (2014). The role of labor representative organizations in social dialogue, collective bargaining, and collective labor agreements. *Journal of Jurisprudence*, No. 1(164), pp. p.22-28.

Delegation of the National Assembly of Bac Kan province. (2018). Questionnaire form of National Assembly Delegate Ho Thi Kim Ngan sent by the Secretary General of the National Assembly in Official Dispatch No. 1784/TTKQH-GS dated May 25, 2018.

Doan, V.T. (2020). Informal Employment and the Life of Informal Economy Workers in Vietnam. *Advances in Sciences and Humanities*. Vol. 6, No. 3, pp. 82-88. doi: 10.11648/j.ash.20200603.11.

Hai, V.T.B., Anh, P.T., Hieu, L.H.T., Van Quynh, D.K. (2023). Corporate Social Responsibilities in Concluding, Implementing, and Terminating Labor Contracts with Foreign Employees Working in Vietnam. In: An, N.B., Anh, P.T. (eds) *Laws on Corporate Social Responsibility and the Developmental Trend in Vietnam*. Springer, Singapore, 97-108. https://doi.org/10.1007/978-981-19-9255-1_8.

Elísio Estanque and Hermes Augusto Costa. (2012). Labour Relations and Social Movements in the 21st Century, Chapter from the book *Sociological Landscape - Theories, Realities, and Trends*, March 2012. Downloaded from: https://www.researchgate.net/publication/224829016_Labour_Relations_and_Social_Movements_in_the_21st_Century.

Frank M. Horwitz. (2013). An analysis of skills development in a transitional economy: the case of the South African labor market, *The International Journal of Human Resource Management*, 24:12, 2435-2451, DOI: [10.1080/09585192.2013.781438](https://doi.org/10.1080/09585192.2013.781438).

Le, T.T.H. (2019). On the possibility of implementing labor commitments in free trade agreements and challenges for Vietnam. *Vietnamese Journal of Legal Sciences*, Vol.124, No.3, pp.41-49.

Ministry of Labour, Invalids and Social Affairs. (2011). Report No. 60/BC-LDTBXH dated September 6, 2011 *Summary report on the evaluation of 15 years of implementation of the Labor Code*, Hanoi, Vietnam.

Ministry of Labour, Invalids and Social Affairs. (2017). *Summary Report on the implementation of the 2012 Labor Code*, Draft dated December 1, 2017, Hanoi, Vietnam.

Michael Lipsitz, Evan Starr. (2021). Low-Wage Workers and the Enforceability of Noncompete Agreements. *Management Science*. Vol.68(1), 143-170. <https://doi.org/10.1287/mnsc.2020.3918>.

Ministry of Labour, Invalids and Social Affairs. (2018). *Labor Relations Report 2017*, Hanoi, Vietnam.

National Assembly. (2019). Labor Code No. 45/2019/QH14 dated November 20, 2019.

Nguyen, H.C. (2010). Vietnamese trade unions and the law governing trade union representation in labor relations. *Journal of State and Law*, No. 6(266), pp. p.37-42.

Nguyen, H.B., Nguyen, H.P. (2009). Responsibilities of employers, employees, and the State for social insurance payment. *Journal of Jurisprudence*, No. 9 (112), pp.59-62.

Nguyen, H.P. (2014). Protection of mother's rights in labor law and social insurance. *Journal of Jurisprudence*, No. 6, pp.48-59.

Nguyen, N., & Nguyen, T. (2022). Assuring Social Equity and Improving Income from an Assessment of Government's Supports in a Pandemic and Migrant Workers' Integration in Vietnam. *Economies*, 10(4), 94. MDPI AG. Retrieved from <http://dx.doi.org/10.3390/economies10040094>.

Nguyen, T.P. (2019). Labour Law and the State's Management of Labour Relations in Vietnam. In: *Workplace Justice. Critical Studies of the Asia-Pacific*. Palgrave Macmillan, Singapore, 23-47. https://doi.org/10.1007/978-981-13-3116-9_2.

Nguyen, X.T. (2008). Tripartite mechanism in the field of labor. *Journal of Legislative Studies*, No. 4(120)/2008, pp.46-52.

Qu, Xiaobo. (2018). Effectiveness of China's Labor Contract Law - Evidence from China Employer-Employee Survey. *China Economist, Beijing* Vol. 13, Iss. 5, 116-126. DOI: 10.19602/j.chinaeconomist.2018.09.08.

Quintini, G. (2014). Skills at Work: How Skills and their Use Matter in the Labour Market, OECD Social, Employment and Migration Working Papers, No. 158, OECD Publishing, Paris, <https://doi.org/10.1787/5jz44fdm7j-en>.

Singh, J., Das, D.K., Kukreja, P. et al. 2017. Law, skills and the creation of jobs as ‘contract’ work in India: exploring survey data to make inferences for labor law reform. *The Indian Journal of Labour Economics*. 60, 549–570. <https://doi.org/10.1007/s41027-018-0113-8>.

Sycheva, I. N., Akhmetshin, E. M., Dunets, A. N., Svistula, I. A., Panteleeva, T. A., & Potashova, I. Yu. (2018). Labor relations in research of socio-economic systems. *European Research Studies Journal*, 21(4), 356-367.

Theresi Anita Christian. (2016). Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object, 3rd Global Conference on Business and Social Science – 2015, 16-17 December Kuala Lumpur, Malaysia.

Anh Thu. (2018). Workers need to know how to protect their legitimate rights. Available at <http://www.nhandan.com.vn/xahoi/bhxh-va-cuoc-song/item/38748702-nguoi-lao-dong-can-biet-bao-ve-quyen-loi-chinh-dang-cua-minh.html>, dated December 31, 2018.

Thu, N.X., Dung, N.T., Hung, N.X. (2022). Labour Commitments in the EVFTA: Amendments and Supplements to Vietnamese Law and Recommendations. *Journal of Law Policy and Globalization*. Vol. 125. DOI: 10.7176/JLPG/125-10

Tran, T.T.D. (2019). Regulating the relationship between labor and international trade within EVFTA framework. *Vietnamese Journal of Legal Sciences*, Vol.124, No.3, pp.29-40.

Vandergeest, P. (2018). Law and lawlessness in industrial fishing: frontiers in regulating labor relations in Asia. *International Social Science Journal*, 68(229-230), 325-341.

Vorontsova, A., Mayboroda, T., & Lieonov, H. (2020). Innovation management in education: impact on socio-labour relations in the national economy. *Marketing and Management of Innovations*, 3, 346-357. <http://doi.org/10.21272/mmi.2020.3-25>.