

## The requirements from the international conventions for protecting an employee with a disability in the individual labour dispute

Nguyen Binh an

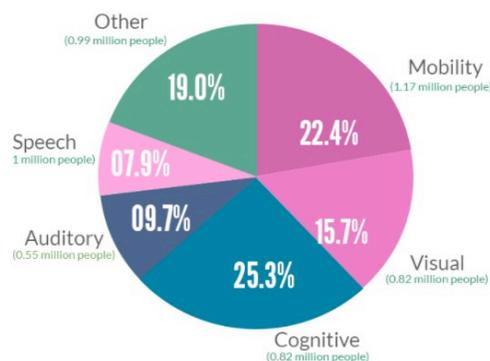
Binh Duong University

E-mail: nban@bdu.edu.vn

**Abstract:** A review of the literature has been also done examining the effects of the UN and ILO conventions regarding the employment of disabled people. The "labour dispute" legislation is very structured in the domain of Vietnam as they are systematically trying to match the international standard due to recent multiple free trade agreements. All the disabled employees can employ the mechanism of negotiation and conciliation to solve their disagreement or it can be solved by the courts as well. Both individual or collective labour disputes can be efficiently manoeuvred by the potent legislation of Vietnam and it has systematically assisted the disabled employees.

**Keywords:** People with disabilities; CRPD; Article 27; labour dispute; conciliation; judgement of court.

Disabled employees are more likely to have physical, mental, or sensory disabilities than others. As a result, it is necessary to ensure that the rights of these workers are protected and efficiently handled, with no discrimination of rights in labour disputes. International conventions sign a variety of treaties with other countries in which different types of choices are made on various issues. "Conventions of rights for the persons with disabilities" of the UN effectively assists to protect the rights of disabled persons so that they can grow and overcome the social stigma associated with society. It is essential to mention in this particular scenario that convention plays a major impetus so that the viewing perspective of the specially-abled person can be changed. The image of "object of charity" associated with disabled people must also be manoeuvred in this process. That is the aim of the United Nation.



(Source: [globaldisabilityrightsnow.org](http://globaldisabilityrightsnow.org), 2021)

**Figure 1.** Disability type in the domain of Vietnam

According to the recent census report, around eight per cent of the total people, are specially-abled. It is reported that "Agent Orange" may be the core reason for this high number. It is basically dioxin that had been employed vehemently during the Vietnam conflict. It systematically influences the life of the Vietnamese people even to this day as several children suffer from birth defects and neurological deficits. However, the condition is systematically improving. The

incorporation of basic principles of CRPD have enabled the specially-abled person to find their feet overcoming their stigma. The study aims to illuminate this topic further (Bogenschutz et al. 2021).

In this circumstance, it's important to note that "the labour code of 1994" effectively developed guidelines for administering labour relations among employees. However, due to outdated market functioning and a poor legal framework, it is difficult to thrive in this specific subject methodically. As a result, it sparked a huge confrontation between recruiters and workers, resulting in a slew of strikes over the last decade. The "General Confederation in Vietnam" presented a thorough analysis of the number of "wildcat strikes" and "instances of conflicts" that happened in Vietnam's domain. However, it is important to note that in this case, these strikes are considered to be illegal in this arena. In Vietnam, the "labour code" is quite severe, which sheds light on this situation. The strike must be approved by a "trade union body," according to the statement. However, it is claimed that they have never formally authorised any notification of a strike. On the other hand, Vietnam's membership in the "World Trade Organization" put enormous pressure on the country's government to include specific clauses to meet "international labour organisation" standards.

#### **The aim of the study**

The study aims to put forward effective insight associated with the legislation to protect specially-abled people from individual labour dispute.

#### **The objective**

- To effectively shed light on the mechanism to mitigate individual labour dispute to aid the specially-abled people

- To examine the influence of CRPD in Vietnamese society effectively

#### **Research Questions**

**Question 1:** What is the influence of negotiation, conciliation and court judgement to address individual labour dispute to address the specially-abled employees?

**Question 2:** How CRPD has impacted the life of Specially-abled people in Vietnam?

#### **Literature Review**

##### ***Article 27 UN employment of disabled people***

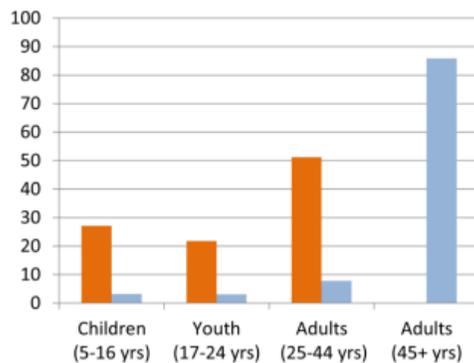
Since Vietnam is one of the countries that are members of the United Nations (UN), they are also signatories to the various laws that the UN imposes on their member nations. Article 27 of the UN clause is also one of the articles that Vietnam is a signatory of. Article 27 of the UN is a law that compels the member nations (rather the governments of the member nations to make appropriate jobs available to the people with disabilities. According to researchers such as Vornholt et al. (2018), people of Vietnam as per the government law are provided opportunities for work or direct employment in Government works and undertakings and so on.

##### ***Induction of the disabled people in the workforce***

Judging from the perspective of Industry 4.0 that exists today in the era of globalization, liberalization and Privatization, these disabled people would be left behind but the law ensures that they are getting equal opportunities to earn a living. According to Mark et al. (2019), there is a place for people with disabilities in industry 4.0 in various sectors and various places. The people with disabilities are therefore going to benefit from these laws. According to Nguyen, (2018). This is important

The requirements from the international conventions for protecting an employee with a disability in the individual labour dispute

because the people are going to be able to work in the industrial sectors of Vietnam as Vietnam is a country that is getting more and more industrialized following the China model of a production-based economy. This is the reason the Vietnamese people with disabilities are being promoted by the government and private institutions in both private and government sectors.



(Source: Mark et al. 2019)

**Figure 2.** The number of people in Vietnam that are disabled as per age group

**International Labour Organization Regulations**  
The regulations of the International Labour Organization (ILO) is also one of the most prominent organizations that regulate labour laws in the world as a part of the UN regulations that are enforced and the member countries are obligated to follow. According to Brégain (2020), the ILO first made the laws considering the Second World War that has taken place across the world and left many individuals disabled and handicapped. In order to give them a proper life of respect, the first labour laws for disabled people were brought. Later these laws became more refined and inclusive and became laws such as the ILO Vocational Convention- 159 that ensure employment to disabled people.

### ***Specially-abled oriented entitlements***

It is essential to mention in this particular scenario that people who are specially-abled in the domain of Vietnam can be eligible for entitlements. However, people with disabilities must undergo the process of evolution of the extent of the severity of their disability. “Disability degree determination council” tend to facilitate this work and manoeuvre this process systematically. It is regarded as one of the decentralised organisations in the domain of Vietnam. It is basically a part of the “Commune level People’s Committee” (Nguyen et al. 2017). The DDDC unit was provided with enough authority in this domain ad they are capable to determine the degree and pattern of the disability at the same time. They can systematically exercise the authority of Joint-circular “37/2012/TTLT-BLDTBXH-BYT-BTC-BGDDT”. They put forward two assessment parameters while using the severity of the disability. It is heavily based on a certain scoring system and the labours have to perform “eight-core” activities based on which marks would be manoeuvred. The eight activities are “toilet hygiene”, “dressing”, “personal hygiene”, “comprehending conversation”, “communication”, “household works”, “sweeping”, “cooking”, “washing”, “eating”, “drinking” and “walking”. It can be manoeuvred with or without the help of other individuals (Banks et al. 2019).

At the same time, the evolution process includes different interviews and distinct observatory techniques are employed to examine the severity. Then the labours are referred “Medical examination council” (MEC). It is situated in Hanoi and is the “provincial capital” as well. However, the method

of MEC differs significantly from DDDC. It employs a functioning approach and is evaluated based on medical stability. It is essential to mention in this particular scenario that “disability degree above 81 per cent” is regarded as “extremely severe” and “61-80” is regarded as “severe” (Koehler, 2021).



**Figure 3.** Replication of "conventions of rights for the person with disabilities" in Vietnam

“Dispute mechanism to protect employees with a disability”

It is essential to note in this particular scenario that labour disagreement refers to a disagreement or dispute between employees and employers about commitment, rights and benefits. Generally, the disputes that can be witnessed in a labour relationship are called about disagreement in a broad perspective. It is worth noting in this particular domain that labour disagreement includes “individual disagreement among employers and employees” and “collective labour disagreement with the employer (Doan et al. 2018).

It is essential to mention in this particular domain that the labour agreement can be manoeuvred in three main methods. They are 1) Reconciliation 2) Judgement of the court 3) Negotiation. These core mechanisms effectively assist the general public including the specially-abled person to seek justice for their labour rights. Additionally, the provisions put forward by the

“International labour organisation” and Vietnam effectively assist the specially-abled person to sustain efficiently in this particular domain.

“Labour dispute resolution through the mechanism of negotiation”

It is essential to note in this particular scenario that the labour code associated with the domain of Vietnam effectively enables and sustain the core ideology that the parties involved in the labour dispute must negotiate directly with each other. At the same time, the “labour code” encourages the parties involved in the “labour dispute” to assimilate their own ideas of settlement in this very process. Both the general public and person with disabilities can sort out their problems through this mechanism. Moreover, it is a more convenient technique for the person with disabilities to sort out their problems by following this technique (Nguyen, 2018).

However, it is worth noting in this particular domain that resolution of a labour disagreement first and foremost must put forward an undeviating negotiation between the involved parties. The aim of this technique is to assimilate a harmonious solution among the associated parties to maintain the social norms and orders while putting forward business activities efficiently.

“Labour dispute resolution through the mechanism of reconciliation”

It is worth noting in this particular domain that “conciliation”, as well as “arbitration”, are incorporated by ensuring the “benefits and rights” of the associated parties that are involved in a disagreement situation. However, it is essential to inculcate respect for “social interest” and at the same time, it is essential to put forward this mechanism as per the provisions put forward by the law as well (Navasartian, 2020).

In the domain of Vietnam, it can be seen that different representatives of the parties are involved in this process of conciliation. It is very helpful for the specially-abled employees as well as they would in the supervision of the representative that would assist them systematically to win over their interest. It is worth noting that through this mechanism the "labour dispute" reaches a resolution with the assistance of an organisation or an agency. It can also be manoeuvred by "individual authorisation". When a party asks for a resolution as the other associated party refuse to negotiate or the mechanisms of negotiation broke down due to some reasons or negation failed due to incompetency of an involved party. It has been manoeuvred in such a manner that all the general public alongside the specially-abled people can earn their rights systematically.

Labour dispute resolution through the country in the domain of Vietnam

Each and every individual is equal in front of the court in the domain of Vietnam. The court acts as the core perpetrator that efficiently assists to sustain the efficient implementation of the law. It is essential to note that "labour dispute resolution" can be inculcated through the country when a party associated with the disagreement put forward a petition and the other party involved in the scenario completely ignores it. If the mechanism of negotiation failed due to some reason or if the negotiation was put forward efficiently and one of the parties failed to act accordingly, the court comes to rescue in this domain. People with disabilities can effectively employ this mechanism to effectively claim their rights in the working scenario (TRAN & NGUYEN, 2020).

Additionally, if there is a case of failed conciliation, the parties associated with it can ask for the guidance of the court to mitigate the labour dispute. Moreover, when a party associated with this scenario failed to incorporate the agreed "conciliation", the importance of the court comes to the forefront. On top, in a conciliatory failure to put forward "conciliation" between the provided time limit, the parties associated in a dispute can ask for the guidance of the count to settle the dispute as per "clause 2" of the article.

The provisions, rules and regulations of the law are so well-defined, the specially-abled person can systematically get benefitted from the proper incorporation of the law and resolve the disagreement in the working scenario.

### **Research Methodology**

The Research Methodology plays an important role in determining the potential of a research article. It is crucial to combine themes and methodologies in a systematic, logical, and efficient manner. It has useful methods that aid in achieving the study's goal promptly. When putting together the study, it assists them in gathering primary and secondary data (Research-methodology.net, 2021). It also aids the research team in efficiently combining primary and secondary data to achieve a successful conclusion. Simultaneously, it directs study groups to combine various sophisticated methodologies, facts, statistics, and figures to improve comprehension.

While conducting research, the research methodology efficiently guides research groups to choose the most reliable sources of information. This precise and accurate piece of information assists research

organisations in lawfully presenting their inquiry and methodically completing the investigation (Research-methodology.net, 2021). As a result, to accomplish the study's stated aims and objectives, effective use of relevant techniques and processes will be required. The main purpose of the research is to repeat the most efficient outcome in this industry in a systematic approach. It's important to note that the study's potency was effectively raised while the study's efficiency, validity, and efficacy were all preserved throughout the process.

It's worth mentioning that the researchers in this case employed a secondary qualitative technique to collect data. It allows researchers to access a large amount of data fast. To perform secondary research, the researchers used a variety of periodicals. Additionally, resources from several government websites were assessed. The researchers were able to preserve the article's integrity in this situation by using peer-reviewed publications. It's worth noting that only publications from the last decade are considered for secondary research on this topic. As a result, authenticity has been preserved successfully throughout time. Many web sources are considered to keep this scenario updated. Moreover, the assistance of different government websites was incorporated to grasp the core functioning of the legislation in the domain of Vietnam and it assisted the researchers to a positive note.

## **Results**

### ***Thematic Analysis***

*Theme 1: Vietnam labour laws are supportive of the disabled people*

The Vietnamese labour laws have been observed in many literary sources to be supportive of disabled people. Disabled

people are said to be employed in government undertakings as well as in the Private sectors. This is indicative of the support the disabled people receive from the government as the Vietnamese Government is a Socialist government and has control over the private institutions and their policies as well (Ngo & Tarko, 2018). The Primary research has shown that the number of Disabled people in Vietnam that are employed is far greater than the ones that are unemployed. Also, the Government gives preference to disabled people in certain low-level government jobs.

*Theme 2: Vietnam is obligated to follow labour laws as they are signatories to the UN conventions*

One of the more frequent observations made from the works of the previous researchers and their work is that Vietnam as much as the other signatory nations are one of the signatories to the ILO as well as the other UN labour conventions that ensure the safety and security of the people with disabilities (Banks et al. 2019). This is one true fact as the Vietnamese government makes constant efforts to make the position of the disabled people better as a part of their domestic policy.

*Theme 3: The disabled people in Vietnam are mostly employed in the production sector than the services sector.*

In the secondary research, another recurring observation made is that of the work classification that employs the maximum number of disabled people. This suggests that the production sector in Vietnam caters to disabled people more than the Services sector. A part of the reason behind this is the rapid growth of the production sector in Vietnam that gets government support more. Since the Vietnamese

government has adopted the policies to make the Vietnamese economy a production-based economy, the employment of as many individuals that have functional bodies has increased leading to many otherwise disabled people being absorbed into the workforce.

*Theme 4: Vietnamese social security is constantly improving*

The Vietnam government is ensuring that their social security is improving by the day as they keep making adjustments to the government policies that make the people more secure in their daily lives (Tri et al. (2021). It has been a recurring theme in many of the various previous works that a large focus is given to the people with disabilities as a part of the social security policies of the government. This is the reason behind the various improvements of the Vietnamese political and social as well as the economic security.

*Theme 5: The article "conventions of rights for the person with disabilities" have revolutionised the life of especially-abled people*

Many articles have been enacted to ensure that the values of impaired employee retention and non-discrimination are adhered to. Article 5 addresses the reality of equality and non-discrimination for all personnel working in an organisation. Article 6 is all about the equality of impaired women and the disability factor's comprehension. Article 8 for example, creates public awareness about the need for non-discrimination against handicapped personnel and ensures that they are not subjected to any form of torture or issues. Article 9 is all about the impaired employees' rights to access their rights and considerations. Article

11 deals with high-risk circumstances and humanitarian crises (Bantekas et al. 2018).

Simultaneously, Equal recognition before the government's laws is one of the extra elements. Article 24 identifies the factors and forces that limit the educational prospects of disabled workers. Article 25 states that the safety of handicapped personnel must be maintained, that disabled people's health must be safeguarded, and that all applicable rules and regulations must be observed. Article 26 deals with the concept of habilitation and rehabilitation of disabled people. Articles 27 and 28 deals with labour and employment, article 31 with status and data collection, and article 32 with social projection and the fact of a suitable lifestyle norm (Szmukler, 2017).

Additionally, articles 33-39 systematically administer and scrutinise the norms of "National human rights institution" (Article 33) and "Article 34-39" effectively administer associations and committees for the rights of the especially-abled person. Article 40-50 effectively comments on the "agreement", "new treaty", assimilation with the "regional incorporation organisation" and at the same time, it comments on amendments of the provisions and conventions as well. "Article 49" ensures that "provisions" can be obtainable in an efficient format. Whereas, "Article 50" put forward illumination regarding the authenticity of the texts of various other countries such as "Arabic, English, Spanish, Chinese and many other texts (un.org, 2021).

*Theme 6: Vietnam has also put into effect their own variation of "law on the person with disabilities".*

It is essential to mention in this particular scenario that the “law on the person with disabilities” has been amended with the resolution number “51/2001/QH10”. The main of the law is to make the lives of specially-abled easy while providing them with all the necessary prerequisites to effectively sustain them in the modern scenario.

**Table 1.** Vietnamese law on “Person with disabilities”

(Source: ilo.org, 2021)

Articles	Demarcation
“Article 1”	“Scope of regulation”
“Article 2”	“Interpretation of the regulations”
“Article 3”	“Degrees of disability”
“Article 4”	“Rights and obligations with individuals that are specially-abled”
“Article 5”	“State policies towards specially-abled person”
“Article 6”	“Socialisation of specially-abled people”
“Article 7”	“Responsibilities of organisations”
“Article 8”	“Responsibilities of daily”
“Article 9”	“Organisations of the person with disabilities” and “organisations for persons with disabilities”
“Article 10”	“Funds for specially-abled people”
“Article 11”	“Celebration of Vietnamese day of specially-abled individual”
“Article 12”	“International cooperation”
“Article 13”	“Communication, education and information”

*Theme 7: The individual labour disagreement must be solved through conciliation with the assistance of a “labour conciliator”.*

It is essential to mention in this particular scenario that the individual labour dispute must be solved through the conciliation method in the domain of Vietnam. Moreover, the role of “labour conciliatory” can be overlooked in this domain. However, there are certain exceptions in this context. In some contexts, it is essential to incorporate reconciliation techniques to resolve the core issue. Some of the cases will be discussed below to get a comprehensive outlook on this particular context so that the general public, as well as the specially-abled employees, can systematically mitigate the labour dispute (Tran, 2018).

When a disagreement occurred out of measures of expulsion for the “contract breach” on the part of the employee or a disagreement born out of “unilateral termination” of an employment contract, it can be solved through a conciliation mechanism. It must be solved with the efficient assistance of the court. Moreover, a disagreement born out of allowance associated with the termination of an employment contract, cannot be manoeuvred through the reconciliation mechanism as well. It is essential to note in this domain a dispute between an employer and a “domestic servant” can be solved through this method. Moreover, disputes born out of “social or health insurance” cannot be inculcated through this technique. Moreover, a dispute may occur in this particular scenario regarding the disagreement associated with “loss or damage” between a hierarchy of the organisation and an employee to dispatch the employee to go abroad for the job under a unilateral

term. This kind of disagreement cannot be solved by reconciliation as well.

It is essential in this domain that the “employee conciliator” have to disband the conciliation between 5 days from the date of the “conciliation request”. It is also essential to note that two parties who are involved in the disagreement must attend the conciliation sessions. Both the parties can choose representatives to represent them in this period who would negotiate on behalf of them. A conciliatory is the person that assists the parties to efficiently negotiate to reach an agreement and he is also the responsible person to formulate the “minutes of agreement”. An interesting scenario can also be put forward in this scenario that if the associated parties failed to formulate an agreement, the “labour conciliator” tends to put forward a “settlement proposal” and if the agreement is reached he efficiently formulates the “minutes of successful agreement” (TRAN & NGUYEN, 2020).

Therefore, it can be efficiently seen that conciliator plays a major role in effectively mitigating the individual labour dispute in the domain of Vietnam. The specially-abled can systematically get benefitted due to the structure of rules and regulations associated with it. Moreover, they systematically appoint a representative who can speak on behalf of them and defend his right. At the same time, a conciliatory also aims to put forward a term so that the interest of both parties can be preserved.

### **Discussion**

The discussion of the thematic assessment shows clearly that the government policies firstly have improved the condition of disabled people by a large margin. The adoption

of policies that promote production and more importantly, labour-intensive production has benefitted disabled people more. Also, it was noted that the international laws have played a great part in making the government take action and adopt policies that are specifically in favour of disabled people and their employment. For example, the employment of disabled people in government undertakings and government activities.

The other thing is that the Vietnamese social securities are improving and the government hence is indirectly and domestically ensuring that the social securities of the disabled people are high and they benefit from the government aid and protection that makes their lives more secure and enable them to be more productive. Apart from that, the labour laws have been noted to be more supportive of people with disabilities as well. The Vietnamese government is a socialist government in nature, they are also without the aid and guidance of the International labour conventions more proactive towards labour laws and worker rights that also, directly and indirectly, benefit the people with disabilities.

It is essential to mention in this particular scenario that there are eight guiding principles for persons with disabilities. UN association effectively believes they are the "heart and soul of this provision". They are -

Respect for the intrinsic specially-abled person

Individual autonomy for formulating own decisions and choices

Accessibility

Gender equality

Preserving the identity of the specially-abled person

### Non-discrimination

Comprehending all the patterns of disabilities of the people

Equal opportunity in the working and realistic setup (un.org, 2021).

Therefore, all the developing countries must follow these norms while integrating the programmes for specially-abled people.

### Conclusion

Even though different provisions of international labour organisation and different legislation of Vietnam government has systematically helped the specially-abled employees in the workplace scenario, the legislation associated with labour disagreement or dispute also helped the specially-abled employee to get their proper right in the working scenario and it has systematically empowered them while provisioning them with stability. The structure system to mitigate labour dispute is the key reason the working condition of Vietnam is improving systematically and it is a great step to reach the international standard. "Article 27" of the "Convention on the rights of persons with disabilities" has

### References

- [1] Anianews.it (2022) *More than 6 million people in Vietnam are disabled*. Retrieved on: 17<sup>th</sup> February 2022. From: <https://www.asianews.it/news-en/More-than-6-million-Vietnamese-are-disabled-45952.html>
- [2] Appelbaum, P. S. (2019). Saving the UN Convention on the Rights of Persons with Disabilities—from itself. *World Psychiatry*, 18(1), 1. doi: 10.1002/wps.20583
- [3] Banks, L. M., Walsham, M., Minh, H. V., Duong, D. T. T., Ngan, T. T., Mai, V. Q., ... & Kuper, H. (2019). Access to social protection among people with disabilities: Evidence from Viet Nam. *International Social Security Review*, 72(1), 59-82.

systematically revolutionised the stigma associated with specially-abled persons. The article systematically compels the state party to preserve the "right to work" provisions even for specially-abled persons. Moreover, the authority of the article enables it to safeguard the specially-abled labour with "favourable condition of work", "equal pay for work of equal value", "protection from harassment" and many other elements. All the countries including Vietnam are putting forward their own interpretation of the law associated with disabled people. Vietnam has systematically progressed for manoeuvring its place for safeguarding the specially-abled labour and the acceptance of CRPD is a core part of this journey. However, it is essential to note that there is so much more room for improvement to match the international standard in this domain.

### Acknowledgments

This research is funded by Binh Duong University, Vietnam under the Decision number 14/QĐ-ĐHBD issued on January 07th, 2021.

- [4] Banks, L. M., Walsham, M., Minh, H. V., Duong, D. T. T., Ngan, T. T., Mai, V. Q., ... & Kuper, H. (2019). Access to social protection among people with disabilities: Evidence from Viet Nam. *International Social Security Review*, 72(1), 59-82. <https://doi.org/10.1111/issr.12195>
- [5] Bantekas, I., Stein, M. A., & Anastasiou, D. (Eds.). (2018). *The convention on the rights of persons with disabilities: a commentary*. Oxford Commentaries on Interna. [https://books.google.com/books?hl=en&lr=&id=\\_s90DwAAQBAJ&oi=fnd&pg=PP1&dq=Convention+on+the+Rights+of+Persons+with+Disabilities&ots=1q8FV5Ht78&sig=zWHm6G5CpSDjOaMYSQ-fXXF8NAo](https://books.google.com/books?hl=en&lr=&id=_s90DwAAQBAJ&oi=fnd&pg=PP1&dq=Convention+on+the+Rights+of+Persons+with+Disabilities&ots=1q8FV5Ht78&sig=zWHm6G5CpSDjOaMYSQ-fXXF8NAo)

- [6] Bogenschutz, M., Im, H., Liang, A., & Quyhn Luong, L. T. (2021). Vietnam and Disability Rights: Perspectives at the Time of Ratification of the UN Convention on the Rights of Persons with Disabilities. *International Journal of Disability, Development and Education*, 68(5), 717-733. <https://doi.org/10.1080/1034912X.2020.1716958>
- [7] Brégain, G. (2020). The ILO and the shift towards economic liberalization in the international professional rehabilitation policy of people with disabilities after World War II. [https://heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/udclr23&section=10](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/udclr23&section=10)
- [8] Della Fina, V., Cera, R., & Palmisano, G. (Eds.). (2017). *The United Nations convention on the rights of persons with disabilities: A commentary* (pp. 607-635). Cham, Switzerland: Springer. <https://link.springer.com/book/10.1007/978-3-319-43790-3>
- [9] Doan, T., Tran, T. Q., & Nguyen, H. (2018). Provincial Competitiveness and Labour Market Returns in Vietnam. *Hitotsubashi Journal of Economics*, 95-112. <https://www.jstor.org/stable/44866223>
- [10] [globaldisabilityrightsnow.org](http://globaldisabilityrightsnow.org), (2021). Retrieved on 25th December, 2021 from <https://www.globaldisabilityrightsnow.org/infographics/disability-vietnam>
- [11] [ilo.org](http://ilo.org), (2021). *Moving towards disability inclusion*. Retrieved on 25<sup>th</sup> December, 2021 from: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---ifp\\_skills/documents/publication/wcms\\_161534.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_161534.pdf)
- [12] Koehler, G. (2021). Effects of social protection on social inclusion, social cohesion and nation building. In *Handbook on social protection systems*. Edward Elgar Publishing. <https://doi.org/10.4337/9781839109119.00079>
- [13] Mark, B. G., Hofmayer, S., Rauch, E., & Matt, D. T. (2019). Inclusion of workers with disabilities in production 4.0: Legal foundations in Europe and potentials through worker assistance systems. *Sustainability*, 11(21), 5978. doi:10.3390/su11215978
- [14] Navasartian, A. (2020). EU-Vietnam Free Trade Agreement: Insights on the Substantial and Procedural Guarantees for Labour Protection in Vietnam. *European Papers-A Journal on Law and Integration*, 2020(1), 561-571. [https://heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/sdintl19&section=7](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/sdintl19&section=7)
- [15] Ngo, C., & Tarko, V. (2018). Economic development in a rent-seeking society: socialism, state capitalism and crony capitalism in Vietnam. *Canadian Journal of Development Studies/Revue canadienne d'études du développement*, 39(4), 481-499. <https://doi.org/10.1080/02255189.2018.1467831>
- [16] Nguyen, D. Q. (2018). The impact of intellectual capital and knowledge flows on incremental and radical innovation: Empirical findings from a transition economy of Vietnam. *Asia-Pacific Journal of Business Administration*. <https://doi.org/10.1108/APJBA-03-2018-0044>
- [17] Nguyen, L. H., & Hoang, A. T. D. (2017). Willingness to pay for social health insurance in central Vietnam. *Frontiers in public health*, 5, 89. <https://doi.org/10.3389/fpubh.2017.00089>
- [18] Nguyen, T. P. (2017). Workplace (in) justice, law and labour resistance in Vietnam. DOI: <https://doi.org/10.15173/glj.v12i2.4442>
- [19] [Research-methodology.net](http://Research-methodology.net), (2021). Research philosophy. Retrieved on

- 25th December, 2021 from: <https://research-methodology.net/research-methods>
- [20] Research-methodology.net, (2021). Research Approach. Retrieved on 25th December, 2021 from: <https://research-methodology.net/research-methodology/research-approach>
- [21] Research-methodology.net, (2021). Research Methods. Retrieved on 25th December, 2021 from : <https://research-methodology.net/research-methods/>
- [22] Szmukler, G. (2017). The UN Convention on the Rights of Persons with Disabilities: ‘Rights, will and preferences’ in relation to mental health disabilities. *International journal of law and psychiatry*, 54, 90-97. <https://doi.org/10.1016/j.ijlp.2017.06.003>
- [23] Szmukler, G. (2019). “Capacity”, “best interests”, “will and preferences” and the UN Convention on the Rights of Persons with Disabilities. *World Psychiatry*, 18(1), 34-41. <https://doi.org/10.1002/wps.20584>
- [24] TRAN, T. Q., & NGUYEN, H. (2018). PROVINCIAL COMPETITIVENESS AND LABOUR MARKET RETURNS IN VIETNAM TINH DOAN. *Hitotsubashi Journal of Economics*, 59, 95-112. <https://core.ac.uk/download/pdf/250152482.pdf>
- [25] Tran, T. T. K. (2017). Collective Bargaining and Collective Agreements in Vietnam: From Legislation to Practice. *Japan Labor Issues*, 6(67), 58. <https://www.jil.go.jp/english/jli/documents/2017/003-00.pdf#page=60>
- [26] Tri, N. M., Hau, D. T., & Duyen, N. T. T. (2021). The role of social security in social progress in Vietnam. *Linguistics and Culture Review*, 5(S1), 11-27. <https://doi.org/10.37028/lingcure.v5nS1.1311>
- [27] un.org, (2021). *Convention on the Rights of Persons with Disabilities (CRPD)* . Retrieved on 25<sup>th</sup> December, 2021 from: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>
- [28] un.org, (2021). Homepage. Retrieved on 25<sup>th</sup> December, 2021 from: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>
- [29] Vietnamnews.vn (2022) *People with disabilities need beter access to education*. Retrieved on: 17<sup>th</sup> February 2022. From: <https://vietnamnews.vn/society/653225/disabled-people-need-better-access-to-education-experts.html>
- [30] Vornholt, K., Villotti, P., Muschalla, B., Bauer, J., Colella, A., Zijlstra, F., ... & Corbière, M. (2018). Disability and employment—overview and highlights. *European journal of work and organizational psychology*, 27(1), 40-55. <https://doi.org/10.1080/1359432X.2017.1387536>
- [31] Vornholt, K., Villotti, P., Muschalla, B., Bauer, J., Colella, A., Zijlstra, F., ... & Corbière, M. (2018). Disability and employment—overview and highlights. *European journal of work and organizational psychology*, 27(1), 40-55. <https://doi.org/10.1080/1359432X.2017.1387536>.

The requirements from the international conventions for protecting an employee with a disability in the individual labour dispute

## Appendices

### Appendix 1



(Source: vietnamnews.vn, 2022)

**Figure 1.** People with Disabilities in Vietnam being trained by government-funded institutions

### Appendix 2



(Source: asianews.it, 2022)

**Figure 2.** Employment exchange centers in Vietnam helping people with disabilities to get employed.

Ngày nhận bài: 18/3/2022

Ngày hoàn thành sửa bài: 20/6/2022

Ngày chấp nhận đăng: 23/6/2022