

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**IMPROVING THE LEGAL FRAMEWORK FOR THE
RIGHT TO ESTABLISH LABOR ORGANIZATIONS
IN ENTERPRISES IN VIETNAM**

SUMMARY OF THE DOCTORAL THESIS

MAJOR: HUMAN RIGHTS LAW

Code: Pilot

HANOI - 2025

**The dissertation is conducted at
Ho Chi Minh National Academy of Politics**

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**The thesis will be defended in front of the Thesis Committee at
Academy level, at the Ho Chi Minh National Academy of Politics**

At 2:30 p.m. on September 15, 2025

**The thesis can be found at the National Library and
the Library of Ho Chi Minh National Academy of Politics**

INTRODUCTION

1. Rationale for the Topic

In the context of deep international economic integration, particularly when Viet Nam participates in new-generation free trade agreements such as the CPTPP and the EVFTA, the requirement to improve the legal framework governing the right of workers to establish their own organizations at enterprises has become increasingly urgent. International commitments oblige Viet Nam to ensure the substantive guarantee of the right to freedom of association, collective bargaining and protection against all forms of discrimination. Meanwhile, the domestic legal system despite significant progress reflected in the Labour Code 2019 and the Trade Union Law 2024 still contains gaps: the mechanisms for establishing, recognizing, protecting and supervising the activities of workers' representative organizations remain incomplete. This calls for a comprehensive academic and practical study to formulate coherent legal solutions that meet integration requirements and support sustainable development.

2. Research Objectives and Tasks

The dissertation aims to construct a theoretical and practical foundation to propose solutions for improving the legal framework on the right of workers to establish organizations at enterprises in Viet Nam. To achieve this objective, the dissertation focuses on: (1) clarifying the theoretical basis, legal nature and characteristics of the right to establish workers' organizations; (2) analysing and assessing the completeness of the current Vietnamese legal framework; (3) comparing and referencing international standards and selected national experiences; (4) proposing

viewpoints, orientations and a system of legal solutions to ensure the substantive realization of this right in enterprises.

3. Research Subjects and Scope

The research subjects include the Vietnamese legal framework governing the establishment of workers' organizations at enterprises, enforcement institutions, and mechanisms for protecting this right, together with international standards (ILO, ICCPR) and experiences of CPTPP member countries.

The research scope is confined to labour relations within enterprises of all economic sectors, focusing on the period since the Labour Code 2019 took effect.

4. Theoretical Foundation and Research Methods

This dissertation is grounded in Marxism-Leninism, Ho Chi Minh's thought on human beings and human rights and the views of the Communist Party of Viet Nam on developing the socialist rule-of-law State. Relevant modern theories applied include human rights theory (James Nickel), labour-relations governance theory (Kochan; Deery & Mitchell) and theories of social justice (Rawls). Methods include analytical synthetic, comparative law, historical - logical, normative analysis combined with empirical investigation and a human-rights-based approach.

5. Scientific Contributions of the Dissertation

The dissertation offers a systematic and scientific approach to the right of workers to establish their organizations, contributing to the theoretical framework on this right in the current context. The main contributions include: Developing a set of criteria for assessing the

completeness of the legal system on the right to establish workers' organizations; Identifying gaps and shortcomings in the current Vietnamese legal framework; Proposing feasible and coherent solutions regarding legal norms, institutions and enforcement mechanisms; Providing scientific justification to support the domestic implementation of international commitments on freedom of association and collective bargaining.

6. Structure of the Dissertation

Apart from the Introduction, Conclusion, References and Appendices, the dissertation consists of four chapters:

Chapter 1: Overview of research works related to the topic and issues requiring further study

Chapter 2: Theoretical foundations for improving the law on the right of workers to establish organizations at enterprises

Chapter 3: Current status of the legal framework governing the right of workers to establish organizations at enterprises in Viet Nam

Chapter 4: Viewpoints and solutions for improving the legal framework on the right of workers to establish organizations at enterprises in Viet Nam.

CHAPTER 1

OVERVIEW OF RESEARCH ON THE TOPIC AND OUTSTANDING ISSUES FOR FURTHER STUDY

1.1. EXISTING RESEARCH ON THE DISSERTATION TOPIC

1.1.1. Domestic Studies

Domestic studies on trade-union rights, freedom of association, and labour-law reform have formed an important theoretical foundation for this research.

First, studies on the theoretical and legal basis of trade-union rights and workers' representative organizations such as the Labour Law Textbook (Ho Chi Minh City University of Law, 2023) commentaries on the Labour Code 2019, and works by Nguyen Huu Chi, Nguyen Huu Dung, Tran Van Bien analyse the role, functions and operational mechanisms of workers' representative organizations and initially address the possibility of establishing independent organizations outside the traditional trade-union system.

Second, research on freedom of association in the context of global integration by authors such as Nguyen Thi Lan Huong, Tran Thi Thuy Lam, and Dao Lan Huong clarifies Viet Nam's obligations under ILO Conventions No. 87 and 98 and under the CPTPP and EVFTA and identifies disparities between Vietnamese law and international standards, particularly regarding establishment, recognition and protection mechanisms.

Third, research by institutions such as the Institute of Labour and Social Sciences and the Ho Chi Minh National Academy of Politics focuses on improving labour law based on a human-rights approach.

1.1.2. Foreign Studies

International studies, particularly those of the ILO (Freedom of Association: Digest of Decisions and Principles; ILO Guide on Trade Union Rights and Freedoms) and the works of Harry Arthurs, Sandra Fredman, Paul Davies, and Catherine Barnard, elaborate on core principles of freedom of association, worker protection and recognition of representative organizations.

Research by the OECD, EU and World Bank outlines the global trend toward diverse forms of representation. Experiences of Japan, Singapore, Canada and Australia offer varied approaches to registration, recognition, and independent operation of workers' organizations, providing valuable insights for Viet Nam.

1.1.3. Overview Assessment

While domestic and international research establishes a foundation for this study, significant gaps remain: no research treats the right to establish workers' organizations as an independent human right; no coherent theoretical model or criteria for legal-system assessment; no comprehensive solutions linked to commitments under the CPTPP and EVFTA; limited empirical studies, especially in FDI enterprises.

Thus, an in-depth, systematic, human-rights-based study is required.

1.2. EXISTING RESULTS AND ISSUES REQUIRING FURTHER STUDY

1.2.1. Existing Research Results

Previous studies have achieved: building the theoretical foundation of freedom of association and worker representation; analysing the Vietnamese legal framework, highlighting progress in the Labour Code 2019 and Trade Union Law 2024; identifying the direction for harmonizing domestic law with ILO Conventions No. 87 and 98 and with CPTPP/EVFTA commitments.

1.2.2. Issues Requiring Further Study

Key gaps include: lack of a unified definition and legal content of “workers’ organizations at enterprises”; absence of scientific criteria for evaluating the completeness of the legal system; unclear legal relationship between workers’ organizations, the trade union, collective bargaining, and dispute-settlement mechanisms; limited empirical analysis, especially in FDI enterprises.

1.3. RESEARCH HYPOTHESIS AND QUESTIONS

1.3.1. Research Hypothesis

The dissertation assumes that although Viet Nam’s legal framework governing the right to establish workers’ organizations has improved, it remains incomplete, lacking effective guarantees of independence and protection and has not fully aligned with international standards, especially ILO Conventions No. 87 and 98.

1.3.2. Research Questions

The dissertation seeks to answer:

What are the legal components of the right to establish workers’ organizations?

To what extent is the Vietnamese legal system complete compared to international standards?

What practical difficulties arise in enterprises?

What factors influence the improvement of this legal framework?

What viewpoints and solutions can ensure harmonization between national conditions and integration requirements?

Conclusion of chapter 1

Chapter 1 reviews and synthesizes major domestic and international studies on the right of workers to establish organizations, thereby

identifying both the existing theoretical foundations and the limitations of prior research. Although previous works have contributed valuable insights into freedom of association, labour representation and Viet Nam's obligations under international labour standards, they remain fragmented and do not approach this right as an independent human right. There is still no unified concept of workers' organizations at enterprises, no coherent set of criteria for assessing legal completeness and a clear lack of empirical studies especially in the FDI sector.

From these gaps, Chapter 1 affirms the necessity of a comprehensive, systematic, and human-rights-based study. It defines the key issues to be addressed in subsequent chapters: clarifying theoretical foundations (Chapter 2), assessing the current legal framework (Chapter 3) and proposing viewpoints and solutions for improvement (Chapter 4). This provides a solid analytical foundation for the entire dissertation.

CHAPTER 2

THEORETICAL FOUNDATIONS FOR IMPROVING THE LEGAL FRAMEWORK ON THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS IN ENTERPRISES

2.1. THEORETICAL FOUNDATIONS OF THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS AT ENTERPRISES

2.1.1. Definition and Characteristics of Workers' Organizations at Enterprises

A workers' organization at an enterprise is a voluntary and structured association established to represent and protect the lawful rights and interests of workers. It is a special type of social institution, non-profit in nature, autonomous and independent from the employer, operating on the basis of law and its own charter.

Such an organization performs representative functions, participates in workplace dialogue and collective bargaining, contributes to promoting grassroots democracy, enhancing workers' welfare and reducing labour conflicts. Its key characteristics include: Being formed on principles of voluntariness and self-governance; Operating legally with juridical personality; Enjoying legal protection and the right to participate in dialogue and collective bargaining; Serving as an essential component in building harmonious and progressive labour relations compatible with the requirements of a modern rule-of-law state and international integration.

2.1.2. Definition, Characteristics, and Content of the Right of Workers to Establish Organizations at Enterprises

Definition of the Right of Workers to Establish Organizations at Enterprises

The right of workers to establish organizations is a fundamental human right enabling workers to freely found, join and operate their representative organizations in the workplace without prior approval, based on principles of voluntariness, equality, and non-interference. This right manifests at three levels: (1) the individual right to freedom of association; (2) the collective right to establish and govern an independent organization; (3) the institutional right to legal recognition, protection, and support.

These elements constitute the foundational standard for evaluating legislation and developing reform solutions.

Characteristics of the Right of Workers to Establish Organizations at Enterprises

This right possesses five core legal characteristics:

Dual individual collective nature: It is an individual right implemented collectively;

Independence: Organizations must be self-governing and free from administrative or political interference;

Protection against interference and discrimination: Guaranteed under international and domestic law;

Institution-building nature: Allows for the emergence of multiple representative organizations, fostering representational diversity;

Post-registration legal recognition: Organizations operate under a registration or notification regime rather than a licensing regime.

Clarifying these characteristics helps shape an effective legal system that protects the right in line with international standards.

Content of the Right of Workers to Establish Organizations at Enterprises

The content of the right comprises a set of legal entitlements enabling workers to found, organize, and operate an independent representative institution at the workplace, aligned with the State's obligation to respect, protect, and fulfil human rights. These include five core groups of rights: The right to freely establish an organization without administrative permission; The right to develop and adopt its charter, structure, and operational objectives autonomously; Protection against interference and obstruction; The right to legal recognition, protection, and lawful representational status; Freedom of affiliation, including the right to join or not join higher-level federations.

These rights serve as benchmarks for assessing the level of legal completeness and the democratic nature of modern labour relations.

Subjects of the Right

Subjects entitled to this right include:

- (1) individual workers regardless of gender, contract type, or employment status as broadly recognized under ILO Convention No. 87;
- (2) groups of workers jointly initiating the creation of a representative organization. Overly restrictive thresholds or limits on founding entities may violate international freedom-of-association norms.

2.1.3. Definition, Characteristics, and Content of the Law Governing the Right of Workers to Establish Organizations at Enterprises

Definition

The law governing this right is the system of legal norms regulating the formation and operation of workers' representative organizations, designed to ensure the substantive realization of freedom of association in modern labour relations. It encompasses four core elements: Recognition of the right as inherent and not subject to prior administrative approval; Establishment of transparent, fair, and non-discriminatory procedures; Regulation of legitimate limitations under the principles of necessity and proportionality; Establishment of effective enforcement and protection mechanisms against obstruction, discrimination, or retaliation.

Characteristics of the Legal Framework

This body of law is a central component of modern labour legislation, connecting human-rights protection with the functioning of a socialist-oriented market economy. It features: A worker-centred approach; Transparent and non-bureaucratic procedures; Protection of worker-initiators from retaliation at all stages, even at the ideation phase;

An empowering rather than controlling nature; Flexibility and diversity in organizational models, compatible with market conditions; Recognition of representational pluralism and independent oversight mechanisms.

Content of the Legal Framework

The law comprises four primary groups of norms:

Subjects and Conditions: Identifying workers as the central subjects, setting reasonable minimum-membership thresholds, protecting workers from retaliation, and defining lawful limitations consistent with Article 22(2) of the ICCPR.

Procedures: Establishing simple procedures for notification or registration, specifying application dossiers, deadlines, and rules on mergers, divisions, and dissolution based on voluntariness.

Guarantees for Exercising Rights: Ensuring independent operation, participation in dialogue and collective bargaining, engagement in lawful collective actions, access to enterprises, and access to dispute-resolution mechanisms.

State Responsibilities: The State must respect, protect, and fulfil the right by providing complaint mechanisms, free legal protection, and supporting roles for trade unions, NGOs, and international organizations.

2.2. DEFINITION AND CRITERIA FOR ASSESSING THE COMPLETENESS OF THE LEGAL FRAMEWORK GOVERNING THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS

2.2.1. Basis for Developing Criteria

The criteria are developed based on: (i) international standards on freedom of association; (ii) principles of the socialist rule-of-law State; (iii) requirements of international integration and sustainable development.

2.2.2. Specific Criteria

Compatibility with international standards: alignment with ILO Conventions No. 87, 98, 100, 111 and other treaties ratified by Viet Nam;

Clarity and completeness of legal norms: comprehensive coverage of all components of the right, avoiding overlap or inconsistency;

Effectiveness of protection mechanisms: specific rules against discrimination, retaliation and ensuring fast and effective grievance procedures;

Feasibility and enforceability: transparency, accessibility and practicability in enterprises;

Systemic coherence and stability: consistency across labour, trade-union, enterprise and procedural laws;

Empirical effectiveness: reflected in the number, capacity and performance of workers' representative organizations established.

2.3. FACTORS INFLUENCING THE IMPROVEMENT OF THE LAW ON THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS AT ENTERPRISES

2.3.1. Political and Legal Factors

Party policies on developing the socialist rule-of-law State and safeguarding human rights especially Resolution No. 57-NQ/TW (2024) and Resolution No. 66-NQ/TW (2025) provide orientation for improving the legal framework governing workers' rights.

2.3.2. Socio-Economic Factors

Economic restructuring, equitization, and the expansion of the FDI and private sectors require adjustments in labour legislation to fit multi-ownership and multicultural enterprises.

2.3.3. International Integration Factors

Commitments under the CPTPP, EVFTA, and RCEP require Viet Nam to ensure freedom of association and collective bargaining, and strengthen protection against discrimination and retaliation.

2.3.4. Law-Enforcement Factors

The effectiveness of legal reforms depends on enforcement capacity labour inspectorates, courts, trade unions and workers' organizations and on the legal awareness of workers and employers.

2.4. INTERNATIONAL LAW AND SELECTED NATIONAL LEGAL SYSTEMS ON THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS, AND THEIR IMPLICATIONS FOR VIET NAM

2.4.1. Japanese Experience

Japan applies a liberal registration regime and grants legal personality to workers' organizations, while maintaining specialized labour conciliation and arbitration mechanisms ensuring both flexibility and legal order.

2.4.2. Singaporean Experience

Singapore requires registration but uses simple procedures; organizations may bargain collectively when meeting minimum representativeness thresholds. This model ensures transparency and effective state supervision.

2.4.3. Canadian and Australian Experience

Both countries allow multiple representative organizations to coexist, competing in capacity and credibility, and provide stringent legal protections against discrimination.

2.4.4. Implications for Viet Nam

Viet Nam can draw on three major lessons:

- (i) simplifying procedures for establishing and registering workers' organizations;
- (ii) strengthening legal protections for worker-initiators and members;
- (iii) ensuring state oversight without excessive administrative interference, consistent with socialist orientations.

Conclusion of chapter 2

Chapter 2 establishes a comprehensive theoretical foundation for improving the law governing the right of workers to establish organizations at enterprises. The core arguments include: this right is a fundamental human right that must be fully reflected in national law; legal completeness must be assessed through criteria of international compatibility, normative clarity, protection mechanisms, feasibility, and practical effectiveness; legal reforms are shaped by political-legal, socio-economic, international and enforcement factors; international experience demonstrates the central importance of independence, transparency and strong protection mechanisms.

These foundations directly underpin the analysis of Viet Nam's legal framework in Chapter 3 and the development of reform solutions in Chapter 4.

CHAPTER 3

CURRENT STATUS OF LEGAL REFORM ON THE RIGHT TO ESTABLISH WORKERS' ORGANIZATIONS IN ENTERPRISES IN VIETNAM

3.1. ACHIEVEMENTS

In recent years, particularly since the entry into force of the Labour Code 2019, Viet Nam has made significant progress in recognizing and safeguarding the right of workers to establish organizations at enterprises. For the first time, the Labour Code introduced the concept of “workers’ representative organizations at the grassroots level” (Articles 170 and 174), allowing workers in enterprises to voluntarily form and join their own organizations. This marks a transition from a “single trade-union model” to a “multi-representational framework”.

The Trade Union Law 2024 further operationalizes this orientation by expanding the representative scope of workers and creating a legal corridor for independent workers’ representative organizations to operate lawfully. Alongside this, the Government has issued multiple decrees guiding collective bargaining, workplace dialogue, and mechanisms to protect workers exercising freedom of association.

Overall, the legal system has gradually aligned with international standards, including ILO Convention No. 98 (ratified in 2019) and in preparation for Convention No. 87. The right to freely form workers’ organizations is situated within the framework of the 2013 Constitution and subsequent legal instruments, demonstrating the State’s commitment to human rights in the labour sphere.

Furthermore, legal provisions on mechanisms for protecting workers' rights have become increasingly explicit. Employers are prohibited from obstructing, retaliating against, or discriminating against workers who participate in or establish representative organizations. Violations may be subject to administrative or criminal penalties. The labour inspectorate system and dispute-resolution institutions have been strengthened, contributing to a more transparent legal environment in enterprises.

These achievements confirm the State's correct orientation in implementing international commitments, expanding democratic space within enterprises, and gradually forming a diverse, dynamic, and substantively protective system of workers' representative institutions.

3.2. LIMITATIONS AND CAUSES OF LIMITATIONS

Despite notable progress, the current legal framework governing the right of workers to establish organizations still faces several limitations.

First, the legal framework for procedures on establishing and recognizing workers' representative organizations remains insufficient. Criteria, conditions for establishment, and registration mechanisms still exhibit administrative features and do not fully reflect the spirit of freedom of association under ILO Convention No. 87.

Second, the legal status of workers' representative organizations remains unclear. The determination of legal personality, contractual authority, and standing in judicial proceedings is not uniformly regulated, creating challenges for actual operations.

Third, the relationship between workers' representative organizations and trade unions lacks a clear coordination mechanism, resulting in potential overlap in functions and conflicts over

representational authority. In many enterprises, the trade union remains the sole recognized representative, preventing new organizations from developing sufficiently.

Fourth, protections for workers who initiate the establishment of representative organizations remain inadequate. Evidence shows cases in which workers face pressure, threats, or job reassignment after expressing intentions to form such an organization. Enforcement measures are often untimely and insufficiently deterrent.

Fifth, support policies and operational guidance for new organizations remain inconsistent. There are no specific training programmes, capacity-building mechanisms, or financial-support frameworks for independent workers' organizations. Consequently, many organizations struggle to maintain stable operations after establishment.

Causes of the limitations stem from both legislative and enforcement aspects.

On the **legislative side**, rapid legal reforms driven by integration have resulted in frameworks that remain general, lacking detailed guidance.

On the **enforcement side**, the capacity of regulatory agencies-especially labour inspectorates-is limited; monitoring compliance with the right to establish workers' organizations is not conducted regularly.

Additionally, workers' awareness of this right remains low; many workers remain hesitant to join representative organizations. Meanwhile, a segment of employers is reluctant to accept representational pluralism due to concerns about impacts on management prerogatives.

Conclusion of chapter 3

The current status of Viet Nam's legal framework on the right of workers to establish organizations at enterprises demonstrates important achievements reflecting the State's orientation toward integration and institutional reform. However, substantial gaps remain in regulatory content, protection mechanisms, and enforcement capacity.

To ensure that the right to establish workers' organizations becomes a substantive human right in practice, the legal framework must be further improved toward: alignment with international standards; strengthened protection for vulnerable workers; establishment of specialized labour adjudication mechanisms; promotion of workplace dialogue and a culture of compliance.

These assessments form the direct basis for Chapter 4, which develops viewpoints and solutions for improving Viet Nam's legal framework on the right of workers to establish organizations at enterprises in the coming period.

Chapter 4

PERSPECTIVES AND SOLUTIONS FOR IMPROVING THE LEGAL FRAMEWORK ON THE RIGHT TO ESTABLISH WORKERS' ORGANIZATIONS IN ENTERPRISES IN VIETNAM

4.1. VIEWPOINTS ON IMPROVING THE LAW ON THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS AT ENTERPRISES IN VIET NAM

4.1.1. Ensuring the Leadership of the Communist Party of Viet Nam, Consistent with the Orientation of Building the Socialist Rule- of-Law State

Improving the legal framework governing the right of workers to establish organizations must be placed under the comprehensive leadership

of the Communist Party, ensuring consistency between socio-economic development goals and socialist orientations. This viewpoint derives from the Party's orientation set out in the 13th National Party Congress and subsequent resolutions such as Resolution No. 57-NQ/TW (2024) and Resolution No. 66-NQ/TW (2025), which emphasize the development of a modern working class with firm political consciousness, serving as a core force in building harmonious, stable and progressive labour relations.

Accordingly, the right to establish workers' organizations must be concretized in a manner that harmonizes human rights with national interests, ensuring political stability, social order and security within enterprises. All legal reforms in this field must align with the governance mechanism based on the principle: "The Party leads - the State manages - the People exercise ownership."

4.1.2. Ensuring Compatibility with International Standards, Particularly Core ILO Conventions and Commitments Under New-Generation FTAs

Vietnamese legislation must continue to fully incorporate the provisions of ILO Convention No. 87 on freedom of association and Convention No. 98 on collective bargaining, while adapting these commitments to domestic political-legal conditions. The implementation of CPTPP and EVFTA commitments must follow a clear roadmap coordinated across state agencies, trade unions and enterprises.

The objective is to build a legal framework that is internationally compatible yet aligned with Viet Nam's specific characteristics, where human rights always go hand in hand with civic responsibility and social stability.

4.1.3. Ensuring Feasibility, Coherence, and Effectiveness in Law Enforcement

Legal reforms must be closely linked to practical enforceability in enterprises. The system of legal norms must be clear, accessible, and easy to apply, avoiding conflicts or duplication between the Trade Union Law, the Labour Code and other specialized regulations.

At the same time, mechanisms for inspection, supervision, enforcement, and dispute settlement must be transparent and effective, ensuring that any act of obstruction, discrimination, or retaliation against workers seeking to establish representative organizations is handled promptly and rigorously.

Feasibility also depends on the capacity of enforcement institutions; thus, legal reforms must go hand in hand with improving human resources particularly trade union officials, labour inspectors and state managers.

4.1.4. Harmonizing the Interests of Workers, Employers, and the State

The improved legal framework must aim to build cooperative and developmental labour relations rather than adversarial ones. Workers must be ensured freedom of association; employers must retain legitimate management rights; the State must play the role of mediator, safeguarding public interests.

4.2. SOLUTIONS FOR IMPROVING THE LAW ON THE RIGHT OF WORKERS TO ESTABLISH ORGANIZATIONS AT ENTERPRISES IN VIET NAM

4.2.1. Solutions for Improving Legal Regulations

First, amend and supplement the Trade Union Law 2024 and guiding instruments to clarify the legal status of workers' representative organizations, including their juridical personality, authority to sign

collective agreements, standing in judicial proceedings, and competence before state agencies.

Second, simplify procedures for registering and recognizing workers' representative organizations, ensuring voluntariness and reducing administrative burdens. A "notification-based" establishment mechanism may be considered to replace the current authorization-based model, aligning with international practice.

Third, strengthen protection mechanisms for worker-initiators, clearly defining employers' legal responsibilities for retaliatory or coercive actions.

Fourth, develop a multilevel system of workplace dialogue and collective bargaining in which workers' representative organizations may participate alongside trade unions on common matters, avoiding overlap while ensuring representational diversity.

4.2.2. Solutions for Organizing Implementation and Ensuring Law Enforcement

To enhance legal enforceability, it is necessary to:

- Strengthen the capacity of state management bodies especially the labour inspectorate and labour courts to ensure timely and transparent handling of violations of freedom of association;

- Establish independent monitoring mechanisms through which workers' organizations can directly report obstacles to central agencies;

- Intensify legal communication and dissemination, particularly among workers in FDI enterprises, ethnic-minority workers, and short-term contract workers, enabling them to understand their rights and available protection mechanisms;

- Develop sustainable financial mechanisms for workers' representative organizations, permitting membership contributions and international technical assistance while ensuring transparency and compliance with Viet Nam's financial-management regulations.

4.2.3. Solutions on Training, Capacity Building, and International Cooperation

First, develop specialized training programmes for trade union leaders and officials of workers' representative organizations on international labour standards, negotiation and dialogue skills, and labour-dispute resolution.

Second, expand international cooperation with ILO, JICA, GIZ and global labour-rights organizations in technical assistance, training, and knowledge exchange on freedom of association.

Third, encourage scientific research and academic collaboration in the fields of human rights and labour law particularly in universities, research institutes, and the Ho Chi Minh National Academy of Politics to establish a solid theoretical foundation for long-term policy development.

4.2.4. Solutions to Ensure Socio-Economic Conditions and Promote Legal Culture

The realization of the right to establish workers' organizations must be supported by a stable socio-economic environment and a progressive legal culture.

The State should encourage enterprises to adopt corporate social responsibility (CSR) practices, considering respect for freedom of association as a key indicator of sustainable development.

It is also necessary to build a culture of dialogue and legal compliance within enterprises, especially in the FDI sector.

Human rights education in the labour field should be integrated into political-system training programmes, raising social awareness of the right to establish workers' organizations as a hallmark of legal civility.

Conclusion of chapter 4

Improving the legal framework governing the right of workers to establish organizations at enterprises is essential within the broader context of international integration and the construction of a socialist rule-of-law State. Vietnamese labour law must continue to be revised and supplemented to align with international standards while preserving the nation's political-legal orientations.

The proposed solutions comprehensive and feasible aim to develop a coherent, effective, and enforceable legal system that ensures human rights in the labour sphere, strengthens the representational role of workers and contributes to building harmonious, stable and progressive labour relations in Viet Nam today.

CONCLUSION

The dissertation presents a comprehensive and systematic study of the right of workers to establish organizations at enterprises an emerging and significant legal issue in the context of Viet Nam's international integration and the construction of a socialist rule-of-law State.

Grounded in a human-rights-based approach and labour-relations governance theory, the dissertation clarifies the theoretical foundations, evaluates the current legal framework, and proposes solutions for improvement. The research findings reaffirm that the right of workers to establish their own organizations is a concrete manifestation of freedom of association and constitutes a fundamental human right essential to building harmonious, stable and progressive labour relations.

The dissertation develops a set of criteria for assessing the completeness of the legal system, analyses the achievements and limitations of the current Vietnamese legal framework, and proposes viewpoints and feasible groups of solutions: improving legal norms in line with international standards; strengthening protection mechanisms; enhancing enforcement capacity; promoting legal culture within enterprises.

The research results contribute both to the theoretical development of human rights in the labour field and to practical policymaking and law enforcement. They support the long-term objective of sustainable development and deeper international integration in Viet Nam.

LIST OF AUTHOR'S PUBLICATIONS RELATED TO THE DISSERTATION

1. Truong Chanh Duc (2023), "Law on the Right to Establish Labor Organizations in Enterprises - A New Perspective on Trade Union Rights in Socialist Vietnam," *Journal of Law on Human Rights*, ISSN 2615-899X, 5(34), pp. 60-70.
2. Truong Chanh Duc (2024), "Factors Ensuring Legal Reform on the Right to Establish Labor Organizations in Enterprises in Vietnam Today," *Journal of Law on Human Rights*, ISSN 2615-899X, (39), pp. 63-70.
3. Truong Chanh Duc (2024), "Law on the Right to Establish Labor Organizations in Enterprises in Vietnam - Limitations, Deficiencies, and Solutions," *Journal of Prosecutorial Science*, ISSN 2354-063X, 03(75), pp. 38-47.
4. Truong Chanh Duc (2024), "Legislation in Selected Countries on the Right to Establish Representative Labor Organizations in Enterprises - Lessons for Vietnam," *Journal of Prosecutorial Science*, ISSN 2354-063X, 04(76), pp. 47-53.
5. Truong Chanh Duc (2024), "Law on the Right to Establish Representative Labor Organizations in Enterprises: International Experiences and Implications for Vietnam," *Journal of Legislative Studies*, ISSN 1859-2953, 20(499), 2nd issue - October, pp. 57-64.
6. Truong Chanh Duc (2024), "Legislation on the Right to Establish Labor Organizations in Enterprises in Selected Countries: Experiences for Vietnam," *Journal of State Management*, ISSN 2354-0761, 31st year, (345), pp. 117-121.