



PROCEEDINGS OF THE 2ND COEC INTERNATIONAL SCIENTIFIC CONFERENCE: SUSTAINABLE ECONOMIC DEVELOPMENT OF VIETNAM IN THE NEW CONTEXT

• KỶ YẾU HỘI THẢO KHOA HỌC QUỐC TẾ COEC LẦN THỨ 2: -

## PHÁT TRIỂN BÊN VỮNG KINH TẾ VIỆT NAM TRONG BỐI CẢNH MỚI





## VINH UNIVERSITY COLLEGE OF ECONOMICS



#### SUSTAINABLE ECONOMIC DEVELOPMENT OF VIETNAM IN THE NEW CONTEXT

January 12th, 2025, Vinh, Vietnam

#### **CONTENT**

•	PROGRAM	ix
•	INTRODUCTION	Xi
•	LIST OF SCIENTIFIC CONFERENCE ORGANIZING COMMITTEE	xiii
•	LIST OF SCIENTIFIC CONFERENCE CONTENT COMMITTEE	XV
•	THE EFFECT OF ECONOMIC OPENNESS ON ECONOMIC GROWTH AND SUSTAINABLE DEVELOPMENT: THE VIEW FROM POLICY PERSPECTIVES IN VIETNAM	1
•	THE IMPACT OF COMPETITIVE ADVERTISING EFFECTIVENESS ON CONVERSION BEHAVIOR IN THE USAGE OF PERSONAL SERVICES AMONG CUSTOMERS AT VIETNAMESE COMMERCIAL BANKS	15
•	FACTORS AFFECTING THE PERFORMANCE OF COOPERATIVES IN NGHE AN PROVINCE	30
•	DIGITAL TRANSFORMATION: OPPORTUNITIES AND CHALLENGES FOR GROWTH, SUSTAINABLE DEVELOPMENT, AND SOCIAL EQUITY	40
•	THE ROLE OF TRANSFORMATIONAL LEADERSHIP IN KNOWLEDGE CREATION: THE MEDIATION EFFECT OF WORK ENGAGEMENT OF VIETNAMESE GEN Z EMPLOYEES	60
•	THE INFLUENCE OF ETHICAL LEADERSHIP ON EMPLOYEE OUTSPEAK AT VIETNAMESE BUSINESSES IN THE NEW CONTEXT	80
•	THE EFFECTS OF DIGITAL TRANSFORMATION ON FIRM PERFORMANCE: A REVIEW AND MANAGERIAL IMPLICATIONS	91
•	TOURISM DEVELOPMENT PROJECTS IN THE DISTRICT LEVEL: THE CASE OF LAC SON DISTRICT, HOA BINH PROVINCE AND POLICIES RECOMMENDATIONS FOR TOURISM DEVELOPMENT	114
•	SUSTAINABLE DEVELOPMENT OF VIETNAM'S COFFEE EXPORT INDUSTRY	123
•	SOLUTIONS FOR ACCOUNTING EDUCATION IN THE CONTEXT OF IFRS IMPLEMENTATION IN VIETNAM	138
•	STRUCTURAL TRANSFORMATION OF HUMAN RESOURCES IN VIETNAM IN THE CURRENT CONTEXT	146
•	HIGH-TECH AGRICULTURE DEVELOPMENT IN VIETNAM: A CASE STUDY OF QUY HOP DISTRICT, NGHE AN PROVINCE	160
•	THE IMPACT OF INSTITUTIONAL QUALITY ON CO2 EMISSIONS: A COMPARATIVE STUDY	171

•	PEOPLE'S ARTISTIC CONSUMPTION BEHAVIOR TOWARDS NIGHT FOLK PERFORMANCE ARTS IN THE CONTEXT OF NIGHT-TIME ECONOMY DEVELOPMENT	187
•	APPLICATION OF TECHNOLOGY IN SUSTAINABLE TOURISM DEVELOPMENT IN NGHE AN PROVINCE	199
•	BENEFITS AND DIFFICULTIES OF IMPLEMENTING GREEN ACCOUNTING IN SUSTAINABLE DEVELOPMENT	207
•	THE ROLE OF DIGITAL COMPETENCE IN WORK READINESS OF STUDENTS IN VIETNAM	213
•	EVALUATING ECONOMIC GROWTH IN THE NORTH CENTRAL REGION: THE ROLE OF PUBLIC AND PRIVATE INVESTMENT	224
•	RESEARCH MODEL OF MANAGEMENT ACCOUNTING FOR LIFE CYCLE COSTING IN VIETNAMESE CONSTRUCTION ENTERPRISES	233
•	ENHANCING LECTURER QUALITY TO DEVELOP HUMAN RESOURCE TRAINING IN THE CONTEXT OF DIGITAL TECHNOLOGY	250
•	FACTORS AFFECTING GREEN INNOVATION IN VIETNAMESE ENTERPRISES: A CASE STUDY OF NGHE AN PROVINCE	265
•	DIGITAL TRANSFORMATION AT VIETNAM AIRLINES CORPORATION: CURRENT STATUS AND SOLUTIONS	277
•	RESEARCH ON THE IMPACT OF COST OF DEBT ON THE RISK OF BANKRUPTCY OF ENTERPRISES LISTED ON THE VIETNAM STOCK MARKET	285
•	SHARING ECONOMY AND SHARING ECONOMY APPLICATION SOLUTIONS IN VIETNAM	298
•	PROMOTING EFFECTIVE LABOR DISPUTE RESOLUTION BY ARBITRATION TO APPROACH THE REQUIREMENTS OF SUSTAINABLE DEVELOPMENT	307
•	RESEARCH MODEL ON FACTORS AFFECTING CUSTOMERS' INTENTIONS TO CHOOSE FULL-PACKAGE TRAVEL PRODUCTS	318
•	STANDARDS AND NORMS FOR THE USE OF EQUIPMENT AT PUBLIC SERVICE UNITS IN THE FIELDS OF EDUCATION AND HEALTHCARE IN NGHE AN PROVINCE	332
•	CIRCULAR ECONOMY POLICIES OF VIET NAM AND SOME RECOMENDATIONS	337
•	SOME EXPERIENCES FOR ENTITIES PARTICIPATING IN INTERNATIONAL PAYMENT ACTIVITIES BY LETTER OF CREDIT IN THE INTEGRATION PERIOD	347
•	ENHANCING STATE MANAGEMENT EFFICIENCY TO FURTHER IMPROVE THAI BINH'S INVESTMENT ENVIRONMENT IN THE NEW CONTEXT	357
•	GREEN GROWTH IN VIETNAM: BARRIERS TO OVERCOME	368
•	ATTRACTING FOREIGN DIRECT INVESTMENT WITH SUSTAINABLE DEVELOPMENT IN VIETNAM	379
•	GREEN INDUSTRIAL PARK MODEL IN VIETNAM: SITUATION AND ISSUES	388
•	VIETNAM GREEN GROWTH: MEASUREMENT, ANALYSIS AND POLICIES DISCUSSION	400
•	ASSESSING THE CONTRIBUTION OF TOTAL FACTOR PRODUCTIVITY (TFP) TO THE ECONOMIC GROWTH OF HA TINH PROVINCE	410
•	RESEARCH ON FACTORS AFFECTING THE ADOPTION OF CORPORATE SOCIAL RESPONSIBILITY OF SMALL AND MEDIUM ENTERPRISES IN THANH HOA PROVINCE	417

•	INFLUENCING FACTORS OF THE INTERNATIONAL PAYMENT SERVICE QUALITY AT AN BINH JOINT STOCK BANK	427
•	CIRCULAR TOURISM: THEORETICAL FOUNDATIONS, PRACTICAL INSIGHTS, AND SOLUTIONS FOR VIETNAM	443
•	APPLICATION OF GREEN ACCOUNTING IN VIETNAM'S SUSTAINABLE DEVELOPMENT TREND	450
•	BARRIERS FOR GREEN TRANSFORMATION ADOPTION: A STUDY OF SMALL AND MEDIUM SIZED ENTERPRISES IN THANH HOA PROVINCE	454
•	FACTORS INFLUENCING CAREER ORIENTATION OF ECONOMICS STUDENTS IN NGHE AN PROVINCE	466
•	THE ROLE OF MARKET COMPETITION AND MACROECONOMICS IN SHAPING FINANCIAL STABILITY OF COMMERCIAL BANKS IN ASIA	474
•	RESEARCH ON FACTORS AFFECTING START-UP ACTIVITIES OF UNIVERSITY STUDENTS IN HANOI CITY	487
•	CORPORATE GOVERNANCE'S ROLE IN COMBATING EARNINGS MANIPULATION: LEVERAGING CYBER LAWS, FORENSIC ACCOUNTING, AND EMERGING TECHNOLOGIES FOR PREVENTION AND EARLY DETECTION	496
•	FEATURES OF CHINESE DIGITAL ECONOMY AND POLICY IMPLICATIONS FOR VIETNAM	517
•	FACTORS INFLUENCING THE E-COMMERCE ADOPTION DECISION OF OCOP ENTITIES IN THANH HÓA	526
•	ECONOMIC GROWTH IN SOUTHEAST ASIA: THE ROLE OF ICT INFRASTRUCTURE AND FINANCIAL DEVELOPMENT	539
•	WHAT IMPACTS THE LIQUIDITY OF LISTED REAL ESTATE COMPANIES IN VIETNAM?	552
•	A BIBLIOMETRIC REVIEW OF REVERSE LOGISTICS PRACTICES TOWARD A CIRCULAR ECONOMY IN SMALL AND MEDIUM ENTERPRISES	564
•	GOVERNMENT MANAGEMENT OF LOGISTICS SERVICES IN NGHE AN PROVINCE	579
•	THE IMPACT OF TECHNOLOGY AND DIGITAL TRANSFORMATION ON ECONOMIC GROWTH IN VIETNAM IN THE NEW CONTEXT	591
•	FINTECH AND GREEN ENTREPRENEURSHIP DERIVED ECONOMIC, SOCIAL AND ENVIRONMENTAL (ESE) SUSTAINABILITY IN DEVELOPED ECONOMIES	601
•	THE ROLE OF VENTURE CAPITAL AND PRIVATE EQUITY IN FINANCING TRAVEL STARTUPS IN VIETNAM	620
•	THE ROLE OF ACCOUNTING IN SUSTAINABLE DEVELOPMENT AND NET-ZERO TRANSITION	638
•	FACTORS AFFECTING THE ABILITY TO APPLY FINTECH IN PAYMENT ACTIVITIES AT VIETNAMESE COMMERCIAL BANKS	646
•	THE RELATIONSHIP BETWEEN HERD MENTALITY, OPTIMISM, PESSIMISM, OVERCONFIDENCE AND TRADING VOLUME IN THE VIETNAMESE STOCK MARKET: SPECTRUM GRANGER CAUSALITY APPROACH	663
•	IMPACT OF KNOWLEDGE MANAGEMENT ON INNOVATION EFFICIENCY: A CASE STUDY OF SMALL AND MEDIUM ENTERPRISES IN THE NORTH CENTRAL REGION	674

•	TOWARDS MODIFYING GREEN CREDIT POLICIES: CAN ASEAN BANKS ENHANCE FINANCIAL PERFORMANCE THROUGH INVESTING GREEN CREDIT?	689
•	CARBON CREDITS: OPPORTUNITIES AND CHALLENGES FOR NGHE AN	705
•	OME CHALLENGES IN THE PROCESS OF OVERCOMING THE INCOME TRAP TOWARD SUSTAINABLE DEVELOPMENT IN VIETNAM	709
•	DEVELOPING HIGH-QUALITY HUMAN RESOURCES IN INDUSTRIAL ZONES IN THÁI NGUYEN PROVINCE	718
•	THE IMPACT OF CASH HOLDINGS ON FIRM VALUE IN LISTED ELECTRICAL INDUSTRY COMPANIES ON THE VIETNAMESE STOCK MARKET	727
•	DOES ENTREPRENEURSHIP EDUCATION PROMOTE STUDENTS' ENTREPRENEURIAL INTENTIONS? AN EXPLORATORY STUDY IN VIETNAMESE AND INTERNATIONAL CONTEXTS.	736
•	THE INFLUENCE OF THE CARBON BORDER ADJUSTMENT MECHANISM (CBAM) ON CEMENT EXPORTER'S PRODUCTION STRATEGIES: THE MODERATING ROLE OF TECHNOLOGICAL INNOVATION CAPABILITIES	748
•	THE INFLUENCE OF ETHICAL LEADERSHIP ON EMPLOYEE OUTSPEAK AT VIETNAMESE BUSINESSES IN THE NEW CONTEXT	761
•	SUSTAINABLE TEXTILE AND GARMENT EXPORTS OF VIETNAM: CURRENT SITUATION AND SOLUTIONS	772
•	RESEARCH ON FACTORS AFFECTING CORPORATE INCOME TAX EVASION BEHAVIOR IN LISTED ENTERPRISES IN VIETNAM	782
•	RESEARCH ON THE IMPACT OF ECONOMIC GROWTH ON INFLATION IN SOME DEVELOPING COUNTRIES AND PROPOSE SOLUTIONS TO CONTROL INFLATION AND PROMOTE ECONOMIC GROWTH IN VIETNAM	795
•	INVESTMENT FOR THE SUSTAINABLE DEVELOPMENT OF VIETNAM'S ECONOMY IN THE NEW CONTEXT	811
•	DIGITAL TRANSFORMATION IN FINANCIAL MANAGEMENT FOR SMALL AND MEDIUM ENTERPRISES IN VIETNAM	820
•	EMPIRICAL INSIGHTS INTO THE SUCCESS OF VIETNAM'S ELECTRONIC TAX SYSTEM: USERTRUST, SERVICE QUALITY, AND USER SATISFACTION	828
•	PROMOTING HIGH TECHNOLOGY APPLICATION FOR AGRICULTURAL COOPERATIVES IN NGHE AN PROVINCE	841
•	DIGITAL ECONOMIC DEVELOPMENT POLICY TOWARDS GREEN ECONOMY IN VIETNAM	848
•	APPLYING BLOCKCHAIN TECHNOLOGY IN HIGH-TECH AGRICULTURE IN VIETNAM: CHALLENGES AND OPPORTUNITIES	865
•	FISHING CAPACITY ANALYSIS FOR AN OPEN-ACCESS OFFSHORE FISHERIES: THE CASE OF THE KHANH HOA'S OFFSHORE HANDLINE FISHERY IN EAST VIETNAM SEA	879
•	HIGH-TECH APPLIED AGRICULTURE: THEORY AND PRACTICE IN NGHI LOC DISTRICT, NGHE AN PROVINCE	888
•	FACTORS INFLUENCING GENERATION Z EMPLOYEES' TURNOVER INTENTION: A STUDY IN SMALL AND MEDIUM-SIZED ENTERPRISES IN NGHE AN PROVINCE	895

•	THE IMPACT OF PROFITABILITY ON SUSTAINABLE GROWTH OF LISTED COMPANIES IN VIETNAM	906
•	GREEN FINANCE IN VIETNAMESE BANKS: CURRENT SITUATION AND SOLUTIONS FOR PROMOTION	917
•	PROMOTING TECHNOLOGY AND INNOVATION - A DRIVING FORCE FOR THE SUSTAINABLE DEVELOPMENT OF SMALL AND MEDIUM ENTERPRISES (SMEs) IN VIETNAM	930
•	THE IMPACT OF FOREIGN DIRECT INVESTMENT ON SUSTAINABLE DEVELOPMENT IN ASEAN COUNTRIES	936
•	POLICIES TO PROMOTE THE DIGITAL ECONOMY: INTERNATIONAL EXPERIENCES AND REFERENCE VALUE FOR VIETNAM	944
•	IMPACT OF ICT ON ENVIRONMENTAL QUALITY: CASE STUDIES IN DEVELOPING COUNTRIES IN 2002-2021	956
•	DEVELOPMENT OF ELECTRONIC BANKING SERVICES IN THE DIGITAL ECONOMY	966
•	VIETNAM'S INTERNATIONAL BALANCE OF PAYMENTS: CURRENT SITUATION AND RECOMMENDATIONS	973
•	THE IMPACT OF GLOBAL ENERGY, FERTILIZER, AND FOOD PRICES INTERACTIONS ON DOMESTIC FOOD PRICES IN VIETNAM	987
•	ASSESSING THE SPILLOVER EFFECTS IN EXCHANGE RATES IN EAST ASIA: A STUDY WITH BIVARIATE BEKK GARCH MODEL	995
•	RENEWABLE ENERGY CONSUMPTION BEHAVIOR AND ITS ROLE IN SUPPORTING VIETNAM'S GREEN ECONOMIC DEVELOPMENT	1004
•	DETERMINANTS INFLUENCING VIETNAM'S FRESH DURIAN EXPORTS TO CHINA	1015
•	FACTORS AFFECTING THE APPLICATION OF ACCOUNTING INFORMATION SYSTEMS IN SMALL AND MEDIUM-SIZED ENTERPRISES	1030
•	RESEARCH ON ACCOUNTING INFORMATION SYSTEMS (AIS) AND LESSONS LEARNED FOR VIETNAMESE ENTERPRISES	1038
•	FACTORS AFFECTING THE LEVEL OF IMPLEMENTATION OF ACTIVITIES TOWARDS GREEN GROWTH GOALS IN MANUFACTURING AND TRADING ENTERPRISES IN INDUSTRIAL PARKS IN THE NORTH CENTRAL REGION, VIETNAM	1051
•	FACTORS AFFECTING GREEN CONSUMPTION BEHAVIOR OF PEOPLE IN THE NORTH CENTRAL REGION	1061
•	FACTORS AFFECTING THE APPLICATION OF CIRCULAR ECONOMY BY AGRICULTURAL PRODUCTION HOUSEHOLDS IN PROVINCES IN THE NORTH CENTRAL REGION	1073
•	FACTORS AFFECTING THE RESULTS OF CONSTRUCTION INVESTMENT PROJECT MANAGEMENT AT PROVINCIAL PROJECT MANAGEMENT BOARDS IN THE CONTEXT OF AIMING FOR SUSTAINABLE DEVELOPMENT GOALS IN NGHE AN PROVINCE	1085
•	CONSTRUCTION INVESTMENT PROJECT MANAGEMENT AT PROVINCIAL PROJECT MANAGEMENT BOARDS IN THE CONTEXT OF AIMING FOR SUSTAINABLE DEVELOPMENT IN NGHE AN PROVINCE	1096
•	THE QUALITY OF GREEN CREDIT SERVICES AT COMMERCIAL BANKS IN NGHE AN PROVINCE	1110

•	DETERMINANTS OF CORPORATE SOCIAL RESPONSIBILITY DISCLOSURE IN VIETNAM'S BANKING SECTOR	1120
•	ANALYSIS OF POLICIES AND REGULATIONS FOR FINTECH COMPANIES IN LEADING COUNTRIES: LESSONS FOR VIETNAM	1132
•	PROPOSE RESEARCH MODEL TO EVALUATE THE TOURISTS' SATISFACTION ON VIETNAMESE DESTINATIONS	1142
•	MOBILIZING INVESTMENT CAPITAL FOR TOURISM DEVELOPMENT IN NGHE AN PROVINCE FROM BUSINESSES AND INDIVIDUALS	1158
•	THE RELATIONSHIP BETWEEN SUSTAINABLE DEVELOPMENT AND GREEN ECONOMY	1169
•	MAIN TECHNOLOGICAL TRENDS AND THEIR ROLE IN TOURISM BUSINESS IN VIET NAM	1182
•	RESEARCH ON APPLYING ARTIFICIAL INTELLIGENCE (AI) IN CLASSIFYING AND EVALUATING CUSTOMER COMMENTS ABOUT BOOK PRODUCTS ON THE AMAZON E-COMMERCE PLATFORM	1191
•	FROM WORK MOTIVATION TO EMPLOYEE INNOVATION BEHAVIOR - THE MEDIATING ROLE OF PSYCHOLOGICAL CAPITAL AND TRANSFORMATIONAL LEADERSHIP STYLE IN ENTERPRISE IN THE CONTEXT OF DIGITAL TRANSFORMATION	1205

## PROMOTING EFFECTIVE LABOR DISPUTE RESOLUTION BY ARBITRATION TO APPROACH THE REQUIREMENTS OF SUSTAINABLE DEVELOPMENT

M.A., PhD. Researcher. Chu Thi Trinh<sup>1</sup>

**Abstract:** In the context of international economic integration and open-door policies, labour relations have become dynamic and diverse. Conflicts of interest among stakeholders in labour relations are increasingly intense, and labour disputes are rising in quantity, scale, and complexity, affecting all economic sectors. Therefore, the need for labour dispute resolution has become urgent. Arbitration offers numerous advantages and is increasingly applied worldwide as an out-of-court dispute resolution method. This article examines the current situation of resolving labor disputes through arbitration and proposes several solutions to enhance the influence of this method in dispute resolution, improve the effectiveness of labor dispute settlement, and meet the requirements of Vietnam's sustainable economic development in the new context.

**Keywords:** sustainable development, labor dispute, labor arbitration.

#### 1. Introduction

In the context of integration, Vietnam has joined numerous international conventions<sup>2</sup>, and incorporating international labour standards into national legal documents has created a harmonious and stable labour environment. According to the International Labour Organization (ILO), an effective dispute resolution system aims to prevent disputes initially and resolve arising conflicts in an orderly and "peaceful" manner, mainly through the efforts of the disputing parties (International Training Centre of ILO, 2013). As a member of the ILO and next-generation trade agreements, Vietnam has been striving to develop and perfect the out-of-court labour dispute resolution system in general and the labour arbitration system in particular, ensuring higher quality to meet the deep international integration demands and to build harmonious, stable, and progressive labour relations.

Studying the practice of labor dispute resolution through arbitration and proposing solutions to enhance the effectiveness of this method is essential for improving the legal system and the mechanisms for implementing laws consistently and strictly. It also ensures the supremacy of the Constitution and laws as set out by the Party and State, while promoting sustainable economic development.

#### 2. Theory and research methods

#### 2.1. Research theory

With the aim of assessing the current labor dispute resolution mechanism through

<sup>&</sup>lt;sup>1</sup> Faculty of Economic Law, Vinh University. Email: chutrinhchu@gmail.com

<sup>&</sup>lt;sup>2</sup> Vietnam, as a member of the ILO, and through its participation in next-generation FTAs such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the EU-Vietnam Free Trade Agreement (EVFTA), has committed to respecting and promoting fundamental principles and rights in labor. This reflects Vietnam's determination to ensure comprehensive development and enhance international integration.

arbitration in Vietnam and studying solutions to enhance the effectiveness of this method, the report will apply the model developed by Professors Budd and Colvin (2008). Budd and Colvin propose three criteria for evaluating a labor dispute resolution system: effectiveness, fairness, and the voice of the parties involved. The authors add an additional criterion: legal authority. These four criteria help evaluate Vietnam's actual compliance with international labor standards in resolving labor disputes.

An effective mechanism is one that ensures the efficient use of limited resources such as time and money, while also promoting work efficiency (Budd & Colvin, 2008). Therefore, an effective mechanism is one that is both quick and cost-effective, while minimizing strikes and other forms of disruption in labor and production.

A fair labor dispute resolution mechanism is one that is unbiased and achieves a high level of consensus. Therefore, it is trustworthy. Budd and Colvin explain that the outcome of a fair system is: "similar to the judgment of a rational person who is not influenced by the interests of any disputing party, and the result is based on objective evidence" (Budd & Colvin, 2008).

A labor dispute resolution system that ensures the voice of the parties is one that provides the opportunity for all individuals to express their opinions and present their views on the case. This includes fair litigation for both sides (including the ability to present evidence and to be represented). Another aspect of the voice of the parties is allowing representation during the dispute resolution process; for example, labor and employer organizations can designate members of an arbitration panel.

One criterion that the Budd and Colvin model does not address is legal authority, which refers to the scope of disputes that one or more bodies or organizations are authorized to resolve. These disputes can be rights disputes, interest disputes, or both. The issue of dispute also relates to the scope of resolution because a single organization may need to address multiple types of disputes, such as wages, termination of employment, collective bargaining, social security, and workplace safety. Additionally, a system can be designed where multiple organizations resolve various types of disputes. The most important point is not the number of organizations involved (although cost and complexity considerations are relevant), but the extent to which the dispute resolution system covers all potential types of labor disputes that may arise.

**Table 1: Evaluation Criteria Related to Labor Dispute Resolution** 

Criteria	Description
	- Universal Scope: Different types of disputes fall under the
Jurisdiction/Adjudication	jurisdiction of one or more organizations.
Jurisdiction/Adjudication	- Reducing Technical Barriers: Workers are not excluded
	due to legal technicalities.
	- Cost: The financial cost involved in the dispute resolution
	process, aiming to keep it affordable for all parties
Effectiveness	involved.
	- Speed of Resolution: The time it takes to resolve a
	dispute, emphasizing quick resolution to minimize
	disruptions in labor and production.
	- Reducing Conflict: The system's ability to prevent or
	resolve disputes in a way that promotes productivity by

	reducing ongoing or future conflicts. This helps maintain a stable work environment.
Fairness	<ul> <li>Reliability: Unbiased, consistent, and based on evidence.</li> <li>Protection: Allows for appeals and measures to ensure decisions are made consistently.</li> <li>Enforceability: Solutions are binding and enforceable.</li> <li>Accessibility: Expanded access to ensure that a broad range of individuals can practically access the system.</li> <li>Transparency: Widely communicated and publicly available information about the process.</li> </ul>
Voice of parties	<ul><li>- Fair Hearing: Both parties have the opportunity to present their case.</li><li>- Representation: The involvement of representatives in the dispute resolution process.</li></ul>

#### 2.2. Research Methodology

The results of this report primarily rely on secondary data collected through books, newspapers, journals, websites, and other relevant documents related to labor dispute resolution through arbitration in Vietnam.

In the research process, a synthesis method is used to consolidate the activities of the current labor dispute resolution system in Vietnam in general, and the labor arbitration system in particular.

Analysis, statistical, and comparative methods are employed to clarify the practical application of labor dispute resolution through arbitration in Vietnam. From this, proposals and recommendations are made to enhance the effectiveness of this method in resolving labor disputes, in order to meet the requirements for the sustainable economic development of Vietnam in the new context.

#### 3. Results and discussion

#### 3.1. Overview of Labor Dispute Resolution through Arbitration

#### 3.1.1. Concept of Labor Arbitration

Depending on each country's conditions, most legal systems worldwide establish mechanisms for labour dispute resolution (LDR). In Vietnam, labour disputes are resolved through labour mediators, labour arbitration councils, and the people's courts. Labour dispute resolution via arbitration has been mentioned since the 1994 Labor Code enactment. Still, it has only gained attention and encouragement for use in recent years, particularly with the 2019 Labor Code (LC 2019). However, labour arbitration remains underutilised and unfamiliar to disputing parties, resulting in unemployment or underemployment for most labour arbitrators within labour arbitration councils across the country. In contrast, arbitration is a widely used and highly effective labour dispute resolution method in many countries worldwide.

Currently, Vietnamese labour law does not provide any specific definitions for "arbitration" or "labour arbitration." Generally, arbitration refers to a dispute resolution process agreed upon by the parties, wherein the dispute is submitted to one or more arbitrators to make a binding decision. It is a form of Alternative Dispute Resolution (ADR) outside the court system. According to foreign legal references, labour arbitration

is "a third party with decision-making authority to resolve labour disputes" (Ministry of Labor, Invalids, and Social Affairs [MOLISA], 2010). Labour arbitration is a method of resolving labour disputes wherein a sole arbitrator or an arbitration council has the authority to resolve disputes based on specific rules agreed upon by the parties or as prescribed by law (Nguyen, 2004)

#### 3.1.2. Principles of Labor Dispute Resolution through Arbitration

In resolving labour disputes, arbitration must adhere to the principles of arbitration proceedings (LC 2019, article 180). In addition to complying with general principles in labour dispute resolution, labour arbitration must follow several specific tenets as follows:

First, respect the agreement of the parties.

The agreement between the parties is reflected primarily in their right to choose labour arbitration for dispute resolution, including selecting arbitrators, the time, and the location for the arbitration process. In many countries, arbitration is typically pre-agreed by the parties before a dispute arises and is documented in contracts. The chosen arbitrators must ensure independence and impartiality, meaning pressure or relationships with either party should not influence them. Arbitrators must also have knowledge and experience in labor law and related regulations to ensure that the arbitration decision protects the legal rights and interests of the disputing parties (Tran&Phan, 2024).

Second, comply with arbitration procedures.

When parties participate in arbitration proceedings, they must adhere to the rules and procedures of arbitration to ensure fairness and efficiency in resolving labor disputes. These requirements may include notifying about the disagreement, selecting arbitrators, gathering evidence, and issuing an arbitration decision.

Third, ensure the enforcement of arbitration decisions.

An arbitration decision represents the resolution of a labor dispute. The disputing parties must respect and comply with the arbitration decision, including fulfilling obligations such as compensation, adhering to agreed-upon terms in employment contracts, improving labour conditions, or taking other actions requested by the parties.

#### 3.1.3. Procedures for Resolving Labor Disputes through Arbitration

Research, verification, and evaluation of the case:

The research, verification, and evaluation of the case are the first steps in arbitration proceedings, and they apply to all disputes. When accepting a case, arbitrators must take time to study the dispute. Typically, parties requesting arbitration will provide as much information and evidence favourable to their position as possible. However, verifying this evidence can be difficult, and in many cases, it may prolong the dispute. Therefore, arbitrators must adhere to labour arbitration principles to objectively analyse and evaluate the case.

Most countries empower arbitrators to collect, review, and assess evidence. For example, in Australia, arbitrators can require parties to provide written evidence and decide whether to accept or gather additional evidence. In the Philippines, the arbitration board may assign experts to analyse the case, and the expert's report can serve as evidence in dispute resolution (MOLISA, 2006).

Issuing decisions and arbitration awards:

The arbitration board is only authorised to decide on issues requested by the disputing parties. These issues may be included in the parties' application, the arbitration

agreement, or a decision by a competent state authority appointing arbitration for the case. When deciding, the arbitration board must adhere to principles of justice, equality, fairness, and good conscience, considering the nature of the dispute.

In some countries, arbitrators must also consider the broader interests of society. For instance, in Singapore, in addition to the direct interests of the parties, arbitrators must also consider public interests and the national economic conditions. Typically, the arbitration board issues a decision immediately after investigating the dispute or hearing the parties' final arguments. Decisions are made by majority vote. In the absence of a majority, the decision of the arbitration chairperson prevails. This principle is applied in most countries worldwide.

#### 3.2. Practical Application of Labor Dispute Resolution Through Arbitration

#### 3.2.1. Labor dispute resolution by arbitration in Vietnam

Labor arbitration is considered a dispute resolution method with many advantages, providing a fair and effective solution. The resolution of labor disputes through arbitration is carried out through activities such as: establishing an arbitration agreement, forming the labor arbitration council (LAC), providing relevant documents and evidence related to the dispute, and enforcing the arbitration award.

**Establishing Arbitration Agreements** 

According to current regulations (LC 2019, articles 189, 193, 197), based on mutual consent, disputing parties may request the Labor Arbitration Council to resolve disputes when mediation is not mandatory (for individual disputes) or when mediation fails or is not conducted within the required time. Thus, the "mutual consent" of the parties determines whether labor arbitration will be used. If the employer disagrees, the dispute must be resolved through other methods, such as mediation or litigation. Like Vietnam, in the United States - where labor arbitration is widely used - labor arbitration is applied when employees and employers sign an "arbitration clause". However, an arbitration agreement will be invalid if it is not made in good faith, is unethical, or results from coercion or fraud by one or both parties to the employment contract (Lisa M. Eaton, 2002).

Current Vietnamese labor law does not specify the form of an arbitration agreement, which creates difficulties for both employees and employers in establishing one. It is unclear whether the agreement should be in writing (as an arbitration clause in the employment contract or a separate agreement) or verbal. This ambiguity makes it challenging to determine the validity of arbitration agreements.

Establishment of the Labor Arbitration Council

The Labor Arbitration Council (LAC) is established in each province/centrally governed city under the decision of the Chairman of the Provincial People's Committee, with a minimum of 15 members and a term of 5 years. Members of the LAC are individuals with in-depth knowledge and expertise in labour matters, and the council is formed on a tripartite basis by ILO principles (State - Employees' Representatives - Employers' Representatives) (LC 2019, article 185). However, in practice, the nomination of arbitrators for the LAC poses difficulties for the employers in selecting their five representatives due to the lack of consensus among employers' representative organisations in the area. Some organisations that can nominate representatives to the LAC include provincial/city Cooperative Alliances, branches of the Vietnam Chamber of

Commerce and Industry (VCCI), etc. The question remains as to how these organisations can achieve consensus, who will coordinate and unite these employers' representative organisations to nominate LAC members at the provincial level, and what solutions exist if consensus cannot be reached. Therefore, the role of employers' organisations in establishing the LAC at the local level is significant and determines whether the LAC can be established to resolve labor disputes.

Implementation of Arbitration Procedures

According to Vietnamese labor law, employees and employers are the two main parties involved in resolving labour disputes alongside the Labor Arbitration Panel. Arbitration procedures are carried out through meetings to resolve conflicts. At least 5 days before the meeting, the Labor Arbitration Panel must issue a written summons to the disputing parties (employees and employers), specifying the time and venue of the meeting. Upon receiving this notice, the employees and employers must confirm their attendance. If a party has valid reasons for not attending, they may request a rescheduling, and the Labor Arbitration Panel makes the final decision. At the meeting, representatives of the disputing parties or their authorised agents must be present. If one party is absent, even if a rescheduling request was denied, the Labor Arbitration Panel will proceed with the meeting. During the meeting, the parties present the details of the case, which are recorded in minutes signed by all arbitrators and the disputing parties in attendance.

Submission and Presentation of Evidence

Under current regulations, the Labor Arbitration Panel is responsible for collecting evidence within its authority. It has the right to request the disputing parties, agencies, organisations, or individuals to provide documents, evidence, expert opinions, and summon witnesses or other relevant individuals (LC 2019, article 183). Employers, when requested, are obligated to provide relevant evidence and documents to facilitate dispute resolution. When labor disputes are resolved through the court system, clear regulations exist regarding the procedures for submitting evidence (Civil Procedure Code 2015, article 96,97). Evidence collection begins at the initiation of a lawsuit, and parties must attach supporting documents to their claims. Defendants and other parties must submit written responses and supporting evidence to the court (Le&Nguyen, 2022).

However, Vietnamese labor law lacks clear regulations on collecting and submitting evidence by employees and employers in disputes resolved through arbitration. This absence creates difficulties for employers in fulfilling their obligations to provide evidence during the arbitration process.

**Enforcement of Arbitration Decisions** 

According to the 2019 Labor Code, the Labor Arbitration Panel must be established within seven working days from the date of the request to resolve a dispute. Within 30 days of its establishment, the Labor Arbitration Panel must decide to resolve the dispute and notify the disputing parties. If the panel is not established or fails to settle within the stipulated time, the parties can request the court's intervention (LC 2019, article 189, 193, 197). Additionally, if one party refuses to comply with the arbitration decision, the other party has the right to seek court resolution or initiate strike procedures.

Notably, the 2019 Labor Code lacks provisions for enforcing arbitration decisions in labour disputes. The implementation of arbitration decisions relies solely on the parties' voluntary compliance. In other words, arbitration decisions are merely advisory and lack

enforcement mechanisms (Khuc&Nguyen, 2022). Therefore, the role of employers in complying with arbitration decisions is significant. Without legal provisions or enforcement measures, the effectiveness of arbitration depends entirely on employers' willingness to comply. If they refuse to comply, the dispute remains unresolved.

### 3.2.2. Evaluation of labor dispute resolution activities by arbitration in Vietnam General evaluation

In practice, labor arbitration has not fully realized its potential in labor relations, and this mechanism for resolving labor disputes has not been widely chosen by the parties involved. The activities of labor arbitration councils have not shown significant improvement compared to the previous period. Meanwhile, opting for arbitration to resolve labor disputes aligns with global trends and the context of international economic integration.

When compared to some countries in the region with similar political and legal systems to Vietnam (such as China), we see notable differences. Before 2007, China operated a dispute resolution system quite similar to Vietnam's (Cooney et al., 2013). However, after labor disputes, particularly in the construction sector, became widespread, China implemented significant reforms to its system of resolving individual labor disputes. These reforms included the reorganization of provincial labor dispute resolution boards into specialized agencies with legally binding authority (as per the Labor Dispute Mediation and Arbitration Law of the People's Republic of China 2007). Access to arbitration services was facilitated, including the prohibition of fees. The number of cases more than doubled in 2008 (when the new system was implemented), and the trend has continued to rise since then.

While the courts are actively operating, according to the Ministry of Labor, Invalids, and Social Affairs (2018), the courts have received a large number of labor disputes, mainly related to social insurance (43%), wages (21%), and termination of employment (19%), with only about 0.04% involving collective bargaining or disputes related to trade unions. The labor arbitration councils have rarely been used since the Labor Code came into effect. According to data from the Ministry of Labor, Invalids, and Social Affairs, 24 provinces and cities have established and organized labor arbitration teams, and some localities have issued regulations on the operation of labor arbitration councils, clearly defining their authority, procedures, and steps for resolving disputes based on the agreement of both parties. Decisions made by the arbitration council are enforceable for the parties involved (Duc Duong, 2022).

To date, some of the most active regions in resolving labor disputes through arbitration include Ho Chi Minh City, Binh Duong, and Dong Nai. Among them, Dong Nai is one of the first regions to establish a labor arbitration council under the framework of the 2019 Labor Code. The Dong Nai Labor Arbitration Council received its first case on October 11, 2022 - a labor dispute that could not be resolved through mediation. The first hearing took place on November 7, marking the first case brought to arbitration in Vietnam (ILO, 2022). This is considered an important step in the development of the labor dispute resolution system using arbitration.

However, in practice, the choice to apply this method is not yet widespread, and labor arbitration in many localities is still facing the issue of "unemployment and lack of cases". Most of the time, when a labor dispute arises, both parties tend to choose mediation or

the courts to resolve the issue, with arbitration being almost never chosen. This is due to the habit of the parties, particularly employers, in choosing dispute resolution methods, and additionally, the parties have not yet fully recognized the authority of the labor arbitration councils, so they do not prioritize this method.

#### **Evaluation Based on Criteria:**

Criterion 1: Legal Authority

The 2019 Labor Code distinguishes between individual labor disputes, collective labor disputes over rights, and collective labor disputes over interests. Furthermore, with the expanded jurisdiction for labor arbitration councils, these councils now have the authority to resolve all three types of disputes. Therefore, it can be concluded that the labor dispute resolution method through arbitration meets the criterion of legal authority.

Criterion 2: Effectiveness

The arbitration mechanism is not functioning effectively in practice and, therefore, does not contribute to resolving disputes efficiently. Furthermore, the arbitration process does not seem to result in a significant reduction in illegal strikes or the losses caused by these strikes. The decrease in the number of illegal strikes since 2012 can be attributed to the tightening labor market: this means that employers need to retain workers and are more willing to seek quicker solutions rather than following the more formal procedures.

Criterion 3: Fairness

Firstly, the current system lacks trustworthiness due to the absence of professional, full-time arbitrators (although some experienced part-time arbitrators work in certain provinces). Arbitrators are paid very low allowances for their work. While many show dedication to their roles, the meager compensation is discouraging rather than motivating them.

Secondly, the decentralized nature of the system means there are mechanisms that limit the consistency across the country. There are significant differences between provinces, which is problematic because it can lead to arbitrators in some provinces producing outcomes that do not align with the obligations under the Conventions.

Thirdly, the lack of authority for arbitrators to issue legally binding orders and require mandatory participation from the parties (such as in cases involving unfair labor practices) diminishes the credibility of the process and may render it ineffective for many workers and/or employers.

Fourthly, there is a lack of institutional independence for arbitrators within the Department of Labor, Invalids, and Social Affairs (DOLISA). The ILO emphasizes that dispute resolution bodies must be "impartial/unbiased" and, in cases involving disputes over representation in collective bargaining, must be "independent... and free from political interference." However, since the labor arbitration councils are located within the DOLISA, they lack sufficient independence if the members of these bodies also work part-time (or overlap) in dispute resolution activities within the same department.

The fifth issue related to the fairness criterion is that arbitrators from worker representative organizations are currently only selected from organizations affiliated with the Vietnam General Confederation of Labor (VGCL). This could lead to bias if, in the future, a dispute arises between two labor representative organizations, one of which is a member of the VGCL and the other is not.

Criterion 4: Voice of the Parties

In accordance with the prescribed legal procedures, the labor arbitration council organizes a meeting to resolve the dispute. Through this meeting, both parties have the opportunity to present evidence, prove their case, and explain the relevant issues in a fair manner.

Table 2: summary evaluation of the current labor arbitration system

Criteria	Description
The legal authority	- The legal authority to resolve labor disputes is clear.
	- The Labor Arbitration Council has the jurisdiction to
	resolve all types of labor disputes.
Effectiveness	The arbitration system operates ineffectively.
Fairness	- The current system lacks credibility due to its lack of
	professionalization.
	- There is a lack of mechanisms to ensure consistency
	nationwide.
	- There are no binding measures within the arbitration
	system unless both parties agree.
	- Access is difficult due to a lack of public awareness (no
	dedicated office or website).
	- There is insufficient autonomy.
Voice of parties	Although there are regulations regarding the organization
	of dispute resolution meetings, the arbitration system is
	not operational or is minimally functioning in practice,
	which means there are limited opportunities to hold fair
	hearings within the labor arbitration framework.

#### 4. Conclusion and Policy Implications

In the context of international integration, effectively resolving labor disputes and building harmonious, stable, and progressive labor relations plays a crucial role in meeting the requirements for the sustainable development of Vietnam's economy. In the future, it is essential to implement a comprehensive set of solutions to enhance the effectiveness of labor dispute resolution through arbitration, making arbitration a widely accepted and trusted method for resolving labor disputes.

To improve the effectiveness of labor dispute resolution through arbitration, the author proposes the following recommendations:

*Firstly*, regarding arbitration agreements, regulations should clarify their form, specifying whether they must be in writing or verbal and whether they can be included as a clause in employment contracts or established as separate documents. This will provide a clear legal basis for valid arbitration agreements.

Secondly, regarding establishing the Labor Arbitration Council, the lack of consensus among employers' representative organisations can hinder the council's formation in some localities. In cases where consensus cannot be reached, the Chairman of the Provincial People's Committee should appoint members from a list of nominees based on legally defined criteria to ensure the timely establishment and functioning of the LAC. Furthermore, to provide the highest effectiveness, labour arbitrators must be impartial, objective, independent, and neutral, with no bias or prejudice toward either

party, especially toward employers (as there is often a perception that employees are the weaker party and need protection).

Thirdly, regarding the submission and presentation of evidence, legal provisions should be introduced to establish procedures for collecting and submitting evidence during arbitration proceedings. This will facilitate the parties' ability to fulfil their rights and obligations, expedite dispute resolution, and enhance its effectiveness.

*Fourthly*, regarding the enforcement of arbitration decisions, the non-binding nature reduces their appeal. Legal provisions should be introduced to ensure that:

- (i) Arbitration decisions in labour disputes are final and binding;
- (ii) The court may only review the arbitration process and annul decisions in cases of serious procedural violations. Under no circumstances should the court re-adjudicate disputes already resolved by arbitration.

*Fifthly*, information confidentiality is a key feature of labour arbitration and is critical for the disputing parties. Public disclosure of dispute-related information could damage the employer's reputation, brand, and image. Therefore, labour laws should impose confidentiality obligations on the disputing parties and the Labor Arbitration Panel.

Finally, raising awareness of arbitration as a dispute resolution method is essential. One reason arbitration is underutilised is a lack of public awareness. Effective communication is needed to inform the public about the Labor Arbitration Council's jurisdiction. This includes publicising labour arbitrators' expertise, professional capacity, and dispute resolution track record to build trust in the arbitration mechanism and encourage its use.

#### References

- 1. National Assembly, Labor Code 2019 No. 45/2019/QH14.
- 2. National Assembly, Civil Procedure Code 2015 No. 92/2015/QH13.
- 3. Government, Decree No. 145/2020/ND-CP dated December 14, 2020, detailing and guiding the implementation of specific provisions of the Labor Code on working conditions and labour relations.
- 4. Budd JW & Colvin A (2008), "Improved metrics for workplace dispute resolution: Efficiency, equity and voice of the parties", Labor Relations Vol. 47, No. 3, pp. 460-479.
- 5. Cooney S, Biddulph S and Zhu Y (2013), "Law and Fair Work in China", Routledge, London.
- 6. Duc Duong (2022), "Promoting labor conciliation and labor arbitration institutions", https://tapchilaodongxahoi.vn/thuc-day-thiet-che-hoa-giai-lao-dong-vatrong-tai-lao-dong-1325873.html, accessed December 6, 2024.
- 7. International Training Centre of ILO (2013), "Labour Dispute Prevention and Resolution Systems A Guide to Improving their Effectiveness".
- 8. ILO (2022), "New pillar within Viet Nam's labour dispute settlement system operational, expected to help workers and employers", accessed December 6, 2024 from https://www.ilo.org/resource/news/new-pillar-within-viet-nams-labour-dispute-settlement-system-operational.
- 9. Khuc T.P.N, Nguyen P.T. (2022), "Resolution of Labor Disputes through the Labor Arbitration Council under Current Labor Law and Emerging Issues," Prosecutorial Science Journal, Special Issue No. 01, 2022, 82-89.

- 10. Lisa M. Eaton (2002), "Arbitration Agreements in Labor and Employment Contracts: Well within reach of the FAA Circuit City Stores, Inc. v. Adams," Journal of Dispute Resolution, vol. 2002.
- 11. Le X.Q, Nguyen T.T.V (2022), "The Burden of Proof of the Litigants under the 2015 Civil Procedure Code and Directions for Improvement," accessed December 12, 2024, from: https://vksnd.gialai.gov.vn/Nghien-cuu-Trao-doi/nghia-vu-chung-minh-cua-duong-su-theo-bo-luat-to-tung-dan-su-2015-va-huong-hoan-thien-1888.html.
- 12. Ministry of Labor, Invalids, and Social Affairs (2006), "Procedures for Conciliation and Arbitration of Labor Disputes," Labor and Social Publishing House, Hanoi.
- 13. Ministry of Labor, Invalids, and Social Affairs (2010), "Reference Materials on Foreign Labor Laws" Labor and Social Publishing House, Hanoi.
- 14. Nguyen, X.T (2004), "Labor Dispute Resolution by Arbitration under Vietnamese Law," Master's Thesis in Law, Hanoi Law University, Hanoi.
- 15. Tran T.C, Phan T.H.A (2024), "The Role of Employers in Settling Labour Disputes through Labour Arbitration under the Legislation in Various Nations and Vietnam," Conference Proceedings "International Conference on Improving the Efficiency of the Labour Dispute Resolution System in Vietnam through Mediation and Arbitration", Ho Chi Minh Law University, Ho Chi Minh.

# PROCEEDINGS OF THE 2<sup>nd</sup> COEC INTERNATIONAL SCIENTIFIC CONFERENCE "SUSTAINABLE ECONOMIC DEVELOPMENT OF VIETNAM IN THE NEW CONTEXT"

#### KỶ YẾU HỘI THẢO KHOA HỌC QUỐC TẾ COEC LẦN THỨ 2 "PHÁT TRIỂN BỀN VỮNG KINH TẾ VIỆT NAM TRONG BỐI CẢNH MỚI"

#### Chịu trách nhiệm xuất bản và nội dung: *Giám đốc - Tổng Biên tập* PHAN NGOC CHÍNH

Biên tập: ĐÀO THỊ HIỀN

Chế bản điện tử: NGUYỄN PHƯƠNG ANH

Sửa bản in: NGUYỄN HÀN NI

Vẽ bìa: NGUYỄN THẠC CƯỜNG

#### Đối tác liên kết:

CÔNG TY CỔ PHẦN IN VÀ DỊCH VỤ VĂN PHÒNG TÂN ĐẠI VIỆT Địa chỉ: Số 16 đường Chùa Láng, phường Láng Thượng, quận Đống Đa, Hà Nội.

In 100 bản, khổ 19 × 27cm, tại Công ty Cổ phần In và Dịch vụ Văn phòng Tân Đại Việt.

Địa chỉ: Số 16 đường Chùa Láng, phường Láng Thượng, quận Đống Đa, Hà Nội.

Số ĐKXB: 4829-2024/CXBIPH/10-145/TC.

Quyết định xuất bản số: 539/QĐXB-NXBTC, ngày 27 tháng 12 năm 2024.

ISBN: 978-604-79-4734-8.

In xong và nộp lưu chiểu Quý I năm 2025.

PROCEEDINGS OF THE 2ND COEC INTERNATIONAL SCIENTIFIC CONFERENCE: "SUSTAINABLE ECONOMIC DEVELOPMENT OF VIETNAM IN THE NEW CONTEXT"

KỶ YẾU HỘI THẢO KHOA HỌC QUỐC TẾ COEC LẦN THỨ 2: "PHÁT TRIỂN BỀN VỮNG KINH TẾ VIỆT NAM TRONG BỐI CẢNH MỚI".



Sách không bán