
Human Rights Of Workers With Disabilities Under Vietnam Law – Comparison With Laws Of Some Other Countries

Vu Thi Bich Hai ¹, Phan Thong Anh ², Le Ho Trung Hieu ³, Doan Kim Van Quynh ⁴

¹Master of Law, Faculty of Law, Van Lang University, Ho Chi Minh City, Vietnam (69/68 Dang Thuy Tram Street, Ward 13, Binh Thanh District, Ho Chi Minh City, Vietnam). <https://orcid.org/0000-0002-2631-7634>.

²Doctor of Law, Lawyer, Dean of Faculty of Law, Binh Duong University, Vietnam (Phan Thong Anh). <https://orcid.org/0000-0003-2929-3663>.

³Master of Law, Faculty of Law, Van Lang University, Ho Chi Minh City, Vietnam (69/68 Dang Thuy Tram Street, Ward 13, Binh Thanh District, Ho Chi Minh City, Vietnam). <https://orcid.org/0000-0003-3080-1928>

⁴Master of Law, Faculty of Law, Van Lang University, Ho Chi Minh City, Vietnam (69/68 Dang Thuy Tram Street, Ward 13, Binh Thanh District, Ho Chi Minh City, Vietnam). <https://orcid.org/0000-0002-5956-3970>.

Email: hai.vtb@vlu.edu.vn, hieu.lht@vlu.edu.vn, Quynh.dkv@vlu.edu.vn

Abstract

This article analyzes a number of theoretical issues regarding the human rights of people with disabilities (PWDs) at work, and the current status of Vietnamese legislation on human rights of PWDs at work from the perspective of comparison with the laws of some countries in the world. Thereby, making recommendations to improve the law on human rights at work of PWDs.

Keywords: Human rights; PWDs; labor relations; ILO; Labor Code 2019.

Introduction

In recent years, workers with disabilities have received a lot of attention and support from the State. This is evident in Vietnam's increasing emphasis on protecting aspects of their human rights with international commitments such as: ILO Convention 159 on Occupational Rehabilitation and Employment for PWDs, Universal Declaration of Human Rights 1948. Accordingly, workers with disabilities should be treated equally and fairly when participating in labor relations.

However, although Vietnam's labor law has been actively internalized to enhance its obligations in international human rights commitments, the support measures in practice are still limited in scale and the scope of application is small. In addition, the implementation process of the competent state agencies still lacks synchronization and does not achieve the expected results. In many cases, employers still have a disdainful attitude and disrespect for PWDs because they think that the capacity of workers with disabilities is still defective and the quality of labor does not meet their requirements. Therefore, the employment opportunities of these subjects are more hindered than that of ordinary workers, they are even discriminated against in their workplace. Recognizing human rights is an important issue to protect this vulnerable subject in today's society. Therefore, this article will review the theoretical and legal bases and compare them with the labor legal systems of other countries to have an objective assessment of this issue in Vietnam.

1. Some Theoretical Issues On Human Rights In The Labor Of PWD

Human rights is a term that can be approached from many different perspectives including economic, and ethical. Even human rights are defined by 50 different definitions published in various United Nations publications ("UN")[1]. From a legal perspective, human rights are generally understood as innate rights, which are natural needs and interests of human nature recognized by national and international laws[2]. In labor relations, human rights are expressed in many different aspects such as the right to have a job, the right to a working environment suitable to the physical characteristics of the disabled, Right to advice When the employer determines matters relating to the rights and interests of workers with disabilities, the right to freedom of association of workers with disabilities, the right to unilaterally terminate labor contracts of employees with disabilities, etc. Employees will be guaranteed these fundamental rights by law not only nationally but also internationally. In fact, not all employees are able to participate in labor relations normally and fully

because of congenital defects or accidents. Therefore, PWDs need to have a more favorable environment and conditions to be able to participate in labor relations in an equal and fair manner.

After World War II, human rights became increasingly important in social relations and were affirmed in many international documents. Among them, the 1948 Universal Declaration of Human Rights defines equality and freedom of dignity as a right for everyone from birth. All human beings with the reason and conscience endowed by their creation need to treat each other with fairness and friendship[3]. In line with the general trend, the ILO also recognizes that basic human rights in industrial relations are a kind of socio-economic right and should be enshrined in the commitments of the members. The ILO initially emphasized human rights in many of its documents, including Convention 100 on Equal Remuneration (1951), Convention 111 on Discrimination (1958), Convention 118 on Equal Treatment (Social Security) (1962)[4]. However, at this stage, PWDs are not considered a separate target group even though they are not able to take care of themselves and need special support from society. During this period, the rights and interests of this group are always associated with other groups of subjects in legal relations, including labor relations. For a long time, PWDs have been discriminated against, belittled in the recruitment process, and in the workplace by other ordinary workers and employers without clear protections. Even international treaties do not stipulate specific conditions and commitments applicable to this group of people so that they can enjoy all human rights in the most equal way in the labor relations.

In the early 1980s, the UN World Program of Action on Disabilities called for the whole world to join hands in creating opportunities, rehabilitating and protecting the rights of PWDs. To promote the objective of this program, Convention 159 adopted by the ILO is specifically for workers with disabilities on occupational and employment re-adaptation. Under this international treaty, a contracting party must commit to building a system of legal provisions to protect the basic rights and interests of workers with disabilities through the principles of non-discrimination and equality in employment opportunities[5]. Subsequently, the ILO issued a Code of Practice in the management of PWDs in the workplace (2002) and a series of separate provisions in Convention 168 on Employment Promotion and Unemployment Prevention (1988), Principles and Fundamental Rights in the workplace (1998) to raise awareness and protect the human rights of PWDs in labor relations. In general, in this period, PWDs have been considered a special group in the labor relations, needing to have their own and specific commitments on rights and interests in international documents. By the 21st century, human rights for PWDs are not only limited to work but also extend to all social relations. This is reflected in the Convention on the Rights of PWDs 2006 adopted by the United Nations General Assembly. This is a document containing a comprehensive legal framework and a universally valid protection tool, demonstrating the recognition and respect for basic human rights of PWDs in all aspects of society[6]. In particular, the issues of labor and employment of PWDs are regulated in Article 27 of this Convention.

Today, in order to ensure international commitments in the protection of human rights of workers with disabilities, countries promote the process of internalization and introduce more appropriate policies in labor law. Accordingly, the common approaches are to create favorable conditions for PWDs in labor relations, maintain the working environment and opportunities according to the two principles of equality and non-discrimination. These two principles are closely related and mutually influence each other in protecting the right to employment, the right to receive wages, the right to ensure social security, and the right to health and safety at work[7].

Based on these two principles, PWDs need to be treated fairly in working conditions, employment opportunities, and participate in the process of performing labor to ensure basic human rights. This is reflected in three aspects as follows:

Firstly, the law needs to give this person preferential regulations compared to other ordinary workers so that they can participate in labor relations in a favorable and equal way. For example, according to Article 113.1.b of Vietnam's Labor Code 2019, regarding the annual leave regime, employees with disabilities who work for full 12 months will be entitled to 2 more days per year compared to the standard rate for ordinary employees of 12 days. This priority creates conditions for workers with disabilities to maintain good health and enough rest time so that they can fully participate in the labor relationship like workers without disabilities. In Japan, The Act on Employment Promotion of PWDs 1960 (amended and supplemented 2013) states that in order to overcome circumstances that may challenge the equality of PWDs with ordinary workers, employers are required to arrange reasonable accommodation during the recruitment and employment process[8].

Second, the law identifies cases of discriminatory conduct and provides for a complete prohibition. For example, the Americans with Disabilities Act 1990 prohibits discriminatory practices in employment, including but not limited to: following general information about disability and physical ability to make employment decisions; applying different salary levels, promotion opportunities to distinguish PWDs, and negotiating and contracting with an organization may create disadvantages for PWDs.

Third, the legislation provides a scope directly related to human rights at work, where the principles of anti-discrimination and equality should be applied. Specifically, in Korea and China, discriminatory behavior against PWDs in labor relations is prohibited if it is related to issues including labor recruitment, salary, vocational training, change of job position, retirement and taking leave, severance or being subject to labor discipline and social insurance[9]. These cases can directly or indirectly affect the human rights of PWDs in the labor relations.

2. Current Status of Human Rights of Workers with Disabilities According to Vietnamese Law - Comparison with The Laws of Some Countries in the World

2.1. Human Rights Of Workers With Disabilities In Seeking Employment Opportunities

Universal Declaration of Human Rights of the United Nations stipulates that human rights in the field of work are as follows: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment” (Article 23.1). The Declaration does not make any exclusions on employment opportunities for workers with disabilities. As a member for the second term in the UN Human Rights Council, Vietnam also recognizes the right to work as a citizen’s right in the 2013 Constitution: “Citizens have the right to work, choose a career, employment and workplace” (Article 35.1), from that, stipulates the mandatory obligation of both the State and the employer to create equal access and competition opportunities for employment for employees, regardless of their race, color, national or social origin, ethnicity, gender, age or status (maternity, marriage, religion, creed, disability, HIV infection) (Article 3.8, Article 4.4, Article 9 of the Labor Code 2019). Employers who recruit workers with disabilities to work will enjoy appropriate incentive and preferential policies (Article 158 of the Labor Code 2019) such as financial support to improve working conditions and environment suitable for PWDs, exemption of corporate income tax, giving priority to leasing land, premises and water surface[10]. In addition, the Law on PWDs 2010 also introduces the concept of PWD, defining them as a person “who has a defect in one or more body parts or a functional impairment manifested in the form of a disability that makes it difficult to work, live or study” (Article 2.1). However, physical and mental disabilities of PWDs cannot become a barrier to their access to employment opportunities. The Law on PWDs 2010 emphasizes the right to employment of workers with disabilities and the responsibility of state agencies and employers (Articles 5 and 6 of the Law on PWDs 2010) in ensuring this equal right. Any act of “discrimination, exclusion or preference that have an impact on equality of employment or career opportunities” is considered discriminatory and is strictly prohibited (Article 8.1 of the Labor Code 2019). Employers who commit acts of discriminating against employees with disabilities during the recruitment process will be administratively sanctioned with a fine ranging from VND 5,000,000 to VND 10,000,000 for individual violators (Article 8.2.a Decree 12/2022/ND-CP). If the violator is an organization, the above sanction will be doubled.

It must also be recalled that the equal right to employment of workers in general and workers with disabilities in particular in Vietnam has not been recognized at the highest level of human rights. This right only stops at the level of citizenship according to the 2013 Constitution. Although the Labor Code 2019 expands the definition of discriminable acts that can be sanctioned under Decree 12/2022/ND-CP to include the discrimination on the basis of nationality, but administrative procedures for foreign workers are still more complicated than those of Vietnamese nationality. For foreign workers, the employer is required to prove the need to employ foreign workers and the employee must be granted a work permit with a limited term, not according to the principles of the Labor Code 2019 on signing indefinite contracts. In the case where workers are foreign PWDs, this administrative procedure can become a barrier that makes it more difficult for PWDs to access jobs than other workers.

However, this is quite similar to the laws of some other countries such as the US or India. The Americans with Disabilities Act (ADA) prohibits discrimination against PWDs in all aspects of employment, including: hiring, firing, wages, assignment, promotion, suspension, training, benefits additional, any other terms or conditions of employment. In particular, during the recruitment process, the law does not allow employers to ask questions or take a medical examination to detect a candidate’s disability[11]. However, right from the name, this Act represents the scope of protection only for US citizens with mental or physical impairments. For foreign workers in general and foreign workers with disabilities in particular, in order to be able to work legally in the US, they also need a work permit (EAD)[12]. This restricts the possibility of foreign workers with disabilities to access job opportunities in the US. India has recognized the right to employment of PWDs in the Constitution and the Law on Disabilities 1995. Compared with the provisions of Vietnam and the US, India has more extensive government intervention in the recruitment process for PWDs when specifying the number of PWDs that need to be recruited in an enterprise[13].

With the approach and construction of a legal corridor that is very close to the trend of other countries in the world, disabled workers in Vietnam have equal opportunities to access jobs with other workers, despite their disabilities may

trigger difficulties for them in the labor relations. However, the actual implementation of these regulations has not been as effective as expected. Specifically, a report in 2020 submitted to the United Nations Committee on the Rights of PWDs showed that discrimination in the recruitment of workers with disabilities in Vietnam still exists when 55% of respondents believed that employers do not want to hire workers with disabilities, 53% of PWDs when participating in recruitment are refused because of disability[14]. Among the reasons mentioned by the Report, it is undeniable that the current sanctions against enterprises are still quite light, not enough deterrent, tax incentives are not attractive enough for enterprises to actively hire workers with disabilities. The report also suggests a number of recommendations to better protect the human rights of PWDs at work. These solutions begin to approach the regulations of some other countries, such as the proposal for the Government to specify the number of PWDs that need to be recruited in the year of enterprises, raise the level of sanctions and increase tax incentives for enterprises employing PWDs [15].

2.2. The Right to Be Guaranteed a Working Environment Suitable to The Physical Characteristics of PWDs

“Waged employees are guaranteed fair and safe working conditions; enjoy salary, rest regime” (Clause 2, Article 35 of the 2013 Constitution). Realizing the above provisions, Article 159 of the Labor Code 2019 has set out specific requirements for the employment of workers with disabilities. Accordingly, employers must ensure working conditions, working tools, occupational safety and health, and organize periodic health check-ups suitable for employees who are disabled (at least once every 6 months – Clause 1, Article 21 of the Law on Occupational Safety and Health 2015). In other words, with the specificity of physical factors, the working environment of PWDs also needs to ensure many factors, so that human rights of workers with disabilities are realized.

Firstly, about working hours of workers with disabilities.

Normal working hours should not exceed 08 hours a day and 48 hours a week (Section 1, Article 105 of the Labour Code 2019). However, the state encourages employers to implement 40 hours of work week. The state prohibits the use of 51% or more, light PWDs with severe or especially severe disabilities, working overtime or working at night, in cases where employees with disabilities agree (Section 1, Article 160 of the Labor Code 2019). In case of violation of the above provisions, the employer will be fined from 5,000,000 VND to 10,000,000 VND (Article 31 of Decree 12/2022/ND-CP). This regulation is intended to prevent employers from using pressure or forcing PWDs to work overtime or at night.

However, practice shows that, stemming from the situation of production and business activities of employers and the needs of PWDs to earn a living, working overtime or working at night is really the need of the parties in the labor relationship. Meanwhile, point a, clause 2, Article 107 of the Labor Code 2019 stipulates that the employer is only allowed to use the employee to work overtime if the statutory conditions are satisfied, including the condition that “the employee’s consent is obtained”. Therefore, in terms of legislative techniques, the provisions in Clause 1, Article 160 of the Labor Code 2019 become “redundant” and lead to overlapping provisions in the same legal document. On the other hand, setting strict and restrictive regulations when using this type of labor will make employers reluctant to accept PWDs to work despite many encouraging policies[16]. Therefore, instead of being “prohibited”, Clause 1, Article 160 of the Labor Code 2019 should consider amending in the direction that PWDs, in this case, are still allowed to work overtime and work at night with a higher salary than ordinary workers who also work overtime, work at night with a certain rate (e.g. 20%, 30%...)[17].

Second, about the rest time of workers with disabilities.

It is extremely necessary and meaningful to ensure time off to regenerate labor for workers with disabilities. Therefore, the current Vietnamese law has many provisions on the types of rest time for PWDs such as: Break during working hours ; break between shifts; weekly rest; holidays, Tet; personal leave, unpaid leave; and annual leave. In which, for annual leave, an employee who is a PWD with full 12 months of working for an employer is entitled to 14 working days off (for those who do the job under normal conditions, 12 working days) and every full 05 years working for an employer, the number of annual leave days of the disabled person will be increased by 01 day.

Under the UK Equity Act 2010, in addition to sick leave and annual leave, a person with a disability can request an employer to allow him or her to apply for Disability Leave if they are recognized by the Labor Court. The number of leave days will be based on the agreement of the parties in consultation with the occupational safety agency. Employers may be penalized for discriminatory behavior if they do not reach agreement with PWDs upon request[18]. The law of Vietnam has not yet provided for this special case on the basis of considering the actual health of workers with disabilities. In this case, a person with a disability can “take unpaid leave” if an agreement is reached with the employer (Article 115.3 of the Labor Code 2019). However, if viewed from the perspective of protecting workers as PWDs, if an

agreement cannot be reached with the employer, with the above health situation, the PWD must take annual leave. If the annual leave has expired and a person with a disability is forced to take time off work because of his or her health situation, it is easy to violate the regulations on working time of PWDs (Article 125.4 of the Labor Code 2019). Therefore, in order to protect PWDs in labor relations, Vietnamese law can refer to the experience of British law in adding provisions on forcing employers to accept a certain limit of unpaid leave days for workers with disabilities if the reason is directly related to their health status.

Labor protection is the main measure to improve the working environment and conditions for workers with disabilities - a group of subjects who are able to protect themselves at a lower rate than ordinary people. Not only that, having labor protection and working in safe and hygienic conditions is also defined as the right of PWDs (Article 5.1 of the Labor Code 2019). Therefore, Vietnamese law strictly regulates the responsibilities of employers in ensuring that employees can work in a safe and hygienic working environment in accordance with regulations (in terms of space, ventilation, brightness, meeting permissible hygiene standards for dust, vapors, toxic gases, radiation, electromagnetic field, heat, humidity, noise, vibration and other harmful factors ...)[19]. Employers are responsible for ensuring that the working time limit for exposure to dangerous and harmful factors follows national technical regulations and relevant laws. According to the list introduced by the Labour Minister, it is strictly prohibited to use PWD to do heavy, dangerous and dangerous work., War Invalids and Social Affairs without the consent of PWDs after they have been provided full information about that job (Article 160.2 of the Labor Code 2019). At the same time, for PWDs to work in a safe and hygienic working environment, Vietnamese law also identifies the responsibilities of trade unions and state management agencies in the field of labor protection.

2.3. The Right To Consult When The Employer Decides On Issues Related To The Rights And Interests Of Workers With Disabilities

Labor relations are related to the special legal reliance of workers on labor productivity. In particular, for PWD workers, this dependency is more stringent because the working conditions of PWDs are always more demanding than those of other ordinary workers. When recruiting workers with disabilities, the employer not only needs to ensure the conditions of work, work equipment, occupational safety and hygiene, and also organize suitable periodic health check-ups for workers with disabilities and disabilities when making decisions. In order to determine matters relating to their rights and interests, the employer must consult with them: (Clause 2, Article 159 of the Labor Code 2019).

For example, transferring a worker who is a PWD to a job other than a labor contract is a case that directly affects the rights and interests of PWDs. Therefore, the employer must meet many conditions when exercising this right :

Firstly, it is only temporarily applied in certain cases and must clearly articulate in the labor regulations about these cases such as unexpected difficulties due to natural disasters, fires, dangerous epidemics, taking measures to prevent and overcome labor accidents, occupational diseases, electricity and water problems or due to production and business needs.

Secondly, employees with disabilities must be notified at least 03 working days in advance with detailed information about the temporary working term and arranging jobs suitable to the health and gender of the PWD.

Thirdly, the transfer is only allowed within a certain period of time (not exceeding 60 cumulative working days in a year, if more than 60 cumulative working days in a year, it can only be done when the PWD agrees in writing).

Fourth, before deciding to transfer an employee to a job other than a labor contract, the employer must consult with a person with a disability. Employers who violate the above regulations will be fined from 5,000,000 VND to 10,000,000 VND (Article 31 of Decree 12/2022/ND-CP).

This provision of Vietnamese law is similar to that of the US and Japanese laws. In the US, although the ADA does not recognize this provision, the judicial practice in this country is always in the direction that decisions of employers related to the rights and interests of PWDs must be on the basis of reaching an agreement with them. Meanwhile, according to Article 36.4.1 of the Employment Promotion Act of PWDs 1960 (amended and supplemented 2013) of Japan, when providing reasonable work, employers must fully respect the wishes of PWDs and must prepare a necessary system to meet the requirements through consultation with workers with disabilities[20].

The regulation that employers must consult with PWDs as above has partly demonstrated the protection and responsibility of society for the special subject of the labor relationship, which is PWD. However, the opinion of the

employee with disabilities in this case is only for reference, the employer still has the right to take the initiative and make the final decision because the use of labor will directly affect the production and business outcome of the employer. However, the current law has not yet specified on the form and order and procedures for collecting opinions of employees with disabilities. In fact, workers with disabilities have various physical defects, so the employment of this type of labor is often “optional” and careful consideration of the employer. As for workers with disabilities, finding employers to accept them is extremely challenging. Therefore, when the employer consults with the PWD, only few PWDs “dare” to refuse. Therefore, in this case, Vietnamese law should be adjusted in the direction of adding provisions on the consultation with the disabled person in writing and the employer must notify the employee representative organization at the establishment (including the grassroots trade union or the employee’s organization at the enterprise –(Clause 3, Article 3 of the Labor Code 2019) before executing these decisions.

2.4. Freedom Of Association of Workers with Disabilities

Vietnam is a member of the International Labor Organization (ILO) and has ratified many conventions on fundamental rights of workers in the workplace , including Convention 98 on the right to collective bargaining. This is the core, important convention of the ILO aimed at better ensuring workers’ rights. These are also international labor commitments that Vietnam participates in, in line with Vietnam’s progress in implementing new -generation Free Trade Agreements, such as the CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership) or the FTA between Vietnam and the EU (EVFTA) and its policies on corporate social responsibility for workers with disabilities of multinational companies, which is the foundation to ensure fair globalization in the field of labor.

Furthermore, Freedom of Association and Protection of the Right to Organize also prescribes important principles in the exercise of the right to freedom of association for PWDs under Convention 87. According to Article 2 of this Convention, Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation, with the only condition that they must abide by the rules of that organization to carry out the purpose of promoting and protecting the interests of the organization. of workers who are PWDs .

The freedom of association aims to protect the legitimate human rights of workers with disabilities. This Convention does not permit any workers’ representative organization to abuse their freedom to conduct illegal activities. Therefore, the representative organization of workers at the grassroots must prove its lawful operation when performing the function of protecting the interests of employees. However, up to now, Vietnam has not ratified Convention 87. Meanwhile, in order to protect human rights in the work of PWDs, the internalization of the international convention on the freedom of association of PWDs - a kind of economic, social and cultural right of people - is an objective necessity for Vietnam.

Currently, Article 3.3 of the Labor Code 2019 also has regulations on employee representative organizations at the grassroots. Accordingly, this is an organization established on a voluntary basis of PWDs in an employing establishment for the purpose of protecting the legitimate rights and interests of employees in labor relations through collective bargaining or other forms as prescribed by the labor law. Organizations representing workers at grassroots include grassroots trade unions and workers’ organizations at enterprises. However, in order to be consistent with international commitments in the integration process, in the coming time, Vietnam should consider ratifying this Convention. This will make a positive contribution to building a stable, harmonious and healthy labor relationship - one of the bases for maintaining the country’s political and social stability and also a prerequisite to promote the economy and attract FDI[21].

2.5. The Right to Unilaterally Terminate Labor Contracts of Employees with Disabilities

Unilateral termination of an employment contract is a legal act in which one party to an employment relationship terminates the labor contract by himself without the consent of the other subject. This is the right of the parties in the labor relationship when the commitments in the labor contract are not performed properly or sufficiently or when one party commits violations of labor law and is recognized in the laws of many countries around the world.

In Vietnam, the right to unilaterally terminate labor contracts has been recognized since Ordinance 29/SL in 1947. Currently, the Labor Code 2019 provides for this right for both employers and employees with disabilities. However, compared with employers, the exercise of the right to unilaterally terminate labor contracts of employees with disabilities is much simpler. Accordingly, in order to unilaterally terminate a labor contract with an employer, with all types of labor contracts, employees with disabilities only have to give notice in advance for a certain period of time (45

days, 30 days, 03 working days, except for some industries, professions, specific jobs and some cases which do not require a notification in advance pursuant to Article 35 of the Labor Code 2019) without specifying the reason for termination. Meanwhile, Indonesian law does not specify this right, rather allows the parties to terminate the labor contract in the cases prescribed by law[22].

It can be seen that this is an important and effective legal tool that Vietnam's current law for employees with disabilities to actively protect themselves when participating in labor relations. However, the above regulation will have a great impact on enterprises that specialize in employing PWDs. Most of them are small or very small enterprises with less than 50 employees with diversified fields of operation, low qualifications and low profits such as handicrafts, mushroom growing, garment ... Many enterprises have low management level, operating with old equipment, few opportunities to access funding or vocational training to improve business[23]. In this situation, with such a simple mechanism of unilateral termination of labor contracts, it may push the employer into a difficult situation in finding replacement workers and stabilizing their production and business activities.

In fact, when an employee unilaterally illegally terminates a labor contract, it will have a significant impact on the psychology of other employees, affecting labor productivity and results of production and business activities. On the contrary, when an employee exercises the right to unilaterally terminate the labor contract with an easy mechanism, it can become a "seed" of future instability. When the labor relations no longer ensure cohesion, the employee may unilaterally terminate the labor contract in series, influencing the interests and stability of the employer. Therefore, the author believes that it is necessary to consider amending regulations on the right to unilaterally terminate labor contracts of PWDs in the direction: In order to unilaterally terminate labor contracts with employers, employees with disabilities must also (i) have a statutory reason (Specify a number of reasons, with particular focus on reasons related to the health of employees with disabilities as a basis for unilaterally terminating labor contracts) and (ii) prior notice is required (depending on different reasons and types of labor contracts, except for some cases without prior notice). This will contribute to ensuring the balance and harmonization of rights and interests of employers and employees with disabilities, thereby promoting the building of a sustainable relationship.

Conclusion

The right to be treated equally in employment opportunities and in labor relations is one of the fundamental human rights. Although it is a universal and irrevocable right, human rights in the labor field still depend a lot on culture, standards and the ability to enforce human rights in different countries and nations. Aside from the obligation to protect human rights in general, states also have an obligation to ensure the social security of their citizens, starting with the creation of jobs. This is the main reason why the regulation of equality in labor in most countries stops at the level of citizenship. Compared with some other countries inside and outside the region, the legal framework that the Vietnamese Government has built to protect workers in general and workers with disabilities in particular can be considered quite methodical and complete. However, the efficiency in practical application is not high. Workers with disabilities have not been considered a high-quality, attractive human resource in the eyes of employers. The unemployment of workers with disabilities not only wastes labor but also put pressure on state agencies in enforcing social protection policies. In order to ensure the human rights of workers with disabilities in the labor relations, Vietnam needs to further promote legal education and propaganda, effectively build a mechanism to protect PWDs through labor management agencies, and strengthen inspection, examination and supervision by management agencies in ensuring the implementation of human rights of PWDs in labor relations. And in the upcoming time, Vietnam needs to consider and expand the level of protection for workers with disabilities, not only in terms of citizenship but also human rights, taking into account physical and spiritual characteristics of this special group of workers.

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LIST OF ACRONYMS

STT	Acronyms	Full name
1	Law on PWDs 2010	Law on People with disabilities 2010
2	UN	United Nations
3	ILO	International Labor Organization
4	PWDs	People with disabilities