

# Legal Framework and the Role of Trade Unions in Implementing Social Security Policies in Vietnam's Industrial Zones

**Le Thi Huyen Trang**

*Department of Social Opinion Research,  
Institute for Strategy and Policy of the Vietnam Fatherland Front*

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**Abstract:**

*This paper examines the legal framework and the role of trade unions in implementing social security policies in Vietnam's industrial zones. In the context of rapid industrialization and increasing labor mobility, ensuring social security for workers has become a critical issue. The study analyzes current legal regulations governing social security and trade union activities, highlighting their functions in protecting workers' rights, promoting access to social insurance, health insurance, and other welfare benefits. Using a qualitative approach based on document analysis and secondary data, the paper identifies key contributions of trade unions, including policy dissemination, worker representation, and participation in monitoring and supervising policy implementation. However, several limitations are also revealed, such as limited enforcement capacity, insufficient resources, and gaps in coordination between stakeholders. The findings suggest that strengthening the legal framework, enhancing institutional capacity, and promoting more effective collaboration between trade unions, employers, and state agencies are essential to improving the implementation of social security policies. The paper contributes to the literature on labor relations and social policy in developing countries, particularly in transitional economies like Vietnam.*

**Keywords:** *trade unions; social security policies; industrial zones; legal framework; Vietnam*

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## I. Introduction

In recent decades, Vietnam has undergone rapid industrialization and economic transformation, leading to the expansion of industrial zones and a significant increase in the number of wage workers. This process has created both opportunities and challenges for the labor market, particularly in ensuring adequate social security for workers. Industrial zones, which attract a large number of migrant and low-skilled workers, have become critical spaces where issues related to social protection, labor rights, and welfare provision are most visible. Social security policies, including social insurance, health insurance, unemployment insurance, and other welfare programs, play a fundamental role in safeguarding workers against risks and vulnerabilities. In Vietnam, the legal framework governing social security has been gradually improved, with the promulgation of various laws and regulations aimed at expanding coverage and enhancing effectiveness. However, the implementation of these policies in industrial zones remains uneven, with persistent gaps between policy design and practice.

Within this context, trade unions in Vietnam are expected to play a central role in representing workers, protecting their rights, and facilitating access to social security benefits. As mass organizations operating under a specific political and institutional framework, trade unions are uniquely positioned to act as intermediaries between workers, employers, and the state. Their functions include disseminating legal information, supporting workers in accessing benefits, participating in collective bargaining, and supervising the enforcement of labor and social security laws. Despite their important role, the effectiveness of trade unions in implementing social security policies has been subject to debate. Several challenges have been identified, including limited autonomy, resource constraints, and varying levels of capacity at the grassroots level, particularly in industrial zones where labor relations are complex and dynamic. Moreover, the evolving nature of the labor market, characterized by informal employment, labor mobility, and changing employer practices, poses additional challenges to traditional trade union activities. Given these issues, this paper aims to examine the legal framework and analyze the role of trade unions in implementing social security policies in Vietnam's industrial zones. Specifically, it seeks to (i) review the current legal regulations related to social security and trade union functions; (ii) assess the actual roles and contributions of trade unions in practice; and (iii) identify key challenges and propose recommendations to enhance their effectiveness. By doing so, the study contributes to a better understanding of labor relations and social policy implementation in transitional economies.

## **II. Literature Review**

Social security has long been recognized as a fundamental pillar of social protection and sustainable development. According to the International Labour Organization, social security encompasses policies and programs designed to reduce poverty and vulnerability while ensuring access to essential services (International Labour Organization, 2021). In developing and transitional economies, the expansion of social security systems is closely linked to industrialization and labor market transformation (Barrientos, 2013; Holzmann et al., 2019). However, existing studies indicate that implementation often faces structural challenges, including widespread informal employment, limited institutional capacity, and weak enforcement mechanisms (Levy, 2008; Nguyen & Van Nguyen, 2020). Industrial zones are particularly vulnerable contexts, characterized by high labor mobility, a concentration of migrant workers, and limited access to formal protection systems (Tran & Bui, 2021; World Bank, 2020).

The effectiveness of social security systems depends not only on policy design but also on the legal and institutional frameworks governing their implementation. Legal frameworks define rights, obligations, and enforcement mechanisms that shape policy outcomes (Deakin & Sarkar, 2008; Pierson, 2004). In many developing countries, reforms have aimed to expand coverage and improve compliance among employers (OECD, 2019).

Nevertheless, a persistent issue in the literature is the gap between formal regulations and actual implementation. Weak monitoring systems, limited administrative capacity, and insufficient coordination among stakeholders often undermine policy effectiveness (Pritchett et al., 2013; Andrews et al., 2017). This “implementation gap” is particularly evident in rapidly industrializing regions, where regulatory systems struggle to keep pace with economic change (Pham & Nguyen, 2019).

Trade unions are widely recognized as key actors in promoting labor rights and supporting the implementation of social policies. Their traditional roles include collective bargaining, worker representation, and advocacy for improved working conditions (Freeman & Medoff, 1984; Hyman, 2001). In the context of social security, trade unions contribute by raising awareness, facilitating access to benefits, and monitoring employer compliance (ILO, 2018; Visser, 2019). Empirical studies suggest that strong trade unions can enhance policy effectiveness by bridging the gap between legal provisions and practical implementation (Hayter & Weinberg, 2011; Standing, 2011). However, their effectiveness varies across contexts. In industrial zones, high labor turnover, weak union density, and employer resistance often limit their capacity (Do & Pham, 2022; Nguyen et al., 2021).

In Vietnam, trade unions operate within a distinctive political and institutional framework, with the Vietnam General Confederation of Labour playing a central role in coordinating activities. Previous studies indicate that trade unions have contributed to promoting labor law compliance, disseminating social insurance policies, and supporting workers’ access to welfare benefits (Clarke et al., 2007; Nguyen, 2017). However, several limitations have been identified. These include limited autonomy, dependence on employers in some enterprises, and uneven capacity at the grassroots level (Tran, 2013; Doan & Bui, 2020). In industrial zones, these challenges are compounded by complex labor relations and the growing diversity of the workforce (Nguyen & Le, 2022; World Bank, 2020). Although existing studies provide valuable insights into social security systems and trade union roles, there remains a lack of integrated research examining the interaction between legal frameworks and trade union practices in Vietnam’s industrial zones. Many studies address these dimensions separately, without fully capturing their interconnections (Pham & Nguyen, 2019; Nguyen et al., 2021). Therefore, this study aims to fill this gap by analyzing both legal regulations and the practical role of trade unions in implementing social security policies. By focusing on industrial zones, the paper contributes to a deeper understanding of institutional dynamics in transitional economies.

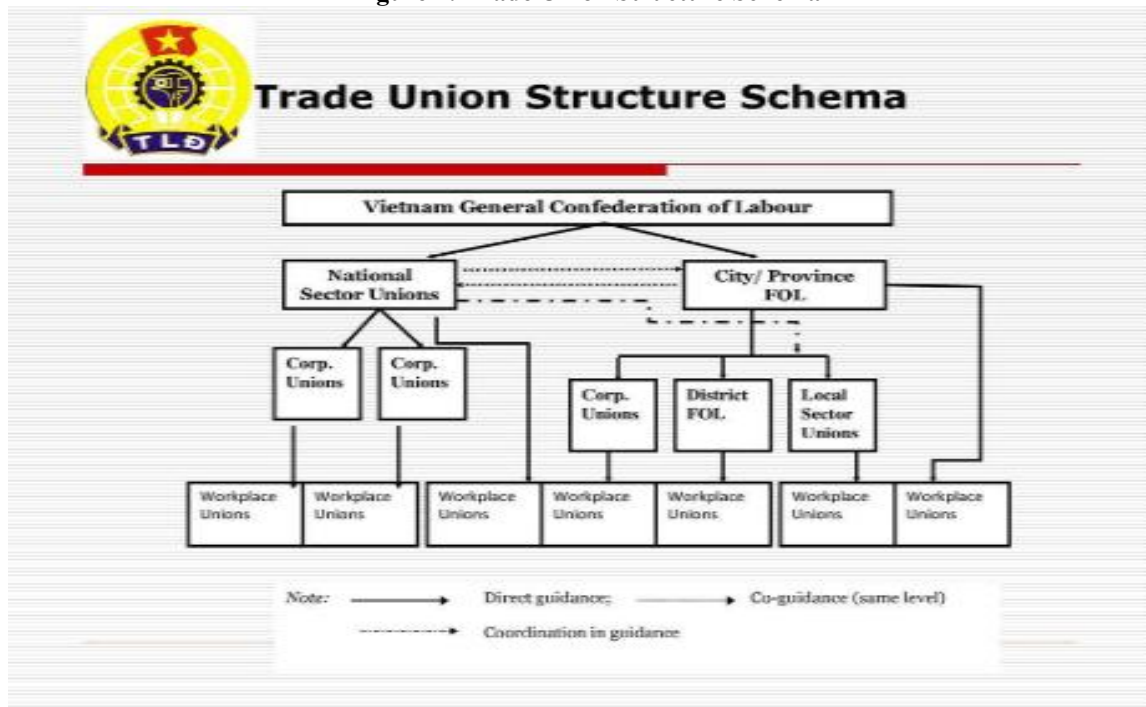
## **III. Results and findings**

*Trade unions in the field of participating in the state management of labor, production and business management, exercising the ownership rights of the labor collective*

Contents of the State management of labor include: the elaboration and organization of national programs on labor, employment, labor and social policy regimes; allocate the use of labor resources, inspect and inspect the enforcement of labor laws. In the State management of labor, trade unions have the right to (i) participate in the formulation of national socio-economic programs; (ii) The right of government agencies at all levels to attend conferences; (iii) Participate in job creation; (iv) Participate in social insurance management The Vietnam General Confederation of Labor and trade unions at all levels have the right to participate in supervising the State management of labor in accordance with law. The Vietnam General Confederation of Labor has the right to submit draft laws to the National Assembly, inspect and supervise the implementation of labor laws, guide the implementation of relevant labor legal documents and within the scope assigned by the State. Local labor federations consult with authorities at the same level on local labor management issues, inspect and supervise the implementation of labor laws. Industry trade unions delve into the technical and

economic management of the sector, participate in the development and implementation of policies on labor, wages, bonuses, training, management and good use of technical staff of the sector.

**Figure 1: Trade Union Structure Schema**



*Source: Vietnam General Confederation of Labor*

Within the scope of its functions, trade unions participate in inspecting the observance of laws on labor contracts, wages, labor discipline, labor protection, social insurance and other regulations related to the rights and interests of employees. During inspection and supervision, trade unions have the right to request employers (heads of agencies, units, organizations, etc.) to answer the problems raised, propose measures to correct deficiencies, prevent phenomena that violate the law and handle violators. The employer shall, within the ambit of his/her duties, respond to the trade union with the results of the settlement of petitions raised by this organization within the time limit prescribed by law. For problems that have not been solved or cannot be solved, it is also necessary to clearly indicate the reason. In addition, in necessary cases, trade unions may organize dialogues between the employees' collective and the employer to resolve issues related to the rights, obligations and interests of employees.

When a trade union is established in accordance with the Trade Union Law and the Trade Union Charter, the employer must recognize that organization. Employers must cooperate closely and create favorable conditions for trade unions to operate in accordance with the provisions of the Labor Code and the Trade Union Law. Employers must not discriminate on the grounds that employees establish, join or operate trade unions, must not use economic measures and other tricks to interfere in trade union organizations and activities; must ensure necessary facilities for trade union operation, must reserve some necessary time for non-part-time trade union officials to operate and pay wages (not less than 3 working days in a month). For full-time union workers, their wages are paid by the union fund, but collective benefits and other benefits are enjoyed just like everyone else in the business.

Figure 2: Trade unions participating in collective bargaining at enterprises



Source: Vietnam General Confederation of Labor

The Congress of Employees and Employees is a form of democratic activities of employees to discuss the implementation of production and business plan objectives and the issue of improving the working, living and living conditions of employees. The director, together with the trade union, is responsible for preparing the content and organizing the congress. Normally, the General Meeting of Public Employees meets 2 times a year, at least once a year. Through the congress, the employees' collective sets out directions and measures for production and business implementation, life improvement, including professional and skilled training for employees. In order to be able to successfully accomplish production and business goals, on that basis, improve the lives of employees, Trade unions together with employers set emulation directions, measures and targets to organize and mobilize emulation movements. The purpose of organizing emulation movements is to promote initiatives and exchange experiences to increase labor productivity, work efficiency, save materials, and successfully complete the set goals and tasks. For those who directly produce, that goal is reflected in the application of measures to successfully complete labor norms, material consumption norms ...; For those working in science and technology, this goal is reflected in measures to implement research topics well in order to promote scientific and technical progress. For those doing administrative work, that goal is the completion of tasks and professional work programs. In the emulation movement, the director is obliged to provide material conditions for the maintenance of the emulation movement. Trade unions have the right to request directors and other concerned professional agencies to solve material and technical difficulties, especially the application of scientific achievements and new initiatives to production. Trade unions coordinate with employers in organizing the preliminary and summary of the emulation movement; There are rewards for workers who have performed in the movement and fostered good examples. Trade unions have the right to appoint their representatives to emulation committees to organize and direct the emulation movement.

A collective labor agreement is a document signed between the Executive Committee of a grassroots-level trade union (or provisional trade union) and the director of an enterprise on relevant issues in industrial relations. According to article 69 of the 2019 Labor Code, trade unions are one of two entities participating in the development of collective labor agreements. The contents of the collective labor agreement include commitments on employment, working time, rest time, wages, bonuses, labor norms, occupational safety, occupational hygiene and social insurance for employees. The State encourages the parties to sign collective labor agreements with provisions that are more favorable to employees than those prescribed by labor law. The terms of a collective labor agreement can only be formed on the basis of voluntary and equal negotiations and agreements. Employers cannot dictate conditions to force unions to sign provisions that violate the law. The State, by legal means allowing trade unions to represent workers in negotiating and signing collective bargaining agreements expresses the State's respect for the broadest organization of the working class and workers. With that regulation, the State not only creates conditions for trade unions to perform the most basic function of protecting workers, but also serves as an effective legal method for trade unions to participate effectively and manage enterprises, reconcile interests and prevent conflicts. For trade unions, the fact that the labor law stipulates the participation of trade unions in the signing of collective labor agreements shows that the

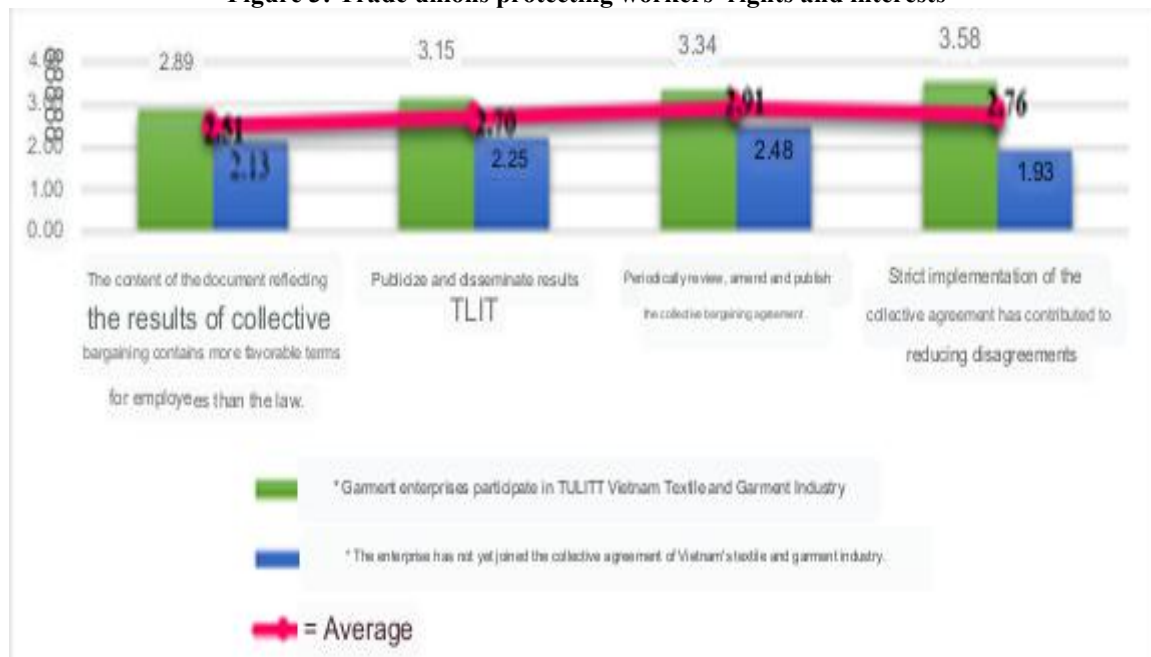
role and responsibility of trade unions are enormous in effectively participating in enterprise management, and especially in protecting the legitimate rights and interests of employees.

The Vietnam General Confederation of Labor participates with the Government in formulating the national program on labor protection, occupational safety and hygiene, developing scientific research programs and developing laws on labor protection and occupational safety, occupational hygiene. (Article 188 of the Labor Code) The Ministry of Labor, War Invalids and Social Affairs and the Ministry of Health shall promulgate a list of occupational diseases after consulting the Vietnam General Confederation of Labor and employers' representatives.

*Trade unions in the field of caring for improving the life and employment of employees, protecting the legitimate rights and interests of employees are stipulated by law*

Creating jobs and ensuring that all workers have the opportunity to have jobs is the responsibility of the State, enterprises and the whole society, including trade unions. Trade unions at all levels from the Vietnam General Confederation of Labor to grassroots trade unions must cooperate with State agencies and employers in discussing and resolving industrial relations issues at both macro and micro levels; Have the right to establish employment, vocational, mutual economic service organizations, legal advice and general welfare establishments for employees and other interests in accordance with the Trade Union Law and the Labor Code. For employees working in enterprises with low incomes or not enough jobs, trade unions have the responsibility to discuss with employers in many ways to improve skills, retrain jobs, create more jobs, etc. to help employees have more sources of income to ensure their lives. The law also stipulates the rights and obligations of trade unions to protect workers in the field of termination of labor contracts and job loss.

**Figure 3: Trade unions protecting workers' rights and interests**



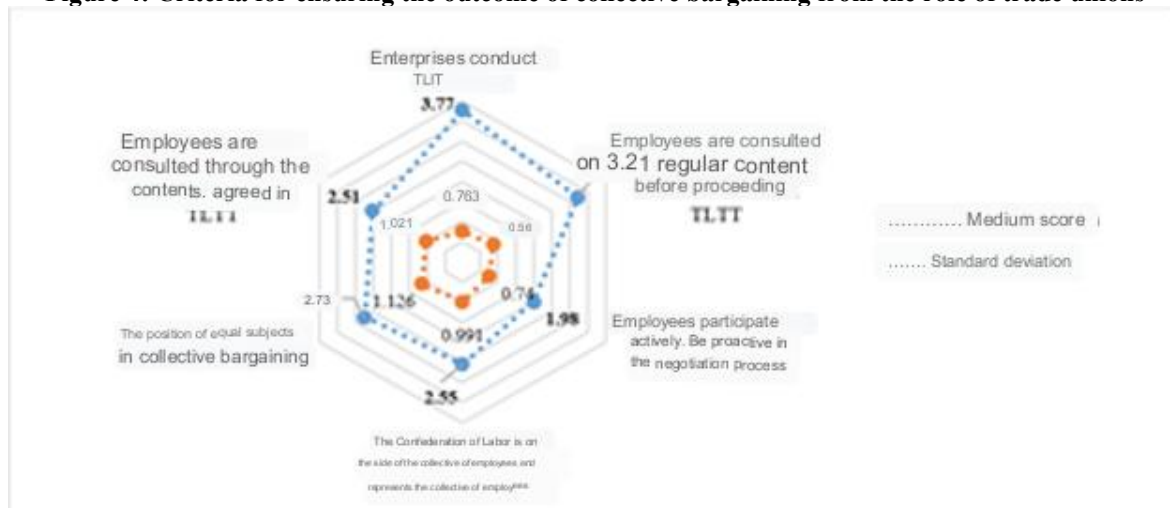
Source: Vietnam General Confederation of Labor

In order to avoid the employer unilaterally terminating the labor contract with the employee arbitrarily, Article 38 of the Labor Code stipulates that if the employer deems it necessary to terminate many employees in turn in case of structural or technological changes, the list must be published, Based on the needs of the enterprise, skills, family situation and other factors of each person to dismiss in turn after discussing and agreeing with the Executive Committee of the grassroots-level trade union in the enterprise. The dismissal shall only be carried out after notifying the local labor office. In cases where the employer is allowed to unilaterally terminate the labor contract, before terminating the contract, the employer must discuss with the Executive Committee of the grassroots-level trade union. In case of disagreement, the two parties must report to the competent organization agency. After 30 days from the date of notification to the labor office, the employer has the right to decide and must be responsible for his/her decision. In case of disagreement with the employer, the Executive Committee of the grassroots-level Trade Union and the employee have the right to request settlement of the labor dispute according to the order prescribed by law. When an employee has the right to temporarily suspend an employee in necessary cases as prescribed by law, before deciding to temporarily suspend his/her job, the employer must consult the Executive Committee of the grassroots-level trade union (Article 39 of the

Labor Code). The above procedures are mandatory and must be present in any case. Trade unions are obliged to comment and discuss specifically issues that affect the legitimate interests of employees, if not agreed by the employer, they have the right to request settlement of labor disputes in order to protect the legitimate interests of employees.

The issue of improving the material and spiritual life of employees is not only the responsibility of the employer but also the responsibility of trade unions at all levels, especially the Executive Committee of the grassroots-level trade union, which directly takes care of and protects the interests of employees. Trade unions have the right and responsibility to master the family economic situation of their members in the enterprise so that they can provide spiritual and material assistance. Grassroots trade unions together with employers take care of cultural life, physical training and sports activities, organization of rest and tourism... for workers, especially the issue of creating funding and arranging time for all workers to enjoy these rights every year. Trade unions coordinate with employers in using the unit's collective welfare fund openly and democratically in improving the material, spiritual life and health care for employees. In certain cases, trade unions in state-owned enterprises also have the right to inspect or suspend the use of this fund if it is found that the use of the fund is for wrong purposes or in contravention of resolutions of conferences of public employees.

**Figure 4: Criteria for ensuring the outcome of collective bargaining from the role of trade unions**



Source: Vietnam General Confederation of Labor

The Vietnam General Confederation of Labor also has the authority to participate with the Government in issues of formulating the Charter on Social Insurance, establishing a system of social insurance organizations, formulating regulations on organization and operation of social insurance funds (Article 186 of the Labor Code). Local and grassroots trade unions shall join with authorities and employers in the implementation and supervision of the implementation of social insurance regimes promulgated by the State. Depending on the field and scope of operation, trade unions have the right to participate directly with employers or authorities at the same level to settle complaints and denunciations of employees or as legal representatives of employees' collectives, protect the legitimate interests of complaining employees, denounce to the competent agencies of the State for consideration and settlement. Grassroots-level trade unions have the right to appoint their representatives to the composition of grassroots-level labor conciliation councils, appoint members to the list of labor arbitration councils or participate in court proceedings. The executive committee of the grassroots trade union is the one who decides the strike after being approved by more than half of the workers' collective by secret ballot or signature. After a strike, the grassroots trade union executive committee has the right to apply to the court to request that the strike be legal. In addition, the Law on Enterprise Bankruptcy also stipulates that in case an enterprise fails to pay wages to employees for three consecutive months, the representative of the trade union or the representative of employees where there is no trade union organization shall apply to the court where the enterprise is headquartered to request settlement of the declaration of bankruptcy of the enterprise.

#### IV. Discussion

Viet Nam's trade union activities in recent years have been gradually adapting to the changing needs of industrial relations, but trade unions are still inexperienced and have not met the increasingly complex requirements of industrial relations adjustment in the process of market economy development and the adjustment of law. In order to better fulfill the role of trade unions in protecting the rights and interests of workers, the connection between the law and trade unions should focus on the following issues:

*Laws in regulating industrial relations:* Trade unions do not appear as intermediaries, but must be representatives of one party, acting as a party to industrial relations directly participating. Trade unions regulating and stabilizing industrial relations must take the development of enterprises and socio-economy as the ultimate goal. Workers who derive benefits must ultimately rely on the development of business and socio-economy. Therefore, in the process of the Trade Union representing employees handling industrial relations, the interests of the enterprise must be considered. When raising requests to protect the interests of employees, it is necessary to consider the actual situation and endurance of the enterprise. Trade unions regulate and stabilize industrial relations, must be based on *the provisions of law* as a standard. The regulation and stability of industrial relations, implemented through the regulation of law. The process of trade unions regulating and stabilizing industrial relations must be based on the State's observance of labor laws. This is the legal requirement for trade unions to regulate and stabilize industrial relations, as well as a legal basis for trade unions to rely on to reconcile and stabilize industrial relations. Trade unions regulate and stabilize industrial relations on the basis that through the method of agreement is the main one. Supervise and urge the good implementation of labor contracts at enterprises and actively negotiate, negotiate, sign and well implement collective labor agreements and strengthen the organization of dialogues between employers and employees in enterprises. In order to well implement the direction and implementation of bargaining and signing collective labor agreements, first of all, it is necessary to focus on thoroughly reviewing the resolution of the Presidium of the General Confederation on reforming, improving the quality of bargaining, signing and implementing collective labor agreements and formulating plans to implement resolutions to trade union levels.

Strengthen the direction and guidance of grassroots-level trade unions to step up propaganda and education for the implementation of labor laws in labor unions. Proactively urge and coordinate with employers to maintain open employee conferences in accordance with the Government's regulations. Improve the capacity of immediate higher-level trade unions and CPCs in dialogue, consultation and negotiation activities. When establishing a new higher-level trade union directly at the grassroots level in the area with industrial relations, it is necessary to first study and clearly determine that the partner of the trade union must be the representative of the employer (if there is no employer representative, the trade union should not be formed). This study provides important insights into the interaction between legal frameworks and the role of trade unions in implementing social security policies in Vietnam's industrial zones. The findings highlight both the enabling and constraining factors that shape the effectiveness of policy implementation, contributing to broader debates on labor governance and social protection in transitional economies.

First, the results confirm that Vietnam has made significant progress in developing a relatively comprehensive legal framework for social security. Consistent with previous studies (OECD, 2019; International Labour Organization, 2021), the legal system has expanded coverage and clarified the responsibilities of key stakeholders, including employers, state agencies, and trade unions. However, similar to findings by Pritchett et al. (2013) and Pham and Nguyen (2019), this study reveals a persistent gap between formal regulations and actual implementation. In industrial zones, this gap is particularly evident due to high labor mobility, weak enforcement mechanisms, and limited compliance among some enterprises.

Second, the findings reinforce the important intermediary role of trade unions in bridging this implementation gap. Trade unions contribute not only by disseminating information about social security policies but also by supporting workers in accessing benefits and representing their interests in workplace dialogue. This aligns with the arguments of Freeman and Medoff (1984) and Hayter and Weinberg (2011), who emphasize the role of unions in enhancing institutional effectiveness and worker protection. In the Vietnamese context, trade unions also play a unique role as part of a broader political system, which allows them to coordinate with state agencies in implementing policies. However, the study also identifies several limitations that constrain the effectiveness of trade unions. These include limited autonomy, resource constraints, and uneven capacity at the grassroots level—findings that are consistent with previous research in Vietnam (Tran, 2013; Doan & Bui, 2020). In many industrial zones, enterprise-level unions face challenges in negotiating with employers, particularly in foreign-invested enterprises where power asymmetries are more pronounced. Moreover, high labor turnover and low levels of worker engagement further reduce the effectiveness of union activities.

Third, the study highlights the importance of institutional coordination in improving policy outcomes. Effective implementation of social security policies requires close collaboration between trade unions, employers, and state agencies. However, the findings suggest that coordination mechanisms remain fragmented, leading to inefficiencies and overlaps in responsibilities. This supports the broader literature on governance in developing countries, which emphasizes the need for stronger institutional integration and accountability mechanisms (Andrews et al., 2017). From a theoretical perspective, this study contributes to the literature by demonstrating that the effectiveness of social security implementation depends not only on formal legal provisions but also on the capacity and agency of intermediary institutions such as trade unions. The findings suggest that trade unions can play a critical role in translating legal frameworks into practical outcomes, but

their effectiveness is contingent upon institutional support, organizational capacity, and the broader political economy context.

From a policy perspective, several implications can be drawn. Strengthening enforcement mechanisms is essential to reduce the gap between law and practice. Enhancing the capacity of grassroots trade unions, particularly in industrial zones, is also critical. In addition, promoting more inclusive and participatory mechanisms of social dialogue can help improve trust and cooperation among stakeholders. Finally, reforms aimed at increasing the autonomy and professionalism of trade unions may further enhance their effectiveness in protecting workers' rights and supporting social security implementation. Overall, the findings underscore the need for a more integrated approach that combines legal reform, institutional strengthening, and stakeholder collaboration. Such an approach is crucial for ensuring that social security policies effectively respond to the needs of workers in Vietnam's rapidly changing industrial landscape.

## V. Conclusion

This study has examined the legal framework and the role of trade unions in implementing social security policies in Vietnam's industrial zones. The findings indicate that while Vietnam has developed a relatively comprehensive legal system for social security, significant challenges remain in translating legal provisions into effective practice. The gap between policy design and implementation continues to be a critical issue, particularly in industrial zones characterized by high labor mobility, complex employment relations, and uneven regulatory enforcement. The study highlights the important role of trade unions as intermediary actors in bridging this gap. Through activities such as policy dissemination, worker representation, and monitoring of compliance, trade unions contribute to enhancing workers' access to social security benefits. However, their effectiveness is constrained by several factors, including limited institutional autonomy, resource constraints, and disparities in capacity at the grassroots level. These limitations are especially pronounced in enterprise-level unions operating in dynamic and competitive industrial environments.

From both theoretical and practical perspectives, the study underscores that the effectiveness of social security policy implementation depends not only on the existence of a formal legal framework but also on the capacity of institutions responsible for enforcement and mediation. Trade unions, as key actors within this system, require stronger institutional support and greater operational capacity to fulfill their roles effectively. Based on these findings, several policy recommendations can be proposed. Strengthening enforcement mechanisms and improving regulatory compliance are essential to reducing the implementation gap. Enhancing the capacity and professionalism of grassroots trade unions, particularly in industrial zones, is also critical. In addition, fostering more effective coordination among trade unions, employers, and state agencies can contribute to more coherent and efficient policy implementation. Finally, promoting more inclusive forms of social dialogue may help to better align the interests of stakeholders and improve overall outcomes. Despite its contributions, this study has certain limitations, including its reliance on qualitative data and secondary sources. Future research could employ quantitative methods or comparative approaches to provide a more comprehensive understanding of the issues examined. Further studies may also explore the impact of digital transformation and changing labor market dynamics on the role of trade unions in social security governance. In conclusion, ensuring effective implementation of social security policies in Vietnam's industrial zones requires a multidimensional approach that combines legal reform, institutional strengthening, and enhanced stakeholder collaboration. Strengthening the role of trade unions within this framework will be essential for promoting social justice, improving worker welfare, and supporting sustainable development in Vietnam.

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