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### **Legal Responsibilities for Assuring the Occupational Safety and Health of Vietnam Enterprises in the Context of Integrating**

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#### **Abstract**

In the current market economy and international economic integration, the issue of occupational safety and hygiene is increasingly closely related to the development of each enterprise. Building a safe production with quality and competitive products associated with workers' health is one of the indispensable requirements of sustainable development in economic globalization. The Vietnamese legal regulations on occupational safety and health system are gradually perfected to ensure the legitimate rights and interests of employees and concretize the international commitments of the ILO. Vietnam is a member of this international organization, clearly defining enterprises' responsibilities and rights in ensuring occupational safety and health for employees in labor relations. From there, it contributes significantly to preventing and reducing occupational accidents and diseases, increasing labor productivity, and promoting economic growth, political stability, and social security. In this article, we contribute an essential topic on ensuring enterprises' occupational safety and hygiene. First, we analyze the contents of the current regulations of Vietnamese law on ensuring enterprises' occupational safety and health, thereby drawing out the advantages and disadvantages of this. Secondly, we analyze and evaluate the practical implementation of the law on occupational safety and hygiene of enterprises in Vietnam in the past, which has caused several problems and caused analysis. Third, we offer solutions and recommendations to improve the law and the effectiveness of the application of the law in ensuring the occupational safety and health of enterprises in Vietnam in the coming period.

#### **Keywords**

Legal Responsibility, Business, Law, Occupational Safety and Health

## **1. Introduction**

Human resources play a critical role in the current development of the market economy and the deepening of international economic integration. Developing human resources, improving productivity and work efficiency, ensuring occupational safety and health, and protecting workers' health is an indispensable requirements closely related to the development of human resources and the development of each business, contributing to building a sustainable economy for each country (K. E. Bartos, 2022)

Over time, ensuring occupational safety and hygiene in our country has positively changed. The law on occupational safety and hygiene is being finalized (G. Katunge et al., 2016). The roles and responsibilities of agencies, organizations, and individuals related to occupational safety and health and state occupational safety and health management have been enhanced. In addition to the achievements, unsafety and lack of assurance on occupational hygiene are still quite complicated, especially in employees working without labor contracts. Furthermore, the awareness of the observance of the law on occupational safety and sanitation of the subjects in labor relations is not high (C. Barbaranelli, 2015). The state management of occupational safety has not achieved the desired results. In addition, many sectors and fields' technical regulations and standards on occupational safety and health are outdated, inconsistent with reality, and need to be adjusted and supplemented. Some documents are guided slowly, so they are not synchronized. Other contents of the guiding documents still overlap and contradict, causing difficulties in the implementation process.

The right to ensure safety and health at work has long been identified in the context of human rights and directly associated with the category of human security with diverse meanings of economic security (employment and income), health security, environmental security, personal security, community security (Loi Bui Sy, 2014). Therefore, ensuring occupational safety and health is becoming an increasingly important issue on the global agenda and the concern of each country associated with sustainable development (S. Lim, 2017). However, the effectiveness of legal rules on occupational safety and health gives different results in each country, other economic sectors, and different social groups. Since then, it has been necessary to continue improving enterprises' legal responsibilities related to ensuring occupational safety and hygiene, especially in the context of integration. It requires highly fierce competition with foreign enterprises in the same field.

## **2. Methods of research**

The qualitative research method is considered the primary method to approach and solve the goal of completing the legal responsibility for the assurance of occupational safety and health of the enterprise, which is the inductive-deductive method. ; analyze - synthesize, and compare. The methods are used synthetically

based on research and analysis of secondary documents from sources such as books, dissertations, yearbooks, reports, and articles published in research journals. Conduct scientific research to clarify limitations and propose solutions to improve the law on legal responsibility for ensuring enterprises' occupational safety and health.

The article uses specific research methods in the research process, including multidisciplinary and interdisciplinary systematic approaches (economics, jurisprudence), analysis and synthesis methods, and comparative jurisprudence. Specifically:

The overview of the research situation of the topic mainly uses the method of synthesis, analysis, and evaluation of the research situation in Vietnam as well as in the world on ensuring occupational safety and hygiene of enterprises.

The research results and discussion of the topic mainly use the synthesis analysis and comparative jurisprudence method to clarify the provisions of the current law on ensuring occupational safety and health.

The conclusion and recommendations mainly use the analytical and synthesis methods, systematic methods, and comparison methods to determine solutions to improve the law on ensuring occupational safety and health of enterprises.

### **3. Literature review**

Today, ensuring occupational safety and health has gained attention from the government, lawmakers, legal scientists, and the business community. In the world and Vietnam, many scientific works have approached the legal framework for ensuring occupational safety and health from different angles and aspects.

#### **\* In the world**

In Australia, the doctoral thesis "Labor rights as human rights: occupational safety in the workplace of workers in Australia based on the national supply mechanism" (Labour rights as human rights: workers' safety at work in Australia - based supply chains) of author PAUL HARPUR was published on January 30, 2009. The thesis consists of 10 chapters with a capacity of 468 pages. The thesis's content researches two significant issues: (i) The first major issue is human labor rights. The author studies labor rights as a requirement for human rights - an essential human factor, an indispensable element that people naturally enjoy. (ii) The second biggest problem is that, along with that fundamental labor right, employees must have a safe working environment. In Australia and all countries in the world, besides labor law, many other laws govern social relations directly or indirectly related to occupational safety. Besides, workplace safety regulations are not general or model-based but must be derived from actual conditions established in Australian law.

Doctoral thesis with the topic "The occupational safety and health administration" by American author Duley, G.B. Wayne National University. In this doctoral thesis, author Duley, G.B. mainly researches occupational safety and health, but not on regulations on occupational safety and hygiene but management regulations on occupational safety and health. Referring to the law on occupational safety of Vietnam, the author Duley, GB refers to the state management of occupational safety and hygiene. In addition, several analyses related to the management mechanism of occupational safety and health in Australia and the rights and responsibilities of the management agencies on this issue were made. Also, the management agencies on occupational safety in Australia are not the same as those on occupational safety and health in Vietnam. The thesis allowed the author to study the Australian legal system's rights, responsibilities, and a specific and effective management method.

The author mentions many issues that are not new in the law on occupational safety in Australia but proposes many particular matters in the management mechanism of occupational safety and health in Australia. Without such regulations, the effectiveness of management on occupational safety and health will be very low.

Doctoral thesis of Park, Y.S. (1997) with the topic "Workplace safety, compensation," University of Minnesota. In this thesis, authors Park, Y.S. delves into a specific area of work safety and compensation regimes when unsafety occurs. According to author Park, Y.S., current regulations on occupational safety still have many gaps, and it is necessary to have rules covering all occupational safety relationships for the law on occupational safety to be effective. The second primary content of the thesis is to study the regulations on compensation when an occupational accident occurs. When an occupational accident occurs, specific laws will be appropriate. According to the current rules (at the time of the study), the regulations on compensation are still not strict, not showing the meaning of social security issues for employees. At the same time, the employer's responsibility is significant when an occupational accident occurs. Therefore, in the thesis, the author proposes some solutions to overcome the shortcomings in the regulations for practicality. One of the actual contents that the author suggests is the need to carefully study the errors of users and employees so that the parties' responsibilities are linked to show equality and unfair burden in processing. On the other hand, for occupational accidents that are not caused by the parties' fault, the state's policies and regimes for employees are also sufficiently concerned.

#### **\* In Viet Nam**

Master's thesis in Jurisprudence, "law on occupational safety and practice in construction enterprises in Hanoi city " by author Ho Thi Thuy Linh at Hanoi Law University 2018. The thesis has analyzed the practical implementation of the law on occupational safety at construction enterprises in Hanoi; then made recommendations to improve the law and the efficiency of law enforcement on this issue.

Master's thesis in Law " Law on occupational safety and health and practice in Ha Nam province " by author Le Anh Tuan conducted at Hanoi Open University in 2020. The thesis has analyzed and evaluated several issues related to the law on occupational safety and health and the implementation of the law on occupational safety and health in Ha Nam province. Thereby proposing some solutions to improve the regulations and the effectiveness of law enforcement on occupational safety and health

Scientific article " Recommendations for improvement of occupational safety and health legislation from international experience " by author Bui Sy Loi published in Legislative Research Journal, No. 23 2014. The article presents the experience of the international labor organization; the European Union; China; Thailand; Korea; Japan on the model of management and implementation of occupational safety and health training activities of organizations; quality inspection, safety inspection of machines, equipment, and machinery; accident prevention approach.

## **Results**

### **4.1 Regulation for assuring Occupational Safety, and Hygiene of Enterprise**

Firstly, about the responsibility of enterprises in ensuring occupational safety and hygiene at the workplace [6] Legal provisions: "Employers are obliged to develop, organize, implement and actively coordinate with agencies and organizations in ensuring occupational safety and health at the workplace within the scope of their responsibilities for employees and related people; pay occupational accident and occupational disease insurance for employees" (National Assembly, 2015). Article 5.2 also stated, "Full compliance with occupational safety and health measures during the working process; give priority to measures to prevent, eliminate and control dangerous and harmful factors in the working process" (National Assembly, 2015).

Accordingly, the employer must develop an annual occupational safety and health plan and assess the risks, occupational accidents, and diseases (Lars Harms, 2001). Based on those risks, the employer must develop an emergency response plan, handle technical incidents, and guide workers to self-assess the risks (Bridgit Dimond, 2013).

When workers see a risk of an occupational accident that seriously threatens their life or health, they have the right to refuse or leave the workplace while still being paid total wages and not being considered an employee. The laborer must immediately report to the direct manager for a handling plan and only continue to work when the person in charge of occupational safety and sanitation has rectified hazards to ensure occupational safety and health. Employers must not force workers to continue working or return to the workplace when there is a risk of an accident that seriously threatens the worker's life or health (Dung Can Thuy, 2013).

Besides, the labor law also stipulates: "Employers are responsible for fully implementing solutions to ensure occupational safety and hygiene at the workplace. Employees are responsible for complying with regulations, internal rules, processes, and requirements on occupational safety and health; comply with the law and master the knowledge and skills on measures to ensure occupational safety and health at the workplace" (National Assembly, 2019).

The government also regulates the responsibilities of employers: "The employer issues the Safety Card to the trained person in group 3 after passing the test. Organize training to issue safety cards to employees working without labor contracts" (Government, 2014).

It is necessary to prevent and limit exposure to these factors by building an operational flow, implementing labor protection regimes and equipment, and providing personal protective equipment and means for workers exposed to one of the dangerous and toxic elements. The employer shall bear the entire cost of purchasing the means of labor protection. Enterprises must declare to the provincial management agency the place of use or disposal of machines, equipment, and supplies with strict occupational safety and health requirements. This regulation helps the State management agencies control the use of these machines by the technical rules, whether they are allowed to use or not (William M, Sage, 1997). In addition, all appliances, equipment, and supplies with strict occupational safety and hygiene requirements must be inspected before being put into use and periodically checked during use by the organization; technical inspection of occupational safety to promptly detect severely damaged, fragile, quickly affecting health or even life-threatening parts at any time. During use, it must cover potentially dangerous parts of the machine, and equipment, arrange to prevent incidents and have signs on occupational safety and hygiene placed in a position easily seen by everyone and read in the workplace. Where machinery and equipment are located, where there are dangerous and toxic elements in the enterprise, helping employees know how to operate and manipulate machinery, thereby avoiding hazardous occupational accidents.

Second is the responsibility of enterprises to organize training and guide regulations, rules, processes, and measures to ensure occupational safety and health (Roepcke, Ina. 2011). This regulation is concretized at Point b, Clause 2, Article 7 of the Law on Occupational Safety and Health 2015. Accordingly: "Employers organize training and guide internal rules and regulations. Procedures and measures to ensure occupational safety and health; fully equipped with means and tools of work to ensure occupational safety and hygiene; perform health care, occupational disease examination, and detection; fully implement the regime for workers suffering from occupational accidents and diseases" (National Assembly, 2015).

Occupational safety and health training are among the most important measures to reduce risks and costs, ensure production safety, and prevent occupational accidents and diseases. Training can be organized through self-

organizing training if training conditions are guaranteed or through hiring a training organization. Participants in the training include both employers and employees, divided into six groups: Managers in charge of occupational safety and sanitation, workers in charge of safety and sanitation, employees doing jobs with strict requirements on occupational safety and health (groups, all employees, health workers, safety and sanitation workers)The third is the responsibilities of enterprises in building an occupational safety and health management system (B. Fernández-Muñiz, 2009). The occupational safety and health management system is a collection of relevant contents in the management of occupational safety and health at an enterprise to ensure safety and health workers' health better. It is a tool to help businesses, especially small and medium-sized enterprises, improve their labor, establish a safer working environment, and ensure compliance with the law and society on occupational safety and health (Celal BAL Yaşar EDE, 2018). Reducing occupational accidents and incidents costs contributes to improving labor efficiency, productivity, product quality, and production and business efficiency (Loi Bui Sy, 2014). Because of its importance, any business must build its occupational safety and health management system (Joao Carlos De Oliveira Matias, 2002). The construction of an occupational safety and health system is not only a matter of strictly complying with the State's regulations, but it is also one of the measures to prevent occupational accidents and diseases and to limit incidents. They may appear in the working process and help the employer minimize the costs incurred during the working process (Trinh Le Van, 2017).

#### **4.2 Restrictions of the Current Regulations in Ensuring Occupational Safety and Hygiene of Enterprises**

The deepening international economic integration, especially the rapid development of science and technology, dramatically impacts the working environment. The occupational safety and health regulations have created a legal corridor for enterprises to contribute to protecting the safety, health, legitimate rights, and interests of employees and employers. However, along with the country's socio-economic development, the increase in the number of businesses, and new technology, the requirements for welfare and ensuring occupational safety and health have been reduced; it reveals the limitations and inadequacies and poses new challenges in this work.

Firstly, the law on ensuring occupational safety and hygiene of enterprises still has some limitations and shortcomings, such as:

Firstly, the law on ensuring occupational safety and health of enterprises is adjusted in many legal documents such as Labor Code, Law on Occupational Safety and Health, Law on Technical Regulations, and other legal documents. This creates fragmentation and dispersion in the adjustment to ensure occupational safety and hygiene of the enterprise. In addition, the overlapping, many layers of legal documents on ensuring occupational safety and health of enterprises make applying the law inconsistent.



Secondly, the Labor Code was developed and formed to ensure the occupational safety and hygiene of enterprises in the period when our country's economy had just switched to operating according to the social-oriented market mechanism. Therefore, the main problems of the market economy in general, the labor market and labor relations in particular, are only in their infancy and have not yet fully revealed their requirements. Therefore, some provisions of the Labor Code on ensuring occupational safety and health of enterprises have not kept pace with the development of the market economy and have not met the requirements of international trade integration. n. economy has not yet ensured the occupational safety and hygiene of the enterprise.

Third, the content of occupational safety and hygiene of the Labor Code has been separated into the law on occupational safety and hygiene. In contrast, the issue of ensuring enterprises' occupational safety and hygiene is specified in the law on occupational safety and hygiene. Although the Labor Code has been amended and supplemented, it has not been revised comprehensively. Therefore, there is a situation of overlapping and overlapping between several articles of the Labor Code and the Law on Occupational Safety and Health in terms of ensuring occupational safety and hygiene of enterprises.

Fourthly, to implement the regulations on ensuring occupational safety and health of enterprises in the Labor Code, the government and ministries had to issue many guiding documents, and disagreements appeared. There is a gap between the Code's provisions and other regulations and guidelines, both in terms of content and causing difficulties for the organization and implementation. Some documents are guided slowly, so they are not synchronized; Some contents of the guiding document still overlap and contradict the provisions of the Code, causing difficulties in the implementation process. Therefore, the law on ensuring occupational safety and health of enterprises has not been effective in the process of being applied in practice.

Fifth, many standards and regulations on occupational safety and the environment are outdated and have not been supplemented promptly. In addition, there appeared to be a lack of regulations on occupational safety and hygiene for each type of industry. Many new technology industries and occupations have been born, but the updating and standardization of job titles, cumbersome and especially hazardous occupations, have not been carried out promptly.

Sixth, regulations on state management of occupational safety are still scattered and overlapping. There is no regulation on any agency or organization to appraise the evidence on measures to ensure occupational safety and health.

Seventh, the regulations on safety inspection centers are still outdated, not towards the socialization of safety inspection.

Eighthly, regulations on compensation for occupational accidents are not clear and confuse the application of the law, such as an occupational accident in case the employee has a traffic accident, responsibility to pay expenses, or employer's medical expenses for employees suffering from occupational accidents.



Secondly, the law on ensuring occupational safety and health of enterprises has many unadjusted contents, leading to limited application.

i) Lack of detailed regulations on control of dangerous and harmful factors at the workplace, control of the working environment, incident handling, and emergency response in case of accidents or serious incidents; important;

ii) There are no regulations on the principle of equipping personal protective equipment and providing training in kind;

iii) There are no specific regulations on machines, equipment, supplies, and substances with strict requirements on occupational safety and hygiene and the responsibilities of investors and employers in preparing and approving. The plan on measures to ensure occupational safety and health for the workplace of employees and the environment when building, expanding, or renovating works and facilities for production and use, preserving and storing machines, equipment, supplies, and substances subject to strict requirements on occupational safety and hygiene.

iv) There are no regulations on the responsibilities of organizations conducting technical inspections of occupational safety.

v) The research and addition of new occupational diseases to the list of occupational diseases insured by the state is still slow, cumbersome, and complex; therefore, it also affects employee policies and regimes.

vi) There is no specific legislation on recruitment health examination, periodical medical examination, and occupational disease examination and detection.

vii) Some areas are managed by the Ministry of Health, such as first aid for occupational accidents, training in occupational hygiene, prevention of occupational diseases, medical examination for employees, and regulations on the qualifications of medical staff. Enterprises and specialized inspectors of occupational hygiene have not yet issued separate guiding documents.

Third, the current law does not have strong enough regulations and sanctions to prevent or reduce the situation of employees committing violations of the law on occupational safety and health.

The current law has regulated many violations of the law on occupational safety and health. Law violations on occupational safety and health are specified in groups, with the nature and severity of violations as a basis for employees and employers to apply. The current fines are not enough to deter and prevent law violations by employees on occupational safety and health. Besides, the law violations on ensuring occupational safety and hygiene of enterprises have not yet been adjusted, such as:

i) Law-breaking acts by state management agencies in inspecting and supervising the enterprise's observance of the law on assurance of occupational safety and sanitation;

ii) Violations of law by the Labor Medical Assessment Council;

iii) Acts of violating the law of the National Council on occupational safety and hygiene.

Fourth, the current Vietnamese law has not yet built an adequate legal corridor capable of effectively ensuring enterprises' occupational safety and hygiene.

The current law stipulates quite fully on general, occupational safety and health issues, measures to prevent occupational accidents, occupational diseases, and occupational disease regimes for employees. The employer's responsibility to ensure the employee's right to work in a safe environment needs to be formed. However, the law has not yet established a legal framework to ensure enterprises' occupational safety and hygiene effectively. Explaining this shows that the law still has quite general provisions for ensuring the occupational safety and health of the enterprises, but the law has not strictly regulated the obligations and responsibilities associated with sanctions. The law only provides for generalization, so it is difficult for these regulations to be feasible in practice. In addition, for this situation to happen because the current Vietnamese law is too general, lacks specificity, and lacks feasibility on necessary measures to ensure employees' occupational safety and hygiene.

Fifth, the current law still lacks an effective mechanism to ensure enterprises' occupational safety and hygiene.

Current legislation has promulgated many legal documents regulating enterprises' occupational safety and hygiene. However, the current law does not stipulate an effective mechanism to ensure enterprises' occupational safety and hygiene, especially the coordination mechanism ensuring occupational safety and health of enterprises between the employer and the state management agency in charge of labor.

Together with the Labor Code, the Law on Occupational Safety and Health is an essential legal basis to ensure occupational safety. However, occupational safety and health regulations are still not uniform and comprehensive. There are still overlapping and overlapping regulations on occupational safety and health in legal documents such as the law on occupational safety and hygiene, such as Chemicals, Mineral Law, and Trade Union Law. Many different guiding documents make applying difficult, stipulating a list of heavy, hazardous, dangerous occupations in many documents, causing severe problems in research and implementation. An enterprise must comply with many laws and legal documents on occupational safety and health.

Regulations on occupational safety are not appropriate. There are many obstacles in the application to small and medium enterprises (accounting for 95% of the total number of enterprises). Workers in the sector without labor relations (accounting for nearly 95% of enterprises). 60% of the workforce). Some enterprises, especially those in construction and mechanics, have not paid much attention to occupational safety and hygiene but often use unskilled and untrained labor, leading to a high risk of occupational hazards. The reporting of occupational accidents by enterprises has not been taken seriously and has not properly reflected the actual situation. On the other hand, the government's involvement in

OSH work in some places is still not active, the inspection and handling of variations are not strict, and sanctions are not enough to deter, even in many places when detecting violations, but only at the level of reminders, do not make records of administrative violations.

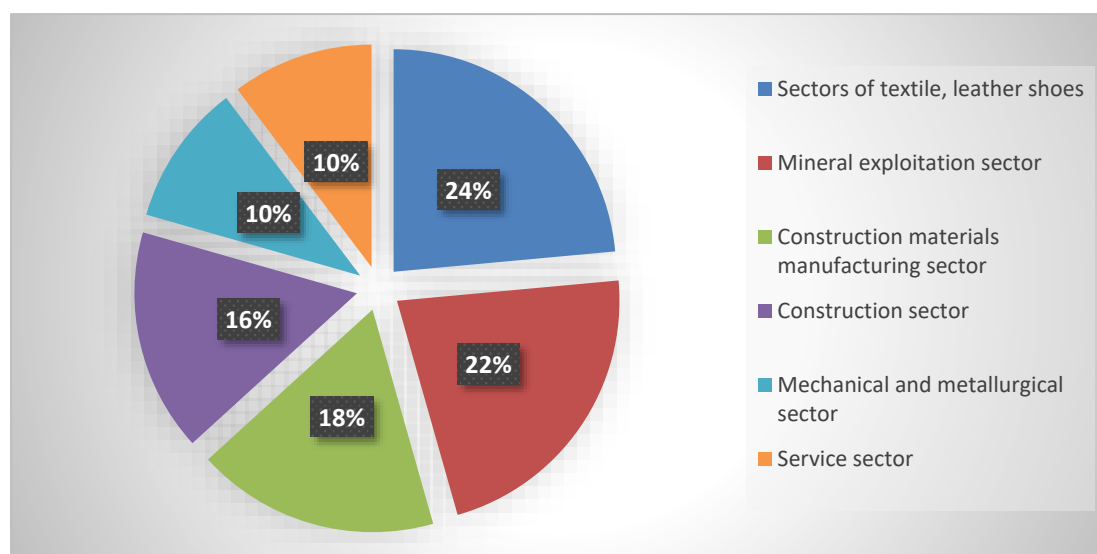


Figure 1. Statistical table of production and business sectors with many fatal occupational accidents in VietNa m (Source:Report 843/TB-LDTBXH dated March 22, 2022, on the situation of occupational accidents in 2021 of the Ministry of Labor, Invalids and Social Affairs of Vietnam)

According to the Labor Code 2019, all organizations and individuals related to labor and production must comply with the law on occupational safety and hygiene. That means that wherever there is a job, all employees need to be bored about occupational safety and health, contributing to social security policies (Dao Mong Diep, 2021). Therefore, occupational safety and health work regulations apply to areas with labor relations and those without labor relations (P. Marhavilas, 2018). The technical regulations on occupational safety and health must be reviewed and promulgated to meet product development requirements promptly, following new technologies and materials. The new occupational accident and disease insurance policy stipulates the settlement of consequences by paying benefits to people suffering from occupational accidents and diseases and sharing risks with the employer when the accident occurs (Maciej Serda et al., 2013). In contrast, preventing occupational accidents and diseases is a common trend, an international standard, and a requirement to internalize the outlined in the Organization's Conventions. Vietnam has ratified and acceded to the International Labor Organization (ILO).

The actual implementation of reporting and statistics on occupational accidents in some localities has not been effective. In fact, in some localities, the annual management agencies do not make statistics and reports; or if there is a report that appears to be protest-only, perfunctory. There can be many reasons for this situation, such as: (i) Covering up serious work accidents because reporting

will affect performance; reporting less than the actual number: (ii). There was a fatal occupational and accident, both the victim's family and the employer arranged and agreed without reporting to the authorities. Regarding the issue of compensation for workers' accidents in Vietnam, the past years have left many pressing, controversial and long-standing complaints (Le Van Duc, 2020).

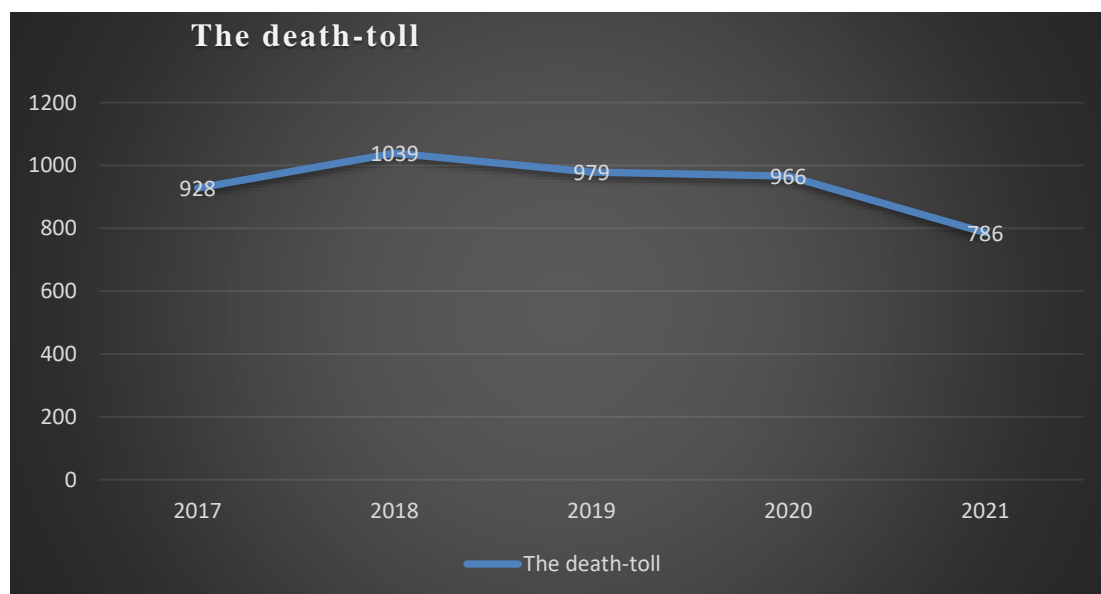


Figure 2. Statistical table of the number of deaths due to occupational accidents at enterprises in Vietnam in the period of 2017-2021 (Department of Occupational Safety, Ministry of Labor, War Invalids and Social Affairs of Vietnam, 2022)

#### **4. Solutions for Orienting Legal Obligation of Enterprise in ensuring Occupational Safety and Hygiene under Integration Background**

Firstly, in continuing to develop and perfect the guiding documents of the Law on Occupational Safety and Health, it is necessary to have a unified management system of occupational safety and health by a Ministry, usually the Ministry of Labor. In some countries, organizations that research, train and deploy occupational safety and health activities are funded by the Occupational Accident Insurance Fund (Dao Tran Trong, 2013). On the other hand, the government provides funding for management activities such as inspection, examination, and supervision by state management agencies. Vietnam can reduce investment from the state budget and increase the socialization of occupational safety and health activities (Bochkovskyi A, 2017).

Secondly, reforming regulations on the management model, implementing occupational safety and health training acOccupationalcupational safety and health organizations, in general, is a very effective and unified model, but still highly socialized, helping businesses, training subjects, and accessing training services quickly (J. I. Idrisova, 2018). At the same time, the system of programs

and documents is uniformly managed based on research and contributions from leading scientific and educational organizations and training experts (Luong Nguyen An, 2014).

Thirdly, renewing regulations on an approach to preventing accidents and occupational unsanitary, whereby a risk-based approach to enhance the overall level of occupational safety and health; strengthen conventional approaches in high-risk areas; specific objectives and measures are clearly described in priority areas; continuous improvement of occupational safety and health levels through the introduction of a management system approach at the national level.

Fourthly, proposing amendments and supplements to the organizational management of the occupational safety and health management apparatus in enterprises, production, and business establishments (Anh Nguyen Thi Que, 2019). Clearer regulations on responsibilities for employers to develop and perfect the system of division of responsibilities for occupational safety and health work at the establishment; More clearly stipulate the contents and tasks of advising and assisting the employer in organizing the implementation of occupational safety and health work at the production and business establishments of the safety department. The Labor Protection Council in enterprises and production and business establishments coordinates occupational safety and health activities and ensures the right to participate in and supervise the occupational safety and health of trade unions and tasks and powers of the Labor Protection Council (Le Anh Tuan, 2020).

Fifthly, it is necessary to consider and expand the Law on Occupational Safety and Health provisions regarding the subjects of application and the scope of regulation. It should cover all employees having (or have not) an employment relationship (in the enterprise, outside the enterprise). However, object expansion also needs to be studied with a roadmap to ensure the feasibility of the law (Dung Do Thi, 2011).

The management model, implementing occupational safety and health training activities such as KOSHA - Korea, JISHA - Japan, and unions in Germany, is very effective and unified but still highly socialized, helping businesses and trainers to access training services easily. At the same time, the system of programs and documents is uniformly managed based on research and contributions from leading scientific and educational organizations and experts in training; professional faculty. Funding for occupational accident prevention invested through health and safety education and training activities from the Occupational Accident Insurance Fund is an experience many countries have implemented. This is a model that Vietnam can partially apply if there is an investment policy from the Occupational Accident and Disease Fund under the Vietnam Social Insurance.

Adjustment of the content should be comprehensive, including content on improving working conditions and linking occupational safety and health with environmental protection and climate change. They are also the issues of socialization of occupational safety and health work and the mechanism of resource

mobilization for occupational safety and health, the responsibility of enterprises and related subjects, regimes and policies for employees in the field of occupational safety and sanitation, training and coaching on occupational safety and health, the supervision mechanism, the fairness of sanctioning mechanism for the law.

## **Conclusions and implications**

### **6.1 Conclusions**

Occupational safety and hygiene are an organic link between labor, health, and life, so prevention is a top priority. In all countries with developed market economies, the regulatory framework for ensuring enterprises' occupational safety and health is focused on and prioritized because of the importance of prevention.

For Vietnam, the State has issued many legal documents, such as the Law on Occupational Safety 2015, and the Labor Code 2019; creating a legal corridor to ensure the occupational safety and health of enterprises, thereby helping employees understand and know their rights protected by law. Besides that, it also upholds the role and responsibility of the employer in ensuring occupational safety and health for employees in the labor relationship. In the past, businesses have organized and implemented quite well the provisions of the law on ensuring occupational safety and hygiene so that employees can have health, confidently promote their capacity, and forte to create productivity and high quality in the production process and business.

However, through the study of the current status of the Vietnamese law on occupational safety and health, there are still some inconsistent regulations, thereby creating overlaps and contradictions in the application of the law, which leads to completing the legal corridor as an urgent requirement in the current period. Improving the law on occupational safety and health should focus on strengthening the overcoming of physical and mental consequences of occupational accidents. At the same time, the state also promulgates appropriate financial support policies to encourage businesses in the fields of investment, production, and business where the risk of occupational accidents is high.

### **6.2 Implications**

The author's research on legal responsibilities in ensuring enterprises' occupational safety and health are specific suggestions for occupational safety and health work within the enterprise. That is: businesses in Vietnam need to pay attention to the implementation of occupational safety and health management at the enterprise to prevent occupational accidents and diseases from occurring to employees during the working program.

We hope our paper can be a basis for other researchers to inherit and develop in their research works on related content and the legal framework for ensuring the occupational safety and health of enterprises in different sectors, regions, and sizes of enterprises in Vietnam.

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