

SOLUTIONS TO RESTRICTING LABOR IN THE INFORMAL EMPLOYMENT IN SOME COUNTRIES AND LESSONS FOR VIETNAM

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Abstract: *In Vietnam, the number of informal workers accounts for nearly 69% of the total number of employed workers. The rate of informal workers in Vietnam is lower than that of some countries in the region such as Cambodia, Indonesia, and Myanmar; However, it is still higher than many countries in the world. Although the informal labor exists objectively in the economy, it is sometimes the platform of the labor market when the economy is in crisis. Nevertheless, a developed and sustainable economy cannot rely on a labor market with a high percentage of informal workers. Therefore, Vietnam as well as other countries have been seeking to minimize the proportion of informal workers participating in the labor market. The article in the research framework of the state-level scientific topic with the topic: "The impact of the Covid-19 pandemic on Vietnam's socio-economic development: current situation, issues raised and policy recommendations", has examined the experiences of some countries such as China, India, Australia, Brazil, Colombia and the European Union that have been quite successful in reducing the proportion of informal workers and drawn three lessons for Vietnam: Improving the system of legal documents related to social security and welfare policies for disadvantaged workers in the market; Ensuring macroeconomic stability, minimizing the impact of crises on informal workers; Having policies to support small, medium and micro enterprises.*

• Keywords: *informal workers, minimizing the proportion of informal workers, workers with informal jobs.*

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1. Informal workers

Workers with informal jobs (also known as informal workers) are: *"people who work in jobs that are not stipulated by law or in fact are not protected by labor law, do not pay income tax or are not entitled to social protection regimes and other employment regimes (such as not being notified in advance of dismissal, not being entitled to severance pay, not being paid annual salary or not being entitled to leave when sick, etc."* (General Statistics Office, 2022). In order to determine which workers are classified as informal workers, it is, in Vietnam, based on some of the following criteria: (1) the characteristics of the establishment, where the workers work in the formal sector or the informal sector or the household sector; (2) the employment position of the workers; (3) the type of labor contract that the workers sign or agree with the employers, the status of whether or not the workers are covered by the employer's social insurance.

2. Experience of some countries in the world

2.1. China's experience

* Overview of the economy and labor

The growth model that based on export and investment incentive policies implemented since the late 1970s of the twentieth century has made China the second largest economy in the world. With a 40-year period from 1979 to 2017, the average gross domestic product (GDP) growth rate was about 10% (The World & Vietnam Report, 2020). Urbanization was considered the foundation and driver of economic growth and policy, which has created jobs for 60 million workers in urban areas and 55.75 million people out of poverty. By 2020, 1.3 billion people in the country were entitled to basic health insurance and nearly 1 billion people received basic retirement benefits (The World & Vietnam Report, 2020).

In recent years, China has been facing difficulties in the country such as natural disasters, floods, piling up epidemics...; With international relations, China has also been coping with many challenges such as: The epidemics are complicated around the world; US-China trade war with unpredictable consequences and unstable regional security due to military activities of

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China and some countries in the East Sea and some other territorial areas (Truong Luu, 2020). Despite the impact of the epidemic, in 2020, China's GDP still increased at 2.3%, confirming that China was the only major economy in the world with a positive growth rate in the year (Kieu Oanh, 2021).

** Workers with informal jobs*

To date, there are no official statistics on China's informal employment or informal economy, nor did the Chinese Government acknowledge the existence of informality (Liang et al., 2016; Nair, 2020). However, some studies, based on employment survey numbers, have pointed out the characteristics of workers in informal employment. Most of them believe that workers who work in the informal economy are workers with informal jobs. In China, it is required that businesses with seven or more employees have to register with the Government; businesses with fewer than seven employees are identified as part of the informal sector. In addition, the concept of informal employment in China is also for those who work in state agencies but are not allowed to sign labor contracts, not entitled to insurance, not entitled to free health services and no pension (Liang et al., 2016).

According to the 2008 Labor Contract Law of China; workers in urban areas are classified into three categories: (1) salaried workers with labor contracts or formal employees, (2) salaried workers without labor contracts, or self-employed workers, (3) business, service and self-employed workers with business owners or business owners. Formality and informality are classified based on the statutory contracting status, which specifies: the employer is responsible for signing the contract and paying social insurance for employees with a contract of two years or more.

According to Liang et al. (2016), in 2007, up to 35% of urban workers were informal employed workers (24% were freelance workers and 11% were business owners). In 2013, informal employment increased to 57% (42% are freelancers and 15% are business owners). The social insurance participation rate of workers with informal employment has little access to social insurance, pensions, unemployment insurance, occupational disability insurance and housing funds.

** Experience of restricting laborers to have informal jobs*

First, expand social protection for workers with informal employment. In Beijing, the Hong Yan social work service center (GFCD, 2019) supported training

for informal workers. Due to the strong impact of the Covid-19 pandemic, China has announced a welfare package for the poor affected by the epidemic for migrant workers; However, this program only meets the majority of affected workers (Phuc Long, 2020).

Secondly, perfecting the system of social policies for short-term seasonal workers in industrial parks and free workers. Some policies are concerned such as tax and salary policies. Promulgating policies to improve the capacity to develop documents and plans; policies at all levels from the central to local levels related to workers with informal jobs, marginalized workers and at risk of becoming workers with informal jobs so that there is a policy of support and contingency, in order to prevent the occurrence of social problems, economic problems or political problems caused by this type of labor.

Thirdly, it is required that enterprises strictly implement the Labor Contract Law. **The Labor Contract Law was passed by the 10th National Congress of the People's Democratic Republic of China on June 29, 2007 and came into effect on January 1, 2008.** This law overcomes the limitations of labor law enforcement in China (Freeman & Li, 2013): it requires businesses to enter into a written contract with workers so that workers can establish their legal rights in the workplace. The absence of a written labor contract makes it difficult for employees to access support from the management agency on statutory benefits such as health insurance, disability insurance, unemployment insurance, and old age insurance.

The main content of the labor contract (Akee et al., 2018) includes

(1) Enterprises must sign a written labor contract with each new employee within one month of recruitment, for example whether or not they have a local household registration.

(2) Enterprises that do not meet the requirements of the labor contract are obliged to compensate each employee with a maximum amount equal to twice their salary in the previous 12 months.

(3) Employees who do not have a written contract for more than one year will be automatically converted to an indefinite term labor contract.

(4) The labor contract must clearly state whether the labor term is temporary or indefinite; the content and place of work; working time, holidays, salary regime, allowances, social security contributions, workplace conditions and conditions related to occupational risks in the labor process.

(5) The labor contract must detail the rights of the employee and ensure a clear legal level for the employee.

(6) The law prohibits enterprises from dismissing employees arbitrarily and only allowed to terminate the labor contract in accordance with the provisions of the law in certain specific cases specified in the law.

(7) Employees who have worked with the enterprise for at least one year are entitled to 5 days of paid leave and if working with the enterprise for at least 10 years or more are entitled to 10 days of paid leave.

(8) If the enterprise fires the employee, the employee with an indefinite or long-term contract will be the last person to be fired. Enterprises that do not sign an indefinite labor contract with people working for 10 years or more will be prosecuted according to the law.

(9) If there is a dispute over wages or working conditions, the employer and the employee may negotiate with each other. If the negotiation fails, the relevant provisions in the collective contract shall prevail; In case there is no collective contract or no provisions in the collective contract on this issue, the principle of equal pay for equal work shall apply or the relevant State regulations shall apply. However, due to the invalidity or partial invalidity of the contract in the contract dispute, the decision shall be resolved according to the decision of the labor dispute arbitration organization or the People's Court.

The results show that the Law has helped the rate of employees and insurance participation rate increase (Freeman & Li, 2013). The law has given workers with labor contracts access to increase health insurance, unemployment insurance, disability insurance and old age insurance; increased formal employment and reduced informal employment in China's labor market.

2.2. India's experience

** Overview of the economy and labor*

India is a country in the top G20 countries with developed economies. This is a country with an open market. In 2022, GDP reached 3.5 trillion USD, after the US (25 trillion USD), China (18.3 trillion USD), Japan (4.3 trillion USD and Germany (4 trillion USD). However, with a large population, India's GDP per capita is only 2,683 USD (IMF, 2022). During the pandemic, the first quarter of the fiscal year (2020-2021) from April to June (note the Indian fiscal year regulated from April 1 to March 31 of the following

year) decreased by 23.9% compared to the same period last year, and this is the lowest decrease since 1996. The economic downturn pushed workers to lose their jobs, without social insurance, increasing the country's informal workers.

The informal economy in India accounts for 70% of all employment. In 2005, the proportion of informal workers accounted for 86%, in 2018 this number decreased to 50%. Thus, it can be affirmed that workers with informal jobs play an important role in creating jobs and ensuring social security for workers.

** Experience of restricting laborers to have informal jobs*

First, the use of enhanced monetary and financial policies to promote economic development. Reform of economic structure, labor structure, income support for rural farmers. Reduce input prices for production, especially oil prices; raise the price of the rupee in order to reduce inflationary pressure and reduce the current balance deficit.

Second, improve the legal system to protect the rights and interests of employees. Since workers in informal employment are not entitled to any benefits in employment and social security benefits from the employer; Therefore, it is necessary to establish an integrated strategy to deal with these injustices in order to protect the legitimate rights and interests of workers.

Third, strengthen the management of informal workers and help them find jobs. The subregional office in New Delhi and the Social Dialogue, Labour Law and Administrative Labour Office (DIALOGUE) established in 2004-2005; helped to show how to manage informal workers and help them to find suitable jobs, can intervene in some contents while workers have their rights violated at work (ILO, 2005). India's inequality relationship has been exposed, as the pandemic has passed. The ILO estimates that about 400 million workers could be plunged into poverty in countries earning less than \$2 a day. Thus, the increasing informal economy leads to an increase in the number of workers working in this sector (Bach, H. 2020).

2.3. Australian experience

** Overview of economy and labor*

Australia is a country with a developed economy in the East Asia and Pacific region, in 2020, GDP per person reached 58,020 USD (Calculated at 2015 prices) is the 11th country in the world according to this

criterion and it has been a member of the OECD since 1971. Australia was also a major immigrant country with an estimated nearly 7 million immigrants in 2015, accounting for over 28% of the total population. Labor mainly operates in the service industry, this rate always reaches over 70% in the period 1991-2019, industrial workers decreased from 24% (1991) to less than 19% (2019). The unemployment rate is quite high: 5.2% (2019) and 6.5% in 2020 (WB, 2021).

** Informal employment*

There are no reported figures for informal employment in Australia. However, the data can be found through a number of studies in the construction sector (Shik & partner 2009) and workers in the garment sector are mainly immigrants from Vietnam and Cambodia (Bertulfo et al., 2019); home workers account for about 40% of total workers in the textile, clothing and footwear sector (Rawing et al., 2014).

** Experience of restricting laborers to have informal jobs*

Firstly, perfecting the law on employee protection. Australia has introduced the *Supply Chain Management Law*, in 1987, Australia has extended the regulation to work from home for both textile, clothing and footwear. This provision allows workers working from home to enjoy the same labor rights as workers in the textile sector in terms of: minimum wage, overtime, paid leave, maternity leave and other benefits.

Secondly, Regulations on standards of practice for retail businesses. As some production and business organizations try to circumvent supply chain management laws by allowing registered workers to do so on their own, they are not entitled to workers' rights. Therefore, some states have issued a set of standards of practice for retail businesses. For example, the state of New South Wales promulgates a program to strengthen ethical responsibility in the field of apparel; The regulation is mandatory and applies to both contractors, suppliers and contractors in the supply chain; This regulation applies to clothing retail businesses in the state but subcontracts production in any location in Australia, including foreign companies.

Some of the main contents of the regulations that retail businesses must implement are:

Before entering into a supplier contract, the retail business must ascertain whether the supplier or its subcontractors are contracted to work with workers who work from home.

Retail businesses are required to provide the name and address of each contractor and of each worker who works from home when using them.

The retailer must provide the Government and the Branch Office of the New South Wales Australia Textile, Clothing and Footwear Association with information on: the names and addresses of all suppliers and whether or not home-based workers are involved in the supply chain.

If a home-based worker is found to be involved in a supply chain on terms lower than required by law, the retailer has a responsibility to report it to the government or the state union.

2.4. Brazil's experience

** Overview of the economy and labor*

A Latin American country with a population of about 213 million (2020) and high average income (in the period 1980-2021, GDP per person increased by 27.8% while the overall world average was 78%) with USD 7,507 in 2021. Brazil's total GDP in 2022 was over 1,787 billion USD, mainly due to the contribution of the service industry accounting for over 70%, followed by the industry accounting for over 20% (in 1980 the service industry accounted for 70% and the industry accounted for 26%, in 2019 the proportion of industries were 73% and 21%, respectively).

Regarding to labor: in the period from 1991-2019, the proportion of service workers increased from 57% to 71%, the industry decreased from 23% to 20%; the agricultural sector decreased from 19% to 9%. The national unemployment rate of about 10% increases to 15% in 2020 due to the impact of the covid-19 pandemic (ILO, 2021).

** Informal employment*

According to ILO estimates, in 2020, the proportion of informal workers in Brazil is about 46% (39.6 million workers); according to gender, this rate in women is 46.9% and in men is 45.8%; according to the age network, over 65 years old is 66.8%, from 55-64 years old is 55.6%, from 25-54 years old is 43.5% and from 15 to 24 is 49.1%; by job position: self-employed workers account for 76.1% and manufacturers are 17.2%, while for wage earners, it is only about 35%; By labor sector: the proportion of informal workers working in the agricultural sector is 75.1%, construction is 66.5% and public administration, community, social and other services and activities is about 59%. Considered in absolute numbers: Brazil's informal employment in 2020 is

estimated at about 20 million wage workers, 17 million self-employed workers and 0.7 million workers who are business owners and 1.8 million family workers. By industry: public administration, community, social and other services and activities 14.6 million workers, trade, transportation, accommodation, catering and business administration services 11.9 million workers and agriculture 6.1 workers (ILO, 2021).

** Experience of restricting laborers to have informal jobs*

The Brazil Government has implemented a number of programs to support micro, small and medium enterprises through bidding policies to improve bidding access in public procurement in order to support MSMEs (Micro, Small and Medium Entrepreneurs) to benefit from public funding in public procurement and encourage enterprises to participate in ComprasNet online information, thereby increasing formal employment contracts of this type of enterprise, reducing informal employment.

MSMEs must be formalized to participate in public procurement, Enterprises register through the portal (Portal do Empreendedor), thereby updating data, submitting declarations, paying taxes and issuing certificates. After registration, MSME entrepreneurs will receive official certification and temporary license to operate (valid for 6 months), based on the enterprise's application for evaluation and licensing of operations (Commandeur, 2021).

According to Dawar (2021), the number of MSMEs has slightly increased in federal public contracts after the additional Federal Law came into effect. However, there is no clear relationship between the decline in informal employment and this program, although it brings many benefits to businesses of all types. In terms of labor size, in the period 2006-2011, enterprises with 10 or fewer employees had an average increase of 3.1% of the official wage earners while enterprises with more than 10 employees only increased by 0.8%. Federal Law 123/2006 (CFL 123/2006) and Supplemental Law 147/2014 (CFL 147/2014) have strengthened the role of women in MSMEs run by them (Commandeur, D 2021).

2.5. Colombia's Experience

** Overview of the economy and labor*

Colombia is a middle-income country in Latin America, with an economy of \$343.94 billion in 2022 with a GDP per capita of \$6,630. From 1980 to 2020, GDP per person increased by 88%, 78% higher than the global average over the same period (according to 2015 prices). Services are an important economic

sector, accounting for 64% of GDP (2019), industry accounts for 29%. This ratio has changed significantly compared to 1990: services 53% and industry 38%.

Labor is concentrated in the service sector. In the period 1991 to 2019, this rate changed from 57% to 64%. The proportion of employees in the agricultural industry in 2019 was also quite high at 16%. The national unemployment rate of about 10% in 2019 and 2020 due to the impact of the covid-19 pandemic has increased to 15% (ILO).

** Informal employment:*

According to ILO estimates, Colombia's informal employment rate in 2020 was 62.1% (13.8 million workers). Women have a higher rate of informal workers/total female workers than 73%, while men are only about 64%. According to age criteria: workers aged 15-24, this rate is 86.1%, over 65, 82.5%, aged 25-54, 62.3% and aged 55-64, 64.7%. By job position: self-employed workers account for 89.3% (8.4 million workers), manufacturers 46.4% (0.4 million workers), wage workers 39.1% (4.2 million workers). According to the criteria of the employment sector: agriculture was 87.8% (3.1 million workers), construction was 68%, the remaining sector was 63.1% (6.2 million workers) ... (2021).

** Experience of restricting laborers to have informal jobs*

In order to limit informal employment, in 2019 the Colombian Government implemented a plan of "business formalization policy - CONPES 3956) with a period extending to 2029.

With Objectives

Firstly, improve the benefit-cost ratio of official employees through specific contents such as: Designing and adjusting business registration fees; gradually implementing the one-stop-shop mechanism for enterprises nationwide; ensuring interaction and linking information of employers with social security, health and occupational risks policies; design and establish an online portal for employee-related transactions and social protection system; design and implement a national action plan for the national labor formalization network to strengthen training and technical support for MSMEs and informal enterprises to formalize labor and access social protection; encourage MSME enterprises to participate in the public procurement program.

Second, enhance the availability of information to support public policy decision making related to

business formalization. Perform regular and periodic statistics to collect information systematically; design business formalization measurement indicators that reflect the comprehensive and official aspects of the business; standardize data related to business formalization; evaluate the impact of the general policy as well as the parts of the policy.

Some strategies to pursue:

First, reduce costs for businesses that use formal workers.

Secondly, provide more effective support to enterprises in the process of implementing business formalization policies;

Third, strengthen inspection, supervision and control in the informal sector.

Results of strategy implementation

Because only half the time of the policy has been implemented, there have not been specific results on the impact of the policy on informal employment. However, it is also an innovative approach to addressing the country's informal employment problem. In general, in order for the policy to be highly effective, it is necessary to have the consensus of relevant ministries and agencies on the basis of specific targets and time frames under the drastic direction of the Government.

2.6. Experience of the European Union

** Overview of the economy and labor*

The European Union (EU) currently has 28 member countries. The organizational structure of the EU is a specific economic and political entity with a deep level of association. The EU has 2/5 UN Security Council members, 4/7 of the world's leading industrialized countries (in the G7), 4/20 countries in the G20. The EU is the world's largest economy after the US and China. Public debt is expected to be at 89% of GDP in 2023, and about 87% in 2024, down to 85% in 2025.

In the labor market, labor shortages continue to be a major challenge for EU businesses. According to a survey by Deloitte, the shortage of highly skilled labor is one of the leading risks for businesses in Germany, Austria and the Netherlands. The unemployment rate is high at around 6.6% in 2022, expected to rise to 7.2% in 2023 and at 7% in 2024 (Communist Review, <https://en.m.wikipedia.org/wiki>, accessed August 25, 2023).

Regarding labor with informal employment:

Since 2000, the size of the informal economy has tended to decrease; new EU members are quite stable,

even somewhat changing from low-middle income to high-middle income. Workers with concentrated informal jobs are mainly: men, young workers, low - basic education, low-skilled workers, they are often discriminated against... The EU's informal workers are counted according to the following three criteria: (1) workers in ≤ 5 -person companies; (2) without social insurance; and (3) people without labor contracts. According to Nguyen The Thang (2022), in countries such as Belgium, Denmark, Finland, the UK, the Czech Republic... one in four workers does not have a labor contract in establishments with 100 or more employees.

According to Nguyen The Thang (Vietnam Economic Forum 2022), informal workers are concentrated in some of the following criteria: First, if classified by job, informal workers focus mainly on self-employed jobs; Second, if by age, they focus mainly on paid workers under 24 and domestic workers aged 65 and over; Third, if by sector, agriculture accounts for the highest proportion, then construction and professional services with high skills; the lowest is education, health care and the public sector.

** Experience of restricting laborers to have informal jobs*

In general, countries in the EU community have come up with many solutions to reduce informal employment, including some of the following experiences:

Firstly, protect the marginalized labors in the labor market. Many countries maintain a low minimum wage for workers with low informal employment in line with the equilibrium wages of the market for low-skilled, simple labor. Promulgating regulations on the labor market that prevent and protect the marginalized in the labor market; having a flexible mechanism to find jobs, change jobs, improve competitiveness in the labor market to ensure a minimum income for informal workers. Through unemployment insurance policies, unemployment allowances are aimed at helping the marginalized to an appropriate level of well-being.

Secondly, implement tax policies to support labor-intensive enterprises, promote growth. The tax exemption policy for MSMEs aims to support them to be able to withstand the adverse effects of the market, thereby supporting social security for informal workers to perform informal jobs. Reform the tax structure through tax frameworks and tax rates to encourage employees to voluntarily perform their

tax policy obligations to minimize transaction costs. Review and possibly eliminate consumption taxes that have a negative impact on informal workers and the informal economy. Implement social assistance policies to offset the tax burden of informal workers.

Thirdly, improve the capacity of state governance, mobilize maximum resources for socio-economic development. The system of policy documents and implementation should clearly show accountability, effective governance and a transparent legal framework. Strengthen the fight against corruption through effective accountability mechanisms in administrative management. Through the system of mechanisms and policies to mobilize households and MSMEs to effectively use resources, promote growth, and formalize informal jobs, which is the basis for increasing income for workers with informal jobs, thereby helping MSMEs to increase the number of workers who are paid social insurance and sign labor contracts according to law.

3. Lessons for Vietnam

Each country has a different proportion of workers in informal employment in the total employment structure, and they also have different solutions in specific policies to increase their formal sector and formal employment. However, in our opinion, they all focus on some of the following contents:

Firstly, perfect the system of legal documents relating to social security and welfare policies for disadvantaged workers in the market. These policies are intended to support seasonal and short-termed workers in the free and disadvantaged sectors. Adjust the tax structure and remuneration for informal workers, businesses and employers to reduce the risk of becoming an informal employed worker. At the same time, there are specific plans and policies to limit the impact of informal employment on social issues, economic issues and political issues.

Secondly, stabilize the macroeconomy, minimize the impact of crises on informal employment. Stabilize the macroeconomy, improve competitiveness and promote international trade to meet the requirements of international economic integration. Focus on areas related to the products of seasonal and short-term workers in order to create jobs for workers to be responsible for being transferred from workers with formal jobs to workers with informal jobs. Currently, in addition to the impact of economic shocks, other shocks also have a significant impact on employment and informal labor; most countries have programs and policies to minimize the impact of crises through

the expansion of social security networks, measures to protect workers with informal jobs, especially freelance, short-term, seasonal workers without compulsory social insurance and labor contracts as prescribed.

Thirdly, the policy supports small, medium and micro enterprises. MSMEs are enterprises with a majority of informal workers. All countries have policies relating to tax exemption and reduction, tax restructuring, minimum wage policies for this group of workers, thereby supporting enterprises to survive and develop stable jobs for workers with informal jobs. Support businesses in public spending in order to increase formal employment.

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