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IMPROVING EMPLOYMENT OPPORTUNITIES FOR PERSONS WITH DISABILITIES IN VIET NAM

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TABLE OF CONTENT

PREFACE	01
ACKNOWLEDGEMENTS	02
ACRONYMS AND ABBREVIATIONS	03
EXECUTIVE SUMMARY	04
TERMINOLOGY AND DEFINITIONS	07
CHAPTER 1. INTRODUCTION	10
1.1. Objectives	11
1.2. Methodology	11
1.3. Limitations	11
CHAPTER 2. DISABILITY AND EMPLOYMENT	12
2.1. Overview on Employment for Persons with Disabilities	13
2.2. Barriers to Employment for Persons with Disabilities in Viet Nam	15
CHAPTER 3. POLICY AND LEGAL FRAMEWORK	22
3.1. International Framework for Disability-Inclusive Development	23
3.2. National Legal and Policy Framework on Employment for PWDs	31
CHAPTER 4. DISABILITY-INCLUSIVE BUSINESS	41
4.1. The Business Case for Diversity and Inclusion	42
4.2. Corporate Good Practices in Vietnam	44
CHAPTER 5. CONCLUSION AND RECOMMENDATIONS	52

PREFACE

The inclusivity of Viet Nam's growth has been key to the country's great success in achieving higher levels of human development and poverty reduction. The overall national headcount poverty rate (measured in monetary expenditure) was massively reduced from 57% in the early 90s to estimated 3.72% in 2019.¹ The key challenge for Viet Nam in becoming a higher middle-income country is to continue the current levels of growth, while remaining sustainable and inclusive. However, without broad participation of different groups from within society in the labour market, such sustainable and inclusive growth will not be possible.

Persons with disabilities (PWDs) in Viet Nam face enormous barriers in accessing the labour market. Because of physical and social obstacles constraining the participation of PWDs in employment and society, the Government of Viet Nam needs to ensure that they enjoy equal rights and opportunities as persons without disabilities. Facilitating the inclusion of PWDs in the labour market is fundamental in continuing the inclusive nature of Viet Nam's growth, ensuring the realisation of the rights of PWDs, and in creating a more diverse and inclusive society in Viet Nam so that no one is left behind.

Increasingly, enterprises are also realising that creating a more diverse workforce makes good business sense. Business enterprises have the transformative power to change and contribute to a more open, diverse and inclusive society in driving the 2030 Agenda for Sustainable Development, in particular achieving the United Nations Sustainable Development Goals (SDGs).² Diversity and Inclusion (D&I) holds enormous business potential by not only contributing to increased profit and direct sales, but also helping to create an environment that promotes innovation among workers, thus accelerating the creativity and adaptability needed to grow a business in the 21st century, as well as opening up niche markets in diversifying the consumer base.

This study, 'Employment for Persons with Disabilities in Viet Nam', aims to explore existing bottlenecks on employment, career development and entrepreneurship of PWDs by analysing the legal and policy framework of employment for PWDs in Viet Nam, interviewing PWDs in the labour market, policymakers and representatives from non-governmental organisations to assess the current situation in Viet Nam against international best practices. The overall objective of the study is to better understand the current situation of employment for PWDs in Viet Nam and to contribute to the development of the new national action plan for assisting persons with disabilities for the period 2021-2030, building on the previous National Action Plan 2012-20, to strengthen the mechanisms of inclusion of PWDs in the society to accelerate the achievement of the SDGs.

¹ MOLISA, *Proposed National Target Program Frame, Sustainable Poverty Reduction in the 2021-2025 Period*, (2019), 4.

² UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, Accessed: 19 November 2019. Available at: <https://www.refworld.org/docid/57b6e3e44.html>

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The research team would like to express our sincere thanks to the Department of Social Protection, Ministry of Labour – War Invalids and Social Affairs and National Committee on Persons with Disabilities of Vietnam as well as experts from other ministries in helping us complete this report.

This report could not have been completed without the valuable comments from participants at three consultation workshops held in Ho Chi Minh City (24 September 2019), Ha Noi (16 October 2019), and Da Nang (18 November 2019). In addition, we would like to express our deep gratitude to individuals and representatives of organisations and businesses who participated in our interviews. Their contribution are valuable sources of information for this report.

Finally, we would like to express our sincere thanks to the United Nations Development Program (UNDP), especially Ms. Catherine Phuong - Assistant Resident Representative, Unit Head of Governance and Participation, Ms. Ida Uusikylä – Innovation Consultant and Mr. Seán O’Connell - Human Rights and Rule of Law Officer, for supporting us throughout the implementation of this report.

The research team looks forward to receiving contributions from our partners and readers to build on the recommendations and explore opportunities for collaboration in strengthening the rights of persons with disabilities through employment.

Sincerely,

On behalf of the research team,

Nguyen Thi Lan Anh

ACRONYMS AND ABBREVIATIONS

PWD	Persons with disabilities
OPD	Organisation of Persons with Disabilities
NCD	National Committee on Persons with Disabilities
NEF	National Employment Fund
NGO	Non-governmental Organisation
VBSP	Viet Nam Bank of Social Policy
CRPD	Convention on the Rights of Persons with Disabilities
CSR	Corporate Social Responsibility
MOLISA	Ministry of Labour – Invalids and Social Affairs
DOLISA	Department of Labour – Invalids and Social Affairs
UNDP	United Nations Development Programme
ILO	International Labour Organisation
VDS	Viet Nam National Survey on Persons with Disabilities
UNDESA	United Nations Department of Economic and Social Affairs

EXECUTIVE SUMMARY

In Viet Nam, nearly 7% of the population live with some form of a disability – an estimated 6.2 million people in total. Although the Government of Viet Nam has made a strong commitment to support persons with disabilities (PWDs), there is still a large gap between law and practice on employment for PWDs. In fact, people with disabilities continue to face many barriers and stigma in their daily lives, including barriers to employment.

To support the formulation of the National Action Plan to assist PWDs for 2021-2030 in Viet Nam, UNDP together with MOLISA conducted this study, '*Improving Employment Opportunities for Persons with Disabilities in Viet Nam*', to review the national policy framework on employment for PWDs against international best practices, including corporate practices, on employing PWDs in Viet Nam.

The study uses qualitative methods to assess the employment of PWDs. Secondary qualitative sources include legal documents on vocational training, labour and employment for PWDs, as well as available reports and research on employees with disabilities. Primary qualitative information gathered through 29 interviews, focused on five target groups: (i) persons/employees with disabilities and families of persons with disabilities; (ii) entrepreneurs with disabilities; (iii) businesses; (iv) OPD leaders; and (v) Government officials, all providing detailed information related to the recruitment and employment of PWDs in Viet Nam. In-depth interviews were conducted in seven provinces/cities, including Ha Noi, Quang Tri, Thua Thien Hue, Da Nang, Quang Nam, Ho Chi Minh City and Can Tho.

Based on the results of in-depth interviews, desk research and consultation workshops, the study identified the following **five key challenges faced by PWDs in the labour market**, including:

1. Discrimination and low self-esteem of PWDs
2. Lack of awareness and access to information among PWDs, their families and the community of training and employment opportunities, including government vocational training programmes, and corporate recruitment programmes;
3. Lack of physical accessibility to buildings and transport, including office buildings, public buses;
4. Lack of education and training opportunities and therefore lack of necessary technical and professional qualifications;
5. Lack of access to capital, in particular for entrepreneurs with disabilities looking to start a new business or accessing micro finance schemes.

The following **nine gaps in national legal and policy framework** as well as implementation practices have been identified:

1. The proportion of PWDs who are enrolled in or have received vocational training remains low;
2. The method of assessing National Occupational Skills, following vocational training, does not ensure accessibility for all types of disability;
3. Employment of PWDs has not been included in national socio-economic development plans and strategies;
4. Lack of effective sanctions for businesses and organizations refusing to recruit fully qualified PWDs;
5. Lack of guiding or detailed supplementary legislation on ensuring implementation of provisions on building an inclusive and accessible working environment for PWDs, including standards for equipment and furniture inside the office, under the Law on Persons with Disabilities;
6. Policies to incentivise businesses to employ PWDs are not effective in increasing the number of PWDs in employment, including provisions on conditions for corporate income tax exemption for businesses employing many PWDs;
7. The amended Labour Code (2019) lacks mandatory regulations for businesses to employ a certain percentage of PWDs;
8. The number of self-employed PWDs and businesses employing many PWDs that can access to preferential loans from VBSP remains low;
9. Lack of enforcement and implementation mechanisms for laws and policies supporting PWDs, including effective deterrents and incentives for strengthening accessibility of PWDs to the labour market.

Based on the desk research conducted on international comparative experiences in strengthening access to the labour market for PWDs, **four international best practices** on employment policies for PWDs were identified for potential implementation in Viet Nam:

1. Customized vocational education programs based on the type of disability, market demands and career aspirations of PWDs;
2. Quotas for public and private employment of PWDs;
3. Introduction of mechanisms for the effective implementation of financial incentives for the employment of PWDs;
4. Mentoring for PWDs in employment and entrepreneurs with disabilities, including job coaches.

In addition, **six good corporate practices** in Viet Nam were identified, including by businesses such as Joma Vietnam Co., Ltd; SAITEX International Co., Ltd; VBPO JSC; and SCDeaf, which are explored in Chapter 4. These practices include:

1. Partnerships for success – creating strong connections with disability associations;
2. Commitment from the very top – support of the CEO in driving diversity and inclusion agenda;
3. Connecting skills to market demand – providing skills training for the employees;
4. Diversifying the business model – adapting to the needs of the customers;
5. Tailored employee support – training programs meeting individual needs;
6. Holistic support – extending employee support beyond workplace;

Based on key findings and best corporate practices in Viet Nam, the research team identified **three main groups of recommendations** presented in Chapter 5:

1. Improving Policies on Employment for Persons with Disabilities

- Strengthening institutional structures and strengthening cooperation and coherence between ministries and agencies on employment of persons with disabilities.
- Supplementing regulations on the methods of national occupational skills assessment.
- Developing a legal framework that encourages employees with disabilities to sit the national occupational skills examination to have a reference of their skills and to raise their job opportunities.
- Including employment support for PWDs in national strategies and plans as well as local policies.

2. Enhancing the Implementation of Policies on Employment for Persons with Disabilities

- Developing mechanisms for monitoring and evaluation of activities related to PWDs policies and regulations to identify implementation gaps.
- Enhancing the implementation of policies on employment for persons with disabilities by improving the quality and efficiency of vocational training and vocational training management.
- Enhancing the quality of the national occupational skills examination and granting the concession of official certificates.
- Raising awareness of the existing preferential policies for hiring PWDs among the private sector.
- Focusing on employment creation and support for products made by PWDs.

3. Supporting Measures to Facilitate Inclusion

- Improving PWDs' access to education.
- Improving mobility and accessibility.
- Collecting and utilising data on PWDs.
- Introducing measures to advocate for the inclusion of PWDs in all areas of social and economic activities.

TERMINOLOGY AND DEFINITIONS

No.	Terminology	Definition
1	Accessibility	<p>(Clause 8, Article 2 of the Law on Persons with Disabilities in Viet Nam, 2010)</p> <p>Access means that persons with disabilities may use public facilities, means of transport, information technology, cultural, sports, tourist and other suitable services so as to be able to integrate into the community.</p> <p>(Clause 1, Article 9, Convention on the Rights of Persons with Disabilities)</p> <p>To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis as others, to the physical environment, transportation, information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas.</p> <p><i>Within the scope of this study, the research team will use the CRPD definition.</i></p>
2	Disability	<p>(Paragraph 5 Preamble of Convention on the Rights of Persons with Disabilities)</p> <p>Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.</p> <p><i>Within the scope of this study, the research team will use the CRPD definition.</i></p>
3	Discrimination against persons with disabilities	<p>(Clause 3, Article 2 of the Law on Persons with Disabilities of Viet Nam, 2010)</p> <p>Means the act of shunning, refusing, maltreating, disparaging, showing prejudice against or restricting the rights of persons with disabilities because of their impairments.</p>

No.	Terminology	Definition
4	Discrimination based on disability	<p>(Clause 3, Article 2 Convention on the Rights of Persons with Disabilities)</p> <p>Means any distinction, exclusion or restriction based on disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.</p>
5	Employee	<p>(Clause 1, Article 3 of the Labour Code of Viet Nam, 2012) *</p> <p>Means a person who is of full 15 years or older who can work, works under a labour contract, is paid with wage and is managed and supervised by an employer.</p> <p>(Clause 1, Article 3 of the Labour Code of Viet Nam, 2019) Means a person who works for an employee under an agreement, is paid, managed and supervised by the employer.</p> <p><i>*The Labour Code 2012 The 2012 will be replaced by the Labour Code 2019 from 1 January 2021. Basically, the definition of employees between these two laws is not much different.</i></p>
6	Employer	<p>(Clause 2, Article 3 of the Labour Code of Viet, Nam, 2012)</p> <p>Means an enterprise, agency, organisation, cooperative, household or an individual that hires or employs employees under labour contracts; if the employer is an individual, he/she must have full civil act capacity.</p>
7	National occupational skills standard	<p>(Clause 3, Article 3 of the Law on the Employment of Viet Nam, 2013)</p> <p>Means regulations on professional knowledge, practice capacity and ability to apply such knowledge and capacity at work, which are requirements for a worker to perform his/her work depending on each qualification's level of skills for each occupation.</p>

No.	Terminology	Definition
8	Persons/ People with disabilities	<p>(Clause 1, Article 2 of the Law on Persons with Disabilities of Viet Nam, 2010)</p> <p>Means a person who is impaired in one or more body parts or suffers functional decline manifested in the form of disability, which causes difficulties in his/her work, daily life and studies. (Article 1 Convention on the Rights of Persons with Disabilities)</p> <p>Include those who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and active participation in the society on an equal basis with others.</p> <p><i>Within the scope of this study, the research team will use the CRPD definition.</i></p>
9	Reasonable accommodation	<p>(Clause 4, Article 2 Convention on the Rights of Persons with Disabilities)</p> <p>Means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others within all human rights and fundamental freedoms.</p>
10	Stigma against persons with disabilities	<p>(Clause 2, Article 2 of the Law on Persons with Disabilities of Viet Nam, 2010)</p> <p>Means the attitude of disregarding or disrespecting persons with disabilities because of their impairments.</p>
11	Universal design	<p>(Clause 5, Article 2 Convention on the Rights of Persons with Disabilities)</p> <p>Means the design of products, environments, programs and services to be utilised by all people to the greatest extent possible, without the need for any adaptation or specialized design. 'Universal design' shall not exclude assistive devices for particular groups of persons with disabilities where one is needed.</p>

CHAPTER 1

INTRODUCTION



Photo: UNDP Việt Nam/Đoàn Văn Tín

CHAPTER 1. INTRODUCTION

1.1. Objectives

This study aims to evaluate and review the current situation of the development and implementation of Viet Nam's legislation on employment for PWDs and compare it against international standards and recommendations as well as identifying corporate best practices on employment of PWDs in the country. This study presents the results of desk research and interviews with relevant stakeholders at the country level.

1.2. Methodology

To assess the employment of PWDs, a mix of qualitative sources were used. Primary qualitative information was gathered through 29 interviews focused on five target groups: (i) persons/employees with disabilities and families of persons with disabilities; (ii) entrepreneurs with disabilities; (iii) businesses; (iv) leading OPDs and; (v) Government officials. These interviews provide detailed information related to the recruitment and employment of PWDs and seek their opinions, experiences and recommendations on how to better support PWDs to better participate in the labour market. In-depth interviews were conducted in seven provinces and cities in September 2019, including Ha Noi, Quang Tri, Thua Thien Hue, Da Nang, Quang Nam, Ho Chi Minh City and Can Tho. Additionally, consultation workshops providing additional insights and feedback were held in Ho Chi Minh City (24 September 2019), Ha Noi (16 October 2019), and Da Nang (18 November 2019).

Secondary qualitative sources include legal documents on vocational education, labour and employment for PWDs as well as available reports and research on employees with disabilities. This study compares the national legal environment in Viet Nam to international best practice on the employment of PWDs, as registered in international standards, treaties and conventions (e.g. Convention on the Rights of Persons with Disabilities, CRPD).

1.3. Limitations

There are several limitations to this study. For example, quantitative data is either limited or unavailable in Viet Nam's provinces or cities. In terms of the qualitative data, it was not possible to include in the study PWDs from remote areas and persons representing all types of disabilities due to limited resources. Hence, this study is not fully representative of the entire country of Viet Nam.

CHAPTER 2

DISABILITY AND EMPLOYMENT



Photo: Action to the Community Development Center (ACDC)

CHAPTER 2. DISABILITY AND EMPLOYMENT

2.1. Overview on Employment for Persons with Disabilities

Employment plays a central role in society, in allowing persons to contribute to economic development coupled with providing employees with financial security, thus it represents an avenue in ensuring the full participation and equality of treatment of PWDs. Employment not only ensures PWDs earn a living for themselves, but also to contribute to their families' wellbeing. Employment provides a feeling of worth, empowerment and contributes greatly to increasing self-esteem and self-image. However, evidence shows that PWDs and their families remain cut off from such opportunities and continue to be among the poorest in society.³

The participation of PWDs in employment makes strong contributions to the country's economy. Excluding persons with disabilities from contributing to their overall economic development through employment has been found to cost countries between 1 and 7 percent of their Gross Domestic Product.⁴ However, available statistics on the labour market participation of PWDs in Viet Nam indicate that the overall labour force participation rate of PWDs remains significantly lower compared to the total population. Many are relying on the support of their families or social security payments. The employment to population ratio (EPR) for persons with disabilities aged 15 years and older is 36% on average, whereas the EPR for persons without disabilities is 60% across eight geographies.⁵

Additionally, PWDs are more likely to be in low-paid jobs with poor working conditions and limited career prospects. Research suggests that in developing countries, up to 80% of PWDs are unemployed and that PWDs are more likely to be self-employed compared to persons without disabilities. Among 19 countries studied, on average 62% of persons with disabilities versus 53% of persons without disabilities are self-employed and the gap is even wider just among developing countries.⁶ In Indonesia over 63% of people with mild disabilities are self-employed, compared to a 34% rate for people without disabilities and in Mongolia, PWDs are four times as likely to be employed in the informal sector compared to persons without disabilities.⁷

Majority of self-employed PWDs in developing countries work in agriculture, street vending or handicrafts, often in poor working conditions or utilizing hazardous chemicals or tools. Being both self-employed and in the informal economy greatly increases the vulnerability of PWDs. Furthermore, women with disabilities are less likely

³ United Nations Department of Economic and Social Affairs (UNDESA), *Disability and Development Report, Realizing the Sustainable Development Goals by, for and with persons with disabilities*, (2018), 34. Accessed: September 15 2019. Available at:

<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/07/disability-report-chapter2.pdf>

⁴ Backup. S., *The price of exclusion: the economic consequences of excluding persons with disabilities from the world of work*, ILO, (2009), 1. Accessed 12 November 2019. Available at:

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_119305.pdf

⁵ UNDESA, *Disability and Development Report*, (2018), 189. Accessed: 2 May 2020. Available at:

<https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2018/12/UN-Flagship-Report-D-Disability.pdf>

⁶ *Ibid.*, 193.

⁷ General Statistics Office (GSO), *National survey on people with disabilities 2016*, Statistical Publishing House, (2018), 86. Accessed 20 November 2019. Available at:

https://www.gso.gov.vn/default_en.aspx?tabid=515&idmid=5&ItemID=19055



Photo: UNFPA Vietnam/Nguyễn Minh Đức

to have access to decent jobs than either non-disabled women or men with disabilities, and people with certain types of disability, such as mental or intellectual disability, face considerably more difficulties in finding decent work.⁸

There are multiple barriers to PWDs accessing the labour market. For example, discrimination against PWDs is still widespread as it is often assumed that PWDs are not able to carry out the required tasks.⁹ Additionally, families and friends of PWDs play an important role in influencing the lives of PWDs, sometimes perpetuating discrimination by limiting access to education necessary to effectively join the labour market. It is also increasingly recognised that discrimination of PWDs intersects with other types of discrimination, such as age, ethnicity, geographic location and sexual orientation.

While some studies have found that employment among PWDs is linked to personal and household characteristics more than human capital,¹⁰ others highlight employment training and work experiences in high school as well as high parental expectations for their child's future as the core challenges.¹¹ Studies on the labour market in the USA point out that service industry enterprises are more likely to recruit people with disabilities than in the manufacturing industry.¹² However, businesses in the leisure and hospitality industries continue to be more concerned about their clients' attitudes towards PWDs compared with other service-producing industries. This is partly due to the direct customer – employee interaction but these findings also “allude to the possibility of discriminatory behaviour based on stereotyping both people with disabilities and the attitudes of customers”.¹³

⁸ Ibid., 36.

⁹ UNDP & iSEE, *Ending Stigma*, (2017), 12. Accessed: 2 October 2019. Available at:

https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/EndingStigma.html

¹⁰ Mitra and Sambamoorthi, *Employment of Persons with Disabilities: Evidence from the National Sample Survey*, Economic and Political Weekly, Vol. 41, No. 3, (2006), 203. Accessed: 3 October 2019. Available at:

<https://www.jstor.org/stable/4417696?seq=1>

¹¹ Wehman, P. et al., *Predictors of Successful Transition from School to Employment for Youth with Disabilities*, Journal of Occupational Rehabilitation, (2015), 230. Accessed: 7 October 2019. Available at:

<https://link.springer.com/article/10.1007/s10926-014-9541-6>

¹² Houtenville, A. and Kalargyrou, V., *Employers' Perspectives about Employing People with Disabilities: A Comparative Study across Industries*, Cornell Hospitality Quarterly 56(2), (2014), 9. Accessed: 8 October 2019. Available at: DOI: 10.1177/1938965514551633

¹³ Ibid., 10.

Box 1:

Industrial Revolution 4.0 and Evolving Labour Markets for Persons with Disabilities

The Fourth Industrial Revolution (IR 4.0) is characterised by developments such as artificial intelligence, automation and biotechnology, which are already transforming both our social and economic relationships.¹⁴ IR4.0 presents both economic opportunities and risks of increasing inequality, with the latter threatening to leave the most vulnerable behind. In a 2016 report titled 'ASEAN in transformation: the future of jobs at risk of automation', it was suggested 70% of jobs in Viet Nam are at risk of automation, with a net job loss of about 1.7 million, the vast majority of which (90%) are in the agricultural sector. According to the report, other sectors profoundly impacted by potential job losses are, forestry and fisheries, manufacturing, food and beverage, garment, electronics, wholesale, retail and repair of motor vehicles, service sector, retail and hotel and banking.¹⁵

Specific strategic interventions including active labour market policy and social protection are needed to ensure inclusive development in the context of IR4.0. It is crucial to anticipate the opportunities that IR4.0 will present to better integrate PWDs into the labour market. Subsequently, it is equally important to support the development of skills for PWDs that allow them to adapt to the new needs of the labour market. Such skills include "a combination of both technical skills (such as STEM) and core skills (creativity, critical thinking, communication, teamwork etc.) which are needed to best equip the labour force and foster resilience to the evolving labour markets".¹⁶

2.2. Barriers to Employment for Persons with Disabilities in Viet Nam

In 2016, Viet Nam had 17.8% of people with disabilities living in multidimensionally poor households, which is further exacerbated by other reinforcing vulnerabilities such as being from an ethnic minority or from the Northern Midlands, Central Highlands or Mekong River Delta.¹⁷ According to the Viet Nam National Survey on Persons with Disabilities (VDS) conducted between 2016-19, 31,7% of PWDs are in the labour force, compared to 82,4% of people without disabilities.¹⁸ This is a significant gap in employment rates between PWDs and persons without disabilities of working age.

¹⁴ UNDP, *Inclusive Fourth Industrial Revolution for achieving the sustainable development goals in Viet Nam*. (2019), 3. Accessed: 2 October 2019. Available at:

<https://www.vn.undp.org/content/vietnam/en/home/library/InclusiveIR40discussionpaper.html>

¹⁵ ILO, *The future of jobs at risk of automation*, (2016), 12. Accessed: 2 October 2019. Available at:

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---act_emp/documents/publication/wcms_579554.pdf

¹⁶ ILO, *Industrial Revolution 4.0 in Viet Nam: What Does it Mean for the Labor Market?* Viet Nam Country Brief, (2018), 4. Accessed: 2 October 2019. Available at:

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_630854.pdf

¹⁷ United Nations Development Programme (UNDP), *Multidimensional Poverty in Viet Nam, reducing poverty in all its dimensions to ensure a good quality life for all*, (2018), 13. Accessed: 10 May 2020. Available at:

<https://www.vn.undp.org/content/vietnam/en/home/library/poverty/MDPR.html>

¹⁸ General Statistics Office (GSO), *National survey on people with disabilities 2016*, Statistical Publishing House, (2018), 20. Accessed 20 November 2019. Available at:

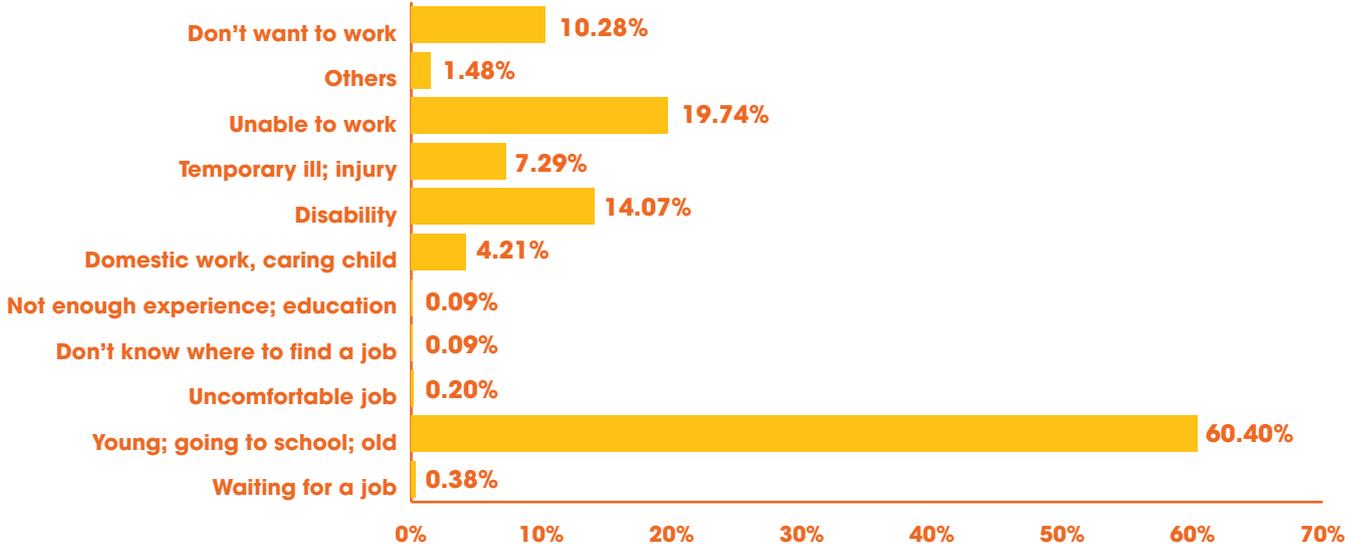
https://www.gso.gov.vn/default_en.aspx?tabid=515&idmid=5&ItemID=19055

The interviews and desk research conducted for this study, suggest that there are five main barriers for PWDs to enter the labour market in Viet Nam. These are discrimination and low self-esteem, lack of awareness and access to information, lack of access to public buildings and transport, education and lack of necessary qualifications, and barriers on access to capital.

2.2.1. Discrimination and Low Self-esteem

One of the key reasons for the disparity between PWDs and Persons without disabilities in employment remains to be discrimination, which prevents PWDs from applying, receiving or retaining jobs. Instances of discrimination can limit the continuation of existing employment or hamper the opportunities for career advancement as well as prevent the existence of safe and healthy working conditions.¹⁹ Discrimination against PWDs in the workplace can take different forms, including PWDs working without labour contracts, low wages or non-payments and not getting promoted due to their disability. According to the VDS, disability or impairment is one of the most frequent reasons mentioned for PWDs not being part of the labour force, accounting for 14% of responses (Figure 1). The rate of PWDs being denied employment is exceptionally high, at 53%.²⁰ According to a recent study by UNDP and iSEE, “stigma against PWDs in employment is quite high. Although 66% of the respondents (n = 389) never applied for a job, 53% of those who had applied for a job (n = 133) said that they perceived being rejected because of their disability”.²¹

Figure 1 – Why PWDs are unemployed or not looking for jobs (%)



Source: GSO, National survey on people with disabilities 2016, Statistical Publishing House, (2018), 94.

The prevailing attitudes towards PWDs in Viet Nam are that PWDs are incapable of participating in or contributing to society. This is coupled with the belief that PWDs must rely on social welfare or help from charitable organisations. Many people believe that PWDs have lower work performance than persons without disabilities, that PWDs are unable to work under high pressure, or unfit to go on long business trips. Furthermore, perceptions held by consumers, or the public, also perpetuate low self-esteem among PWDs by questioning the quality of the service or products.

¹⁹ Ibid., 89.
²⁰ UNDP & iSEE, *Ending Stigma*, (2017), 85. Accessed: 3 November 2019. Available at: https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/EndingStigma.html
²¹ UNDP & iSEE, *Ending Stigma*, (2017), 12. Accessed: 3 November 2019. Available at: https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/EndingStigma.html

"Our company was named after the suggestion of DOLISA as 'Limited liability company of PWDs X.' It (the name of the company) did not matter to customers who knew us. However, other clients were not interested and did not trust the ability of PWDs (to perform the task). By 2015, my company's name turned into 'X Advertising and Printing Co., Ltd.', and then the company revenue increased significantly". – Mr. N, CEO of X Advertising and Printing Co., Ltd.

Low self-esteem of PWDs therefore may be either intrinsic or extrinsic or both, resulting from these societal attitudes or the attitudes of PWDs themselves or their families, relatives and close friends. Low self-esteem plays an important role in preventing PWDs from accessing the labour market from the stage of even seeking out employment opportunities. Many PWDs are able to work, however, they are afraid of being subjected to discrimination. It is essential to understand that PWDs' low self-esteem is created by the influence of external factors, including social stigma and discrimination.

"I think almost all jobs now require a good appearance. I am a person with dwarfism - I am currently 30 years old, but I weigh only 18 kg and my height is 1.16 m, and my health is not good. So, it is difficult (for me) to apply for a job". – Ms. M, Editor of Company A.

Additionally, it is often difficult for PWDs to start the process of finding suitable jobs because of their families' overprotectiveness. PWDs' parents are often afraid that their child will not be able to take care of themselves, will be discriminated against at the workplace or will not be able to perform their jobs well. These perceptions reflect discrimination of PWDs even by their own families.

"When I said I wanted to go to Hanoi from Hai Duong to look for a job, my family didn't support the decision. My parents were anxious, and they asked who would look after me. They did not allow me to go because they were worried about my safety." – Ms. H, Computer technician of Company I.

2.2.2. Lack of Awareness and Access to Information

PWDs and their families lack awareness of the State's preferential policies on employment, such as the possibility to receive free job advice or to apply for loans with low-interest rates from Vietnam Bank for Social Policy (VBSP). Such policies are not always broadly disseminated among PWDs. Also, there is no comprehensive, centralised, system or platform for PWDs to access all the information they need in finding a job, retaining employment and pursuing career development. Current websites hosted by MOLISA include out of date information and difficult to use interface.

The dissemination of information is also made through non-accessible formats and avenues. For example, without sign language interpreters, deaf persons cannot meet and discuss with government representatives to explore available employment or training opportunities. Furthermore, although Information and Communication Technologies (ICT) are a convenient avenue for information dissemination and play a particularly important role for people with disabilities, the percentage of households with disabilities owning such technologies is lower compared to non-disabled households. For example, only 16,8% of households with PWDs have an internet subscription, compared to 30,9% with non-disabled households. Similarly, only 13,7% of

these households have computers, compared to 28.6% of non-disabled households.²² Finally, internet usage while different between types of disabilities, there are also large disparities between people with disabilities and people without disabilities. People without disabilities are 6.5 times likely to use internet than people with disabilities (42.9% versus 6.7%).²³

There is also a lack of information about businesses willing to employ PWDs. Many businesses have initiated programmes for the training and recruitment of PWDs, but currently this is done on an ad-hoc basis, and such businesses continue to struggle to find trained or qualified employees with disabilities. Without effective communication of such opportunities, these programmes cannot fulfil their objectives in strengthening access to employment for PWDs. Many respondents stated that it was difficult for them to find a job without an introduction by acquaintances.

"After graduating from high school, I studied basic carpentry, but could not cope with it because it was too difficult for me. After that, I continued to look for suitable jobs, but information about enterprises recruiting PWDs was too scarce. Fortunately, I was introduced to a company by a friend and has been working there since". – Ms. L, an employee of a handicraft manufacturing firm.

2.2.3. Education and Lack of Necessary Qualifications

Education remains to be a big barrier for persons with disabilities in accessing the labour market. Low educational level is also a limiting factor for the number of jobs PWDs can access, further limiting their choices compared with that of the rest of the population. According to the results of the 2016 Viet Nam National Survey on PWDs, the percentage of PWDs who have not completed primary education and are employed is much lower than for persons without disabilities (Table 4). Furthermore, "up to 93.4% of PWDs aged 16 and over do not have any technical and professional qualifications, and only 6.5% have diplomas and certificates".²⁴

Barriers to accessing education for PWDs are experienced from a very early age, leading to many PWDs not having received even primary education. Out of every 100 schools, only three are accessible, with eight having a ramp passage designed for PWDs and ten have accessible sanitation facilities for children with disabilities.²⁵ Not only are schools lacking in facilities, nearly three out of every four schools do not have any teachers trained to instruct pupils with disabilities (72.3%). Furthermore, of every seven teachers in primary and lower secondary schools, only one teacher is trained to instruct pupils with disabilities (14.1%). This lack of access to education is directly linked to limitations for PWDs in securing employment, given that most occupations require some degree or

²² General Statistics Office (GSO), *National survey on people with disabilities 2016*, Statistical Publishing House, (2018), 21. Accessed 20 November 2019. Available at:

https://www.gso.gov.vn/default_en.aspx?tabid=515&idmid=5&ItemID=19055

²³ Ibid., 21.

²⁴ MOLISA, *National Action Plan to Support People with Disabilities for the Period 2006 – 2010*. Accessed: 10 November 2019. Available at: <https://www.mindbank.info/item/2785>

²⁵ Ibid., 19.

²⁶ Ibid., 19.

Table 4 – Percentage of PWDs who are employed, by education level (%)

Educational levels	PWD	Persons without disabilities	Difference
Preschool	23,78	80,93	57,15
Primary	35,96	86,79	50,83
Lower secondary	48,36	78,15	29,79
Upper secondary	41,36	85,69	44,33
Vocational	39,40	84,76	45,36
College+	37,14	82,00	44,86

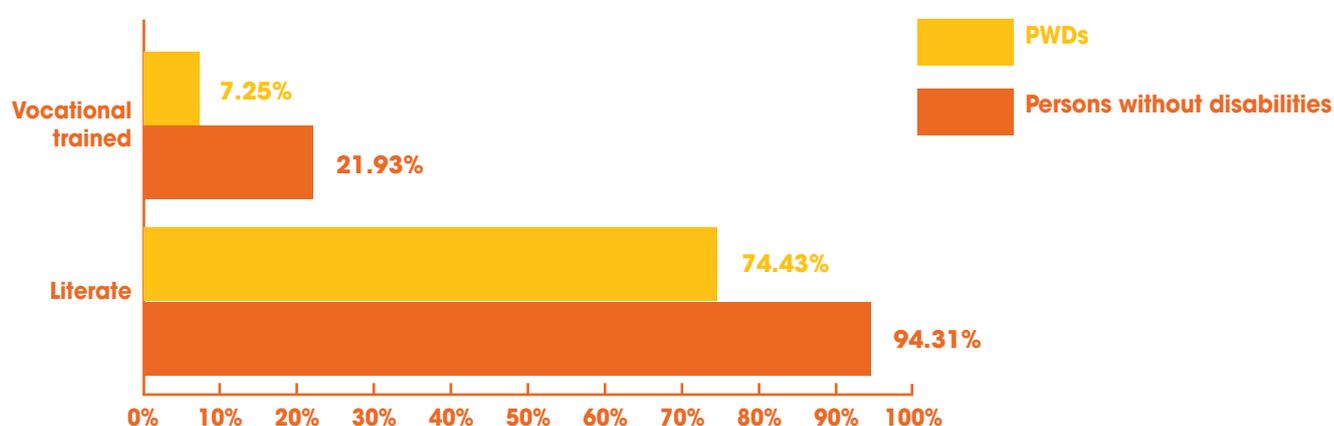
Source: GSO, National survey on people with disabilities 2016, (2018), 91.

Without education, PWDs have lower level of skills and are not able to produce and operate with the same standards as people without disabilities. The VDS also highlighted that the number of PWDs with no vocational training accounted for 93% of all PWDs in Viet Nam. The lack of specific vocational training for employment is one of the main barriers to find decent jobs, in particular in the current economic climate where the labour market requires more skilled employees. This is also a growing concern among the business owners in Viet Nam as Viet Nam graduates from the lower middle-income country status to a higher one.

"If the market standards are higher, our company needs to hire more highly skilled employees, which may prohibit PWDs from being hired. This is a problem that our company is very concerned about." – Ms. D, Human Resources Manager of Company E.

Levels of participation in vocational training programmes between PWDs and persons without disabilities can be explained partly due to the barriers in access to mainstream education.

Figure 2 – Vocational training participation and literacy by disability status for people aged 15 and over (%)



Source: GSO, National survey on people with disabilities 2016, Statistical Publishing House, (2018), 84.

2.2.4. Lack of Access to Public Buildings and Transport

Another key barrier for the employment of PWDs in Viet Nam is accessibility. Many public buildings and facilities do not meet the national technical standards on accessibility for PWDs.²⁷ The interviews show that there is a lack of ramps or elevators for people with physical disabilities. Even when available, accessibility is not guaranteed because the ramps are either too narrow or too steep. Due to the perceived high cost involved in improving the working conditions and accessibility for PWDs, many employers hesitate to employ PWDs. If buildings had been built as accessible in the first place, additional costs for adapting them would be avoided.²⁸

"Right now, it is hard for us to improve the working conditions and environment suitable for PWDs, including accessible infrastructure for PWDs, due to our financial difficulties" – Ms. T, CEO of Company Y.

The demand for public transport such as buses and coach services adapted to PWDs' needs is increasing, but the vehicles and roads in Viet Nam do not meet the needed requirements to ensure accessibility. For example, interviewees mentioned that both doors and space inside buses are too narrow, and crosswalks do not have Braille signboards or sound signals to ensure safety for persons with visual impairment. This makes it harder for PWDs to travel to work. Options for private transport remain limited for PWDs. For example, many PWDs cannot use ride-share apps because vehicles are not accessible and for example in Ha Noi, there is only one van with a wheelchair lift.

2.2.5. Barriers on Access to Capital

One of the greatest barriers for PWDs to become entrepreneurs is access to capital, either through grants, loans, or subsidised loans. Microcredit has also *"become a popular instrument to promote economic empowerment among poor entrepreneurs and is increasingly being recommended to improve economic rehabilitation among persons with disabilities"*.²⁹ However, microcredit institutions often lack knowledge on the situation faced by PWDs, and their services are often not easily accessible by PWDs. At the same time, entrepreneurs with disabilities often lack the knowledge needed for raising capital. There are loans with preferential interest rates for entrepreneurs with disabilities provided by the branch of the Viet Nam Bank for Social Policy (VBSP). However, the number of PWDs who access subsidised loans is still low. This will be further discussed in chapter 3.2.

"When I set up my company, I had to borrow 200 million VND from my mother as an initial investment because I didn't know where to borrow money from." – Mr. T, founder of a company for the mute-deaf.

"Social enterprises, including businesses of people with disabilities, always find it difficult to access start-up capital or support in product sales and quality, brands and long-term capital investment". - Mr. T, Director of a social organisation

²⁷ QCVN 10:2014/BXD, National Technical Regulation on Construction for Disabled Access to Buildings and Facilities.

²⁸ National Committee on Persons with Disabilities (NCD), *Report on Researching, evaluating the implementation of the provisions of the Labour Code and related documents on employees with disabilities*, (2018), 33.

²⁹ Mersland, R., *Microcredit for self-employed disabled persons in developing countries*, (2005), p.2.

Accessed: 20 December 2019. Available at: <https://mpra.ub.uni-muenchen.de/id/eprint/2068>

Box 2: COVID-19 Impacts on Employment for PWDs in Viet Nam

COVID-19 has impacted the economy and businesses in Viet Nam significantly. The GDP growth is lowest since 2010, around 3.82% in Q1 of 2020, and it is estimated that COVID-19 has already negatively affected nearly 5 million workers and almost 85% of enterprises in Viet Nam as of mid-April.³⁰ Among these workers, 13% have lost their jobs and 59% are temporarily out of work.³¹ In early April 2020, the Government announced a support package of US\$2.6 billion for those affected by COVID-19.³² Persons with disabilities have been affected heavily since they are in a particularly vulnerable position as many suffer from underlying medical conditions and are already in a disadvantaged position at the labor market and have lower levels of financial and job security.

A recent UNDP rapid assessment³³ with over 980 responses on COVID-19 impacts on PWDs shows that a staggering 30% of respondents were made unemployed due to COVID-19. Furthermore, 49% of the respondents saw their working hours reduced and among those employed, 59% faced pay cuts. Only 3% of respondents were actively looking for another job, and 19% were exploring additional ways to generate income. The situation is further exacerbated by the fact that the majority of the PWDs (71% of the employed respondents) have seasonal or informal jobs, and are thus at risk of being ineligible to receive allowances from the social welfare package announced by the Government. Only persons certified with severe and extremely severe disabilities are entitled to receive support from the package, leaving out those with mild disabilities. COVID-19 therefore threatens to have a long-term impact on the employment of PWDs, which needs to be addressed through multiple simultaneous and carefully tailored policy interventions.

³⁰ Tuoi Tre News, "Five million workers, 84.8% of companies affected by COVID-19 pandemic in Vietnam: GSO," April 25, 2020. Accessed: 26 April 2020. Available at: <https://tuoitrenews.vn/news/business/20200425/five-million-workers-848-of-companies-affected-by-covid19-pandemic-in-vietnam-gso/54223.html>

³¹ Anh, M., "Five million Vietnamese workers lose jobs to Covid-19," VN Express, April 24, 2020. Accessed: 26 April 2020. Available at: <https://e.vnexpress.net/news/business/data-speaks/five-million-vietnamese-workers-lose-jobs-to-covid-19-4089701.html>

³² Anh, M., "Vietnam approves \$2.6 billion support package for Covid-19 crisis victims," VN Express, April 10, 2020. Accessed: April 26, 2020. Available at: <https://e.vnexpress.net/news/business/economy/vietnam-approves-2-6-billion-support-package-for-covid-19-crisis-victims-4082541.html>

³³ UNDP, *Rapid assessment of the socio-economic impact of COVID-19 on persons with disabilities in Viet Nam*, (2020), 5.



Photo: UNDP Viet Nam/Youth Co:Lab Viet Nam

CHAPTER 3

POLICY AND LEGAL FRAMEWORK

CHAPTER 3. POLICY AND LEGAL FRAMEWORK

3.1. International Framework for Disability-Inclusive Development

3.1.1. The CRPD and the Human rights-based approach

Marking a shift in the attitudes and understanding of disability, the Convention on the Rights of Persons with Disabilities (CRPD) came into force 3 May 2008.³⁴ The Convention provides a new, understanding of disability, which is legally binding on State Parties: *“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”*.³⁵ It not only recognises that PWDs are entitled and must enjoy the same rights as everybody else, but the Convention also sets out obligations on State Parties to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. Furthermore, the Convention reaffirms the rights of PWDs, while also ensuring the monitoring of these rights, at both national and the international level, through mechanisms designed to strengthen the participation of PWDs.

All human rights conventions relate to everyone, including persons with disabilities, and all human rights conventions include provisions protecting against discrimination. *“However, the CRPD defines with greater detail how human rights apply to persons with disabilities as well as the obligations of states parties to the CRPD to promote, protect and ensure those rights”*.³⁶ The CRPD therefore expands the scope of the existing human rights legal framework by for example introducing the concept of accessibility and acknowledging a wide variety of impairments and societal barriers to the enjoyment of human rights. The CRPD represents a significant shift in the campaign for the rights of PWDs in that it recognises disability as a social construct and signals the responsibility of the community to remove barriers preventing the full participation of PWDs in the society. The human rights-based approach outlined in the CRPD is based on the understanding that all people should have equal opportunities to participate in society. It aims to empower PWDs and guarantee their right to fair and active participation in political, economic, social and cultural activities. Therefore, guaranteeing PWDs access to employment in ensuring equality of opportunities is integral for the ensuring the rights and fundamental freedoms of PWDs are realised.

The CRPD affirms that PWDs have the right to work and receive equal treatment to that of other workers. Article 27 of the CRPD requires States to promote the realisation of the right to work of PWDs, including:

³⁴ UN General Assembly, Convention on the Rights of Persons with Disabilities: resolution adopted by the General Assembly, (2007), A/RES/61/106. Accessed: 6 November 2019. Available at:

<https://www.refworld.org/docid/45f973632.html>

³⁵ Ibid., Article 1.

³⁶ UNDP, *Disability Inclusive Development, Guidance and entry points*, (2018). Accessed: 15 March 2020. Available at: https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/disability-inclusive-development-in-undp.html

- Prohibiting discrimination based on disability in all matters concerning employment, including conditions of recruitment, retainment, career advancement, and safe and healthy working conditions;
- Protecting the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment and the redress of grievances;
- Enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services, and vocational and continuing training;
- Promoting employment opportunities and career advancement for persons with disabilities in the open labour market, both in the public and private sectors;
- Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace.³⁷

Box 3: Disability, Employment and the UN Sustainable Development Goals (SDGs)

Inclusion of persons with disabilities in the labour market is also reflected in the UN Sustainable Development Goals, officially adopted in 2015 by 193 Member States of the UN, including by the Government of Viet Nam. Goal 8, on Decent Work and Economic Growth, states the importance of promoting “sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all.” Target 8.5 of Goal 8 calls for States “by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”.

There are two indicators to monitor the attainment of this objective: Indicator 8.5.1 tracks the “average hourly earnings of female and male employees, by occupation, age, and persons with disabilities” and indicator 8.5.2 records the “unemployment rate, by sex, age and persons with disabilities.” These indicators help to measure the progress in equal employment and achieving the SDGs by 2030.

3.1.2. International Best Practices on Employment Policies for Persons with Disabilities

There are a set of practices, policies and tools that promote the inclusion of PWDs in the labour market. These interventions include for example employment services, training, financial support, technical and personal support, quota systems, anti-discrimination legislation and consultation mechanisms.³⁸ Furthermore, the use of data to understand the challenges faced by PWDs and to better inform policy making is key to tailoring these interventions. The overall principles encompassing these mechanisms are those of non-discrimination and equality. The basis to protect PWDs against discrimination can be found in the constitutional law, civil and labour law, criminal or penal law, depending on

³⁷ Ibid., Article 27.

³⁸ ILO, *Industrial Revolution 4.0 in Viet Nam*, (2018), 7. Accessed: 9 November 2019. Available at:

https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_630854.pdf

the country.³⁹ The best approach, as recommended by international reference institutions, is a mix of all three legal bases.

Article 4 of the CRPD provides that States Parties shall adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention including the provisions for the protection of the right of PWDs to work and employment under Article 27 of the CRPD. The laws and policies should acknowledge that PWDs may be prevented from participating in the labour market due to certain social and environmental barriers. Because of these barriers, disability laws and policies should make provisions for the equitable treatment of PWDs to compensate for structural disadvantages they experience, thus taking affirmative action measures as outlined in the CRPD.⁴⁰ These provisions should also take into full consideration the intersection of other forms of discrimination, including gender, age, ethnicity, and socio-economic status. Finally, the process of developing these laws and policies must be participatory as outlined by Article 4.3 of CRPD with the full and effective participation of PWDs and OPD's and preferably with employers' organisations, workers' organisations and other relevant partners.⁴¹ The examples below provide insights into international best practices on Employment Policies for PWDs from the Asia-Pacific region, which will also highlight six country case studies.

1. Anti-discrimination Law

The ILO states that laws aimed at prohibiting discrimination in the labour market should explicitly refer to disability as a prohibited ground for discrimination.⁴² These laws must cover all forms of discrimination, including direct, indirect, harassment, discrimination by association, instruction to discriminate and victimization. Furthermore, the law must make provisions to ensure for the reasonable accommodation of PWDs by an employer and allow for genuine occupational requirements or inherent requirements of the job. Reasonable accommodation obligation is often found in modern disability non-discrimination law and it refers to making efforts to cater for the needs of a worker or job applicant with disabilities, and to overcome the barriers erected by the physical and social environment.⁴³

Regulations should also stipulate that once someone establishes that there is evidence of discrimination, the burden of proof should shift to the person against whom the complaint is being made. Additionally, a law to regulate against discrimination of a social collective, such as PWDs, must be accompanied by complementary social policy measures and allow for affirmative action measures.

Currently, many countries have provisions on anti-discrimination based on disability. The Magna Carta of the Philippines provides a good example of a detailed and comprehensive provision on anti-discrimination based on disability.

³⁹ ILO, *Achieving equal employment opportunities for people with disabilities through legislation: guidelines*, (2014), 86. Accessed: 9 November 2019. Available at:

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_322685.pdf

⁴⁰ *Ibid.*, 23.

⁴¹ *Ibid.*, 98.

⁴² *Ibid.*, 19.

⁴³ *Ibid.*, 35.

THE PHILIPPINES

The **Magna Carta on Disabled Persons of the Philippines** (1992) explicitly prohibits discrimination against PWDs in employment stating that “no entity, whether public or private, shall discriminate against a qualified disabled person by reason of disability in regards to job application procedures, hiring, promotion, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment. The document is very detailed on which actions are prohibited, including:

- “Limiting segregating or classifying a disabled job applicant in such a manner that adversely affects his/her job opportunities;
- Using qualification standards, employment tests or other selection criteria that screen out a disabled person unless such standards, tests or other selection criteria are shown to be job-related for the position in question and are consistent with business necessity;
- Utilising standards, criteria or methods of an administration that have the effect of discrimination based on disability or perpetuate the discrimination of others who are subject to common administrative control;
- Providing less compensation, such as salary, wage or other forms of remuneration and fringe benefits, to a qualified disabled employee because of his/her disability, than the amount to which a non-disabled person performing the same work is entitled;
- Favouring a non-disabled employee over a qualified disabled employee concerning promotion, training opportunities, study and scholarship grants, solely on account of the latter’s disability;
- Reassigning or transferring a disabled employee to a job or position he/she cannot perform because of his/her disability;
- Dismissing or terminating the services of a disabled employee because of his/her disability unless the employer can prove that he/she impairs the satisfactory performance of the work involved to the prejudice of the business entity, provided, however, that the employer first sought to provide reasonable accommodation for the disabled individual;
- Failing to select or administer in the most effective manner employment tests which accurately reflect the skills, aptitude or another factor of the disabled applicant or employee that such test purports to measure, rather than the impaired sensory, manual or speaking skills of such applicant or employee if any; and
- Excluding disabled persons from membership in labour unions or similar organisations.”

The legislation provides guidance to employers on how to avoid liability and promote employment of PWDs to create inclusive working environment. The provisions also help to inform PWDs about their rights and the responsibilities of businesses on their obligations under the law. Finally, the level of detail helps law enforcement agencies identify potential cases of discrimination.

2. Accessible vocational training programmes for PWDs

To assist PWDs to access employment, vocational training designed to the needs of PWDs plays a crucial role in order to enhance their professional and technical abilities. For the vocational training to be effective, it needs to consider many aspects such as “infrastructure renovation, curriculum design, technical training, soft skills training, student recruitment, job placement, fundraising, advocacy and more”.⁴⁴ In developing the training curricula, it is advised to partner with disability experts such as OPDs and take into account market demands. Furthermore, updating and upgrading the necessary skills means the transformation of vocational training to a new model that focuses more on capabilities such as creativity, collaboration, critical thinking and adaptability as well as promotes networking and hands-on learning.

To ensure that the vocational training opportunities reach the desired target audience, it is necessary to ensure that the advertisement for the training courses is provided in accessible formats. Likewise, it is of central importance to provide for accommodation for PWDs when necessary, by setting aside a reasonable share of the budget for this purpose.

3. Employment quotas

Quotas are a common type of affirmative action. With quotas, governments can ensure that a certain percentage of jobs in a given business are held by PWDs by creating incentives or minimum requirements for employing PWDs.⁴⁵ The suitability of quotas depends on many different factors, including the economic sector or industry in question, the types of disabilities of employees, accessibility of education and the geographical region. During recent years with the increase in quota schemes, there has been extensive debate on whether quotas represent a desirable policy approach or whether they constitute a form of discrimination. As a result, in many countries, quotas have been used in combination with non-discrimination and equality legislation.⁴⁶

Quotas can be enforced with sanctions and they can be either voluntary or mandatory. However, international experience suggests that an optional quota system without sanctions is often not so effective as it relies on the goodwill of employers.⁴⁷ Some quota systems target all PWDs, while others only those with a particular type or degree of disability for example people with severe disabilities, who can be expected to face greatest difficulties in obtaining employment. To benefit from the quota provisions, it is often required that PWDs are registered through an official assessment to be eligible.⁴⁸

⁴⁴ Zhao, C., Rowe, WA., Kamioka, N., & Hegarty, B., *Enhancing IT Vocational Training and Employment Opportunities for Young Vietnamese With Disabilities*, (2012), 4. Accessed: 9 November 2019. Available at: <https://www.crs.org/sites/default/files/tools-research/it-vocational-training-employment-young-vietnamese-disabilities.pdf>

⁴⁵ ILO, *Promoting Employment Opportunities for People with Disabilities*, Quota Schemes, Volume 1, (2019), 1. Accessed: 10 November 2019. Available at: https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_106625.pdf

⁴⁶ *Ibid.*, 2.

⁴⁷ ILO, *Achieving Equal Employment Opportunities for People with Disabilities through Legislation*, (2014), 47. Accessed: 9 November 2019. Available at: https://www.ilo.org/skills/pubs/WCMS_322685/lang--en/index.htm

⁴⁸ *Ibid.*, 48.

The selected quota percentage should be decided considering the eligible workforce and the size and characteristics of companies in the economy. For example, one consideration is including small and medium-sized enterprises in the quota system only if they represent a large share of the economic activity. It is also a good practice that the public sector serves as an example on employment of PWDs by adopting appropriate measures such as quotas.

Based on all these, quota laws should be framed as affirmative action measures linked to non-discrimination and aimed at assisting PWD jobseekers in getting jobs. Quota systems should always be tailored to the economic context and precise labour market of the locality.

Quotas can be backed up with a compensatory payment or financial benefit and an effective enforcement mechanism to encourage compliance by employers. The law can be flexible and offer employers other optional ways of meeting the quota obligation. These laws must be based on clear policy goals and target a specific group of PWDs and therefore, be based on a reliable classification and registration system that identifies the beneficiaries.

JAPAN

In Japan, a quota for the employment of PWDs has been in place since 1960, but it did not become compulsory until 1997. Current quota rates in Japan are 2% for private enterprises and 2.3% for national and local governments.⁴⁹

The size of the companies to which the quota rule applies has been decreasing gradually, similar to what is observed in other countries. Likewise, there is progression in the penalty involved in the case of non-compliance—the larger the company, the higher the penalty in case of noncompliance.

Interest rates are imposed on the levies in the case of late payment or non-payment, and company properties can be seized by the Ministry of Labour. The money collected with the levies is contributed as grants to the enterprises hiring more disabled workers than those requested by the quota as well as to subsidise the adaptation of working environments for workers with disabilities or for hiring assistants to support PWDs employment.

Following the continuous update of the national legislation, the rate of employment for PWDs has increased from 1.09% of the total workforce in 1976 to 1.83% in 2013.⁵⁰ Of those employed, 81% are persons with physical disabilities.

⁴⁹ ILO, *Decent work for persons with disabilities: promoting rights in the global development agenda*, (2015), 106. Accessed: 9 November 2019. Available at:

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_430935.pdf

⁵⁰ *Ibid.*, 106.

The case of Japan shows that the quotas can work, but that the increase is quite gradual over a 35-year period. The case also highlights the importance of adequate sanctions in case of non-compliance and complementing measures to redirect funds to supporting employment of PWDs. Another good practice is demonstrated by South Korea with scaling up the quota system, which has resulted in a significant increase of employment for PWDs.

SOUTH KOREA

In South Korea, the Government has progressively increased the mandatory employment quota of PWDs for both the private and public sectors. For private companies, the required employment rate of persons with disabilities is established at 3.1% since 2015. For state and local governments, the standard is set at 3% since 2009. For public enterprises and semi-governmental institutes, the quota is 3% since 2010.

The gradual increase of the mandatory quota of employment of PWDs was accompanied with additional measures. One of the more successful ones is the inclusion of small and medium enterprises into the compulsory quota system. Following the examples of countries in the European Union, the Korean Government expanded the quota obligation to employers with 50 full-time workers or more. Another successful measure is the reduction of businesses exempted from the quota system.

Social pressure also plays an important role in the Korean system as the list of businesses which hire too few PWDs is regularly published. It has been observed that noncompliance can be reduced by providing training and learning opportunities in advance to those companies who know they will soon be on the list as they prefer to avoid negative publicity. Through learning modules, business owners can better understand the characteristics of persons with different types and levels of disabilities and how their abilities can be adapted to a variety of available jobs.

With these measures, the proportion of PWD employees has increased from 0.71% to 2.44% in the public sector and from 0.41% to 2.07% in the private sector from 1992 to 2015.⁵¹

Besides the need to adopt supportive measures, the case of South Korea illustrates how behavioural insights can be used to reach policy goals. Regular publishing the list of non-compliant companies together with learning opportunities proved to be a successful strategy.

As the examples above demonstrate, quotas are a common type of affirmative action. Such quotas can be flexibly set depending on the kind of agency, organization, or economic sector. However, as the case studies show, quotas are often most impactful when implemented together with other supportive measures including non-discrimination and equality legislation as well as sanctions on non-compliance and enforcement mechanisms.

⁵¹ Global Development Initiative, *Securing Equal Work Opportunities: Korea's Mandatory Quota Policy and Training to Promote Employment of People with Disabilities*, (2017), 7. Accessed: 11 November 2019. Available at: https://www.globaldeliveryinitiative.org/sites/default/files/case-studies/employment_for_people_with_disability_final.pdf

4. Financial incentives

As Article 27 (1h) of the CRPD outlines, States shall “promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures”. These include the provision of financial incentives (to cover for the extra cost of hiring PWDs), benefits in kind or the provision of advisory services to employers. Examples of the benefits in kind include specialised work-related equipment, assistive technology devices (like wheelchairs), and provision of transport (where developing accessible public transportation system is the most cost-effective measure).

THE NETHERLANDS

The Government of the Netherlands offers subsidies and probationary appointment options to employers hiring PWDs in the context of a broader strategy to facilitate PWDs employment. Subsidies cover the cost associated with the inclusion of PWDs into the company, including but not limited to workplace adjustments, additional training and dedicated job coaching for employees with mental disabilities. The probationary appointments last for periods of up to three months, during which the employee with a disability continues receiving the unemployment benefit and the employer does not have to pay a salary. This wage dispensation can be extended for periods of six months to five years in exceptional cases of low performance for the employee due to severe cases of disability.

5. Job coaches

For many PWDs, it is the lack of skills which most hinder their ability to gain and maintain successful employment.⁵² To address this problem, some countries have designed measures that include assistance to the employee with a disability before, during and after securing a job as well as complementary support to the employer.

Job coaches have been used to address PWDs’ job expectations and to coordinate support measures for the employer and the job seeker. Studies have found that “these coaches offer individualized assistance to enable people with disabilities to learn at an appropriate pace” for example by providing “on-site training not only on job performance but on adjusting to the work environment, and also serve as a link between the individual and the employer in determining what workplace accommodations are needed.”⁵³ Permanent support and trusting relationship between the PWD and the job coach that extends before and after the period of employment appears to be crucial to the success of finding a job and keeping it. Job coaches have also been highlighted as critical for strengthening access for employment for PWDs in the EU Disability Strategy 2010-2020.⁵⁴

⁵² Zappella, E., *Job coaching in the workplace for people with disabilities: An Italian research*, (2015), 3.

Accessed: 11 November 2019. Available at:

https://www.researchgate.net/publication/311371259_Job_coaching_in_the_workplace_for_people_with_disabilities_an_italian_research

⁵³ Mont, D., *Disability Employment Policy*, (2004), 27. Accessed: 11 November 2019. Available at:

https://www.researchgate.net/publication/37148441_Disability_Employment_Policy

⁵⁴ European Commission (EC), *Supported Employment for people with disabilities in the EU and EFTA-EEA good practices and recommendations in support of a flexicurity approach*, (2011). Accessed: 11 November 2019.

Available at: <https://op.europa.eu/en/publication-detail/-/publication/b270b26a-bb7f-40d7-8883-53c78e436b5b>

MALAYSIA

In Malaysia, the 'Into Work' programme supports the transition of workers with disabilities from the sheltered workshop environment into supported employment.⁵⁵ The process comprises an initial planning meeting with the PWD, their family, and the potential employers, which is followed by the provision of tentative job opportunities found after assessing the PWD's ability against certain job requirements. Once the person has been matched to a job, the next step is to support their on-site, or in-job, experience which is led by a representative from the 'Into Work' programme, who effectively acts as a job coach. This process is known as 'fading and transfer', in which the coach supporting the PWD gradually reduces their on-site assistance until it is not needed anymore. The last step is the continuous provision of off-site support to the employee and the employer when and if required.

The job coach is crucial in this scheme as they provide individualised support to PWDs during the whole process, starting from finding the job, the job matching phase, right up until the follow-up stage during employment. The support they provide depends on the needs as some will need more intensive support. Another function of the job coach is to help employers to create employment opportunities for PWDs, for instance, by helping them to develop disability-inclusive work environments. This support is equally critical for strengthening access for PWDs to the labour market, as it ensures the necessary sustainability of jobs secured, but building an environment for employees with disabilities build skills on-the-job, explore opportunities for promotion or further career development, and provide the employer with a strong foundation to employ more PWDs.

3.2. National Legal and Policy Framework on Employment for PWDs

Viet Nam has a relatively extensive legal framework on labour and employment for PWDs. The National Assembly has passed several laws relevant to work for PWDs, including the Law on Persons with Disabilities (2010), the Labour Code (2012, amended in 2019), the Law on Employment (2013), and the Law on Vocational Education (2014). Notably, the Law on Persons with Disabilities of 2010 affirms the equal rights of PWDs to vocational training, job creation and e establishes some incentivizing policies for businesses employing PWDs. Also, there are many decrees and circulars detailing and guiding the above laws.

⁵⁵ Parmenter, T., *Promoting training and employment opportunities for people with intellectual disabilities: international experience*, (2011), 40. Accessed: 12 November 2019. Available at: https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_167316.pdf

Moreover, many employment policies are integrated into existing schemes issued by the Prime Minister, with the most relevant of these being the National Action Plan for assisting persons with disabilities for the period 2012 – 2020, Decision No. 1019/QĐ-TTg dated August 5, 2012. This Plan provided that by the end of 2020, 300,000 working-age PWDs able to work are enabled to receive vocational education and have a suitable job. The main activities of the scheme include training vocational education teachers and vocational consultants for PWDs; providing advice on vocational programs and jobs adequate to the abilities of PWDs; developing and spreading the vocational education model while creating employment for PWDs; etc.

3.2.1. Vocational Training for Persons with Disabilities

Article 32(1) of the Law on PWDs (2010) emphasizes that the State shall ensure that PWDs should be provided with free advice on vocational training, job seeking and learning according to their capability and ability on an equal basis to other persons. Article 6(7) of the Law on Vocational Education (2014) also reaffirms that the State shall support PWDs' vocational training to help them find jobs or set up businesses.

Additional legal documents include vocational training policies for PWDs, such as Decision No. 899/QĐ-TTg approving a Skills development, employment and occupational safety programme for 2016-2020, in which 'creating jobs for PWDs' is an essential part of 'development of labour and job market.' The target is to facilitate the employment of 7,500 PWDs through vocational training and skills development in securing employment by 2020.⁵⁶

Additionally, there are preferential regimes on vocational training for PWDs included in several documents issued by the Prime Minister and some circulars of ministries, for example the Ministry of Finance.⁵⁷ Specifically, PWDs joining basic training or training courses of less than three months will receive training subsidies up to a maximum of 6,000,000 VND per person for each course.⁵⁸

This policy has already obtained some positive results. Currently, there are over 20,000 PWDs who have been supported through vocational training programmes and many jobs have been created as a result of policies which promote the participation of PWDs under Decision No. 1956/QĐ-TTg approving the scheme on vocational training for rural employees up to 2020.⁵⁹

⁵⁶ Decision No. 899/QĐ-TTg approving the Skills development, employment and occupational safety programme during 2016-2020, Article 1, Section VI.2.a.

⁵⁷ Decision No. 1956/QĐ-TTg approving the scheme on vocational training for rural laborers up to 2020; Decision No. 1600/QĐ-TTg approving the program of national objectives for countryside during 2016 – 2020; Circular No. 152/2016/TT-BTC management and allocation of subsidies to basic training and under-03-month training courses; etc.

⁵⁸ Circular No. 152/2016/TT-BTC management and allocation of subsidies to basic training and under-03-month training courses, Article 7. With the amount of allowance depending on the employment opportunity and duration of the training. meal subsidies of 30,000 VND per person for each actual day of training and travel subsidies to a maximum of 30,000 VND per person for each course if the training location is further than 5 km from the beneficiary's residence.

⁵⁹ Credit policy is important for vocational training and job creation for people with disabilities.

PWDs in poor households or near-poor households studying at vocational secondary schools, colleges and universities are eligible for tuition fee exemption, scholarships and grants for equipment and school supplies.⁶⁰ Additionally, PWDs may be eligible for admission and enrolment priority:

- **Professional vocational secondary schools:** PWDs are eligible for direct admission into professional vocational secondary schools. Direct admission is determined based on learning outcomes from general education (transcripts) and health status of the students with disabilities.⁶¹
- **Colleges:** Persons with very severe disabilities are eligible for direct admission into colleges. Similarly to vocational secondary schools, direct admission is determined based on learning outcomes in general education (transcripts) and health status of the students with very severe disabilities but also on Faculty specific requirements.⁶² Persons with severe disabilities benefit from priority policies when they register for admission into colleges.⁶³

Although the State has issued many policies and projects on vocational training to support PWDs, the proportion of PWDs trained is still very low. According to the Viet Nam's National Survey on People with Disabilities, published by GSO in 2018, only 7% of PWDs aged 15 years or older are taught in vocational secondary schools, while the figure is 21% among persons without disabilities. The main causes for this disparity include:

- Lack of dissemination of information on policies on vocational training for PWDs and lack of professional advice;
- Lack of vocational training textbooks adapted to PWDs and lack of specialised teachers or accessible facilities for PWDs;⁶⁴
- Lack of variety in vocational training opportunities for PWDs. The options are usually limited to several default occupations for different forms of disability. For example, persons with physical disabilities are generally offered IT courses; persons with visual disabilities steered towards becoming masseurs or making handicrafts such as knitting brooms or making toothpicks; persons with hearing and speaking disabilities usually become hairdressers or tailors. Due to the limited options, many PWDs cannot access vocational training courses suitable to their abilities and aspirations.⁶⁵

⁶⁰ Decree No. 86/2015/ND-CP on mechanism for collection and management of tuition fees applicable to educational institutions in the national education system and policies on tuition fee exemption and reduction and financial support from academic year 2015 – 2016 to 2020 – 2021, Article 7(2); The Joint Circular No.42/2013/TT-BGDĐT-BLDTBXH-BTC on education policies for persons with disabilities, Article 7.

⁶¹ Joint Circular No.42/2013/TT-BGDĐT-BLDTBXH-BTC on education policies for persons with disabilities, Article 2(2).

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Report No. 260/BC-UBND, Ba Ria-Vung Tau's People Committee to summarize 5 years of implementing the project to support people with disabilities, Chapter III, Section 3, December 10, 2010.

⁶⁵ UNDP & iSEE, *Ending Stigma*, (2017), 84. Accessed: 13 November 2019. Available at:

https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/EndingStigma.html

3.2.2. Examination of National Occupational Skills for PWDs

Article 32(2) of the Law on Persons with Disabilities (2010) stipulates that vocational training institutes are responsible for issuing diplomas for PWDs upon successful completion of training programmes. The examination and certification of national occupational skills for PWDs is an effective method to recognise knowledge and ability of professional skills, gained through vocational training courses or work experience. The availability of such programmes also encourages employees with disabilities to continue improving their skills.

Currently, the national occupational skills standards for each occupation are described in the Law on Employment (2013), which defines the minimum professional requirements for occupations as set by the relevant ministries. Additionally, the Government have enacted several guiding documents, such as Decree No. 31/2015/ND-CP and Circular No. 56/2015/TT-BLDTBXH MOLISA which aim to add detail on the implementation of key provisions of the Law on Employment.⁶⁶ Permissible positions of employment are outlined clearly in certificates of national occupational skills pursuant to Article 35 of the Law on Employment 2013 and Article 28(1) of the Decree No. 31/2015/ND-CP, including those on the lists of particularly hard, hazardous and dangerous jobs,⁶⁷ and jobs that directly affect the safety of the community or the health of other individuals.⁶⁸ According to Article 16 of Decree No. 31/2015/ND-CP, any employee, including employees with disabilities, has the right to register to participate in the examination of national occupational skills at level 1. In order to take part in examination of national occupational skills at level 2 and onward, the candidates must satisfy one of the following conditions: (i) possess both a certificate of national occupation skill at the lower level and proof of period employed⁶⁹ since obtaining the certificate; (ii) completion of the training programme corresponding to that occupation requirement; (iii) have enough working experience to fulfil the requirement⁷⁰ in case they have neither received vocational training nor taken the examination of national occupational skill at the lower level.⁷¹ In general, the regulations on conditions are extended to all employees, both with and without disabilities, on the basis of equality and suitability.

⁶⁶ This Decree issues the list of jobs directly affecting the safety and health of employees or the community for which a certificate of national occupational skills is required.

⁶⁷ Circular No. 15/2016/TT-BLDTBXH, June 28, 2016, Ministry of Labour, War Invalids and Social Affairs. List of arduous, hazardous and dangerous occupations and extremely arduous, hazardous and dangerous occupations enclosed to the. For example: operating, repairing and maintaining engines of drill ships, supervisor or operator of the Vessel Traffic Service system, etc.

⁶⁸ Decree No. 31/2015/ND-CP, March 24, 2015 by the Government. List of work that impacts safety and health of laborers or community requiring a certificate of national occupational skills. For example: managing or serving at entertainment places located in a basement and with an area of over 1000m²; repairing and maintaining medical equipment used electronic, controlled by electronic, pressure and optical gases; etc.

⁶⁹ Decree No. 31/2015/ND-CP, Article 16(6): The period of working in an occupation shall be determined through the written labour contract between employee and employer in accordance with the labour law or certified by the commune-level People's Committee of the place of residence, for cases of self-employment.

⁷⁰ This period of working is longer than the period mentioned in the first condition above.

⁷¹ Decree No. 31/2015/ND-CP, Article 16, Clause 2.

However, currently the method of conducting the examination according to the Law on Employment (2013) does not take into account the accessibility needs of PWDs. According to Article 20(2) of Decree No. 31/2015/ND-CP, the methods of conducting the national occupational skills assessment can be divided into three main groups, including: (i) multiple choice questions examination either written or digital; (ii) open-ended questions, written, and; (iii) combined multiple choice and open-ended questions examination, either written or digital. There is no detailed guidance or sub-regulations on methods of conducting the national occupational skills examination for different groups of employees, in particular employees with disabilities. For example, no provision is made for persons with visual impairments to use Braille, digital readers or other suitable methods to take the national occupational skills examination, including possibly taking the exam orally. Similarly, under Article 20(3) of Decree No. 31/2015/ND-CP, the national examination on observing occupational health and safety standards does not provide for the accessibility of PWDs by including reference to the use of supportive devices so that employees with disabilities can perform equally, and safely in line with national standards, with other employees. Consequently, PWDs can be prevented from effectively taking, and possibly passing, the examination of national occupational skills.

3.2.3. Job Creation for Persons with Disabilities

According to Article 33(1) on the Law on Persons with Disabilities (2010), the State shall facilitate the rehabilitation of PWDs to be able to work, provide free employment advice and promote and protect the right of PWDs' to employment, and perform jobs suitable to their health and characteristics. Article 5 (6) of The Law on Employment (2013) also emphasises that the State should support employers already hiring PWDs, through policies and financial incentives, to create more employment opportunities for PWDs. Provisions regulating the employment of PWDs are also included in the Labour Code (2012 & 2019).⁷² Once again, the new Labour Code (2019) affirms that the Government shall protect the rights of PWDs to work and the right to self-employment of PWDs and, therefore, shall formulate policies to encourage and provide incentives for potential employers hiring PWDs.⁷³ Furthermore, in 2019, Viet Nam ratified ILO Convention No. 159 which entered into force in 2020. The Convention obligates Viet Nam to develop a national policy to ensure "appropriate vocational rehabilitation measures are made available to all categories of disabled persons, and at promoting employment opportunities for disabled persons in the open labour market."⁷⁴

3.2.3.1. Socio-Economic Development Strategies and Plans on Job Creation for Persons with Disabilities

The Sustainable Development Strategy of Viet Nam for 2011-2020 includes labour productivity and rates of employment as key indicators to monitor progress of the strategy and of sustainable development in Viet Nam.⁷⁵ Within the Strategy, supporting vocational training and job creation for beneficiaries of social welfare are important

⁷² Labor Code (2012), Law No. 10/2012/QH13, Chapter XI, Section 4, Article 176 - Article 178; Labor Code (2019), Law No. 45/2019/QH14, Chapter XI, Section 4, Article 158 -Article 160.

⁷³ The Labour Code (2019), Law No. 45/2019/QH14, Article 158.

⁷⁴ ILO Convention C159 - Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). Available at:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312304

⁷⁵ Decision No. 432/QD-TTg approval of sustainable development strategy of Viet Nam period 2011-2020.

objectives in efforts to increase productivity and rates of employment. Therefore, the strategy recognizes the importance of supporting PWDs in securing employment, to reduce unemployment and boost productivity.

However, despite policies and plans for the promotion of employment opportunities, employees with disabilities are not mentioned as a specific target group in the Sustainable Development Strategy of Viet Nam 2011-2020, the International Integration Strategy on Labour and Society towards 2020,⁷⁶ and the 5-year Socio-Economic Development Plan 2016-2020.⁷⁷ Programmes and strategies currently in place for the support of PWDs focus on social security⁷⁸ and social assistance⁷⁹ for PWDs without paying attention to employment opportunities. Only 30% out of PWDs of working age and with the ability to work in Viet Nam are currently in employment.⁸⁰ Therefore, it is estimated that two million PWDs are unemployed, which, according to estimates, means that Viet Nam could be losing a potential additional 3% of GDP annually.⁸¹

3.2.3.2. Prohibition of Refusing to Recruit Persons with Disabilities who Satisfy the Recruitment Conditions

As stated in Article 33(2) of the Law on Persons with Disabilities (2010), agencies, organisations, enterprises and individuals shall not discriminate against PWDs by denying them recruitment based on their disabilities where they fully satisfy the recruitment conditions, or they shall not set abusive recruitment criteria in violation of the Law on Persons with Disabilities. In cases of employment discrimination, a fine between 5,000,000–10,000,000 VND can be imposed.⁸²

Despite the existence of these policies and regulations, the proportion of PWDs who are discriminated against in the recruitment process remains high, accounting for 53% of the total interviewees of a recent study conducted by ISEE and UNDP.⁸³ An estimated 13% of PWDs aged 15-59 with primary school level education believe that disability is the main reason they cannot secure employment, which perpetuates the problem by making them hesitate before even seeking out employment opportunities.⁸⁴

3.2.3.3. Policies Requesting Employers to Ensure that the Working Conditions are Suitable for Persons with Disabilities

Article 33(3) of the Law on Persons with Disabilities (2010) provides that all agencies, organisations, enterprises and individuals employing PWDs must ensure suitable working conditions and working environment according to their particular needs. Article 177(1) of the Labour Code (2012) also emphasises that the employer shall ensure appropriate

⁷⁶ Decision No. 145/QĐ-TTg on approval of the international integration strategy with regard to labour and society towards 2020, with a vision towards 2030.

⁷⁷ Resolution No. 142/2016/QH13 on 5-year socio-economic development plan from 2016-2020.

⁷⁸ Resolution No. 01/NQ-CP on major tasks and solutions to implement the socio-economic development plan and state budget estimate in 2019.

⁷⁹ Decision No. 145/QĐ-TTg on approval of the international integration strategy with regard to labor and society towards 2020, with a vision towards 2030.

⁸⁰ Ibid.

⁸¹ ILO, "Enhance job opportunities for people with disabilities for everyone's benefits," November 30, 2012. Accessed: 15 November 2019. Available at:

https://www.ilo.org/hanoi/Informationresources/Publicinformation/feature-articles/WCMS_194746/lang--en/index.htm

⁸² Decree No. 144/2013/ND-CP on sanctioning administrative violations regarding the protection, social support and child care, Article 13, Clause 1.

⁸³ UNDP & ISEE, *Ending Stigma*, (2017), 85. November 30 2012. Accessed: 15 November 2019. Available at:

https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/EndingStigma.html

⁸⁴ GSO, *National survey on people with disabilities 2016*, (2018), 95.

working conditions, proper working tools, occupational health and safety at the workplace as well as periodic health check-ups as appropriate for employees with disabilities. In the new Labour Code (2019), this provision is repeated under Article 159(1). The appropriate working environment is defined as conditions allowing PWDs to perform their job on the same terms, and at the same level, as others. In the case of inadequate working conditions or tools, employers would have committed an administrative violation according to Decree No. 144/2013/ND-CP.⁸⁵ However, the law does not prescribe precise standards or regulations for equipment and facilities inside the office. As mentioned above, employers are often reluctant to adapt the working environment, to facilitate PWDs, due to the expected high cost of renovations or modifications.⁸⁶

3.2.3.4. Policies on Loans at Preferential Interest Rates for Business Activities and Supporting the Sales of Products Made by PWDs.

Credit incentives for entrepreneurs with a disability

The Government aims to encourage PWDs to start their own business through subsidised loans from the National Employment Fund (NEF). Thus, the entrepreneur creates employment for themselves, and possibly employment opportunities for others, including PWDs. There are loans with preferential interest rates for entrepreneurs with disabilities provided by the branch of the Viet Nam Bank for Social Policy (VBSP). According to Decree No. 74/2019/ND-CP,⁸⁷ the maximum loan for self-employed person is 100 million VND and the repayment term is up to 120 months. There is a preferential interest rate for PWDs, which is calculated at half of that for persons accessing loans who are from near-poor households.⁸⁸

However, the number of PWDs who access subsidised loans is still low. A report by VBSP shows that the total number of borrowers with disabilities is only 11,000 people while there are around 2.4 million working-age PWDs in Viet Nam, which means current borrowing rates show only 0.46% of the total number of working-age PWDs access loans.⁸⁹ There are multiple reasons why the number of borrowers with disabilities accessing these loans remains so low. Firstly, the NEF does not allocate a specific budget for PWDs. Moreover, the overall budget for the NEF has not increased since 2014. Instead the NEF has been using revolving funds for loans, which provides finance to businesses to fund their operations without any fiscal year limitation, because the business replenishes the fund by repaying money used from the account. Additionally, in many cases, VBSP branches tend to lend to persons without disabilities instead of PWDs because they believe the former to be more solvent. As a consequence, PWDs face difficulties to access capital to start their own business.

⁸⁵ Decree No. 144/2013/ND-CP on sanctioning administrative violations regarding the protection, social support and child care, Article 13, Clause 2.

⁸⁶ NCD, *Report on Researching, evaluating the implementation of the provisions of the Labour Code and related documents on employees with disabilities*, (2018), 33.

⁸⁷ Decree No 74/2019/ND-CP, Clause 2-4, Article 1.

⁸⁸ Section 5 to 7 of the Document No. 8055/NHCS-TDSV on loan business supporting job creation, maintaining and expanding employment..

⁸⁹ GSO, National survey on people with disabilities 2016, (2018).

Policy to support the sales of products made by persons with disabilities.

Both Article 33(6) of the Law on Persons with Disabilities (2010) and Article 8(2) of Decree No. 28/2012/ND-CP stipulate that the People's Committees at all levels shall promote and support the sale of products made by PWDs. Also, PWDs' businesses are supported by the Law on Assistance for Small and Medium Enterprises (SMEs) (2017) and other detailing and guiding legal documents specific for SMEs, by assistance in the access to credit, assistance in tax and accounting regimes, assistance in land for business, assistance in access to information, consultancy and legal issues, etc.⁹⁰

However, in reality, the Government has not issued clear directives or guidance on implementation to support the sale of products made by PWDs at the local level. Additionally, there is a low diversification of products and PWDs are not trained or skilled to market and sell their products. These are significant factors affecting the livelihoods of PWDs, especially in the rural areas. As a result, the preferential treatment and additional support called for under legislation to promote the sale of products made by PWDs remains ineffective.

3.2.3.5. Policies on the prohibition against employing persons with disabilities to work overtime, at night, perform heavy or dangerous duties or working exposed to toxic substances.

Article 178 of the Labour Code (2012) prohibits "employing a PWD who has lost 51% or more of his/her working ability to work overtime and at night" and "employing a PWD to perform a heavy or dangerous job or a job exposed to toxic substances." This regulation aims to protect employees with disabilities from exploitation and abuse. However, these provisions affect the right of PWDs by creating a barrier for them to freely pursue employment opportunities based on their interests and suitability. However, the new Labour Code 2019 includes improvements for protecting the rights of PWDs as some of the prohibitions now only apply if the PWD has not consented to this work, pursuant to Article 160.

The Amended Labour Code 2019 provides that the State "prohibits employing a person with mild disability who has lost 51% or more of his/her working ability, person with severe disability and person with very severe disability to work overtime or work at night, except upon his/her agreement" and "prohibits employing employee with disability to perform a heavy, hazardous and dangerous job on the list approved by the Minister of Labour, War Invalids and Social Affairs without the consent of the employee with disability after the employer has provided all the information about the job." Thus, Amended Labour Code 2019 protects and respects the right of PWDs to make their own decisions regarding their employability. This marks a positive change in the implementation and protection of the rights of PWDs.

3.2.3.6. Preferential Policies for Businesses Employing Persons with Disabilities

The Government enacted preferential policies for employers recruiting a high number of PWDs. Both Article 34 of the Law on PWDs and Article 9 of Decree No. 28/2012/ND-CP stipulate that businesses employing 30% of PWDs among their employees are:

⁹⁰ Provision of Assistance for Small and Medium Enterprises, Law No. 04/2017/QH14, (2017), Chapter 2, Article 8 - Article 15, Section 1.

- **Exempted from income tax:** Tax exemption for incomes from production and sale of goods and services of enterprises that have at least 30% of PWDs hired and at least 20 total employees, except for enterprises engaged in finance and real estate business.⁹¹
- **Receive credit incentives:** Maximum loans for one project is up to 2 billion VND and not exceeding 100 million VND per PWD employed in the company and the loan term not exceeding 120 months. For businesses employing at least 30% of PWDs, the loan interest is applied at 3.3% per year, equivalent to 0.33% per month.⁹²
- **Exempted from paying rent for land and surface water:** Businesses that employ at least 70% of PWDs are exempted for paying rent for land and surface water. Those hiring between 30% and 70% of PWDs will receive a 50% reduction in the rent of land and surface water.⁹³

Any businesses that do not reach the 30% minimum, but are officially employing 10 or more PWDs are eligible to: (i) support for improving the working conditions and working environment to meet the needs of the PWDs, and; (ii) low-interest loans under the business development project from VBSP to hire more PWDs.⁹⁴

While these preferential policies incentivize employers to recruit PWDs, many challenges persist in ensuring their effectiveness, including:

- The threshold of 30% of employees with disabilities is too high. Although the State promulgated preferential policies for businesses hiring ten or more PWDs, these incentives are not attractive enough for businesses to recruit PWDs, except for large enterprises with thousands of employees. Also, these preferential policies do not offer increasing levels of incentives based on the proportion and volume of PWDs employed. For example, enterprises employing 10 PWDs receive the same incentives as businesses hiring hundreds of PWDs.
- According to Article 9.1.a of Decree No. 28/2012/ND-CP, the support level depends on the number of employees with disabilities employed by the business, the impairment level as experienced by the PWD, and the and scale of the business operations. However, the support level provided to companies improving the working conditions and environments for PWDs (including improving accessibility for employees with disabilities) has not been detailed yet. A report on the employment situation of PWDs in eight provinces in Viet Nam shows that only a few businesses have successfully received support from the State, and improved their workplace as a result, due to lack of guidance on the list of available supports, criteria for securing support and the levels of support businesses can receive.⁹⁵

⁹¹ The Law on Enterprise Income Tax 2008, Law No. 14/2008/QH12, Article 4, Clause 4, (Amended in 2013).

⁹² The Law on Employment, Law No. 38/2013/QH13 2013, Article 12; Article 23 - 26 of the Decree No. 61/2015/ND-CP amended by Decree No. 74/2019/ND-CP on job creation policies and National Employment Fund; Section 5 to 7 of the Document No. 8055/NHCS-TDSV on loan business supporting job creation, maintaining and expanding employment.

⁹³ Decree No. 28/2012/ND-CP, Article 9 dd, Clause 1.

⁹⁴ Decree No. 28/2012/ND-CP, Article 10, Clause 1.

⁹⁵ NCD, *Report on Researching, evaluating the implementation of the provisions of the Labour Code and related documents on employees with disabilities*, (2018), 32.

- The regulation on exemption from enterprise income tax for businesses employing PWDs is not suitable in the current employment context or business environment and is also misaligned with the Law on Provision of Assistance for SMEs (2017). Currently, most enterprises employing at least 30% of PWDs are SMEs that often do not reach the threshold of 20 total employees.⁹⁶ Therefore, many businesses are employing more than 30% of PWDs, and are helping to drive the policy objective in creating employment opportunities for PWDs but are not eligible for the enterprise income tax exemption.

- The subsidised loans for businesses employing many PWDs are not easily accessible. One reason is the lack of information on government policies or cumbersome administrative procedures. Very often the loans are even less accessible for businesses based in rural areas, partly because, in the rural areas the budget of the NEF is more limited. This is further exacerbated by the risk aversity and discrimination of the local banks of social policy who question the solvency of PWDs.⁹⁷

⁹⁶ Decree No. 39/2018/ND-CP, Article 6. Stipulates the criteria for identification of SMEs and provision of assistance for small and medium-sized enterprises.

⁹⁷ NCD, *Report on Researching, evaluating the implementation of the provisions of the Labour Code and related documents on employees with disabilities*, (2018), 30.

CHAPTER 4

DISABILITY-INCLUSIVE BUSINESS



Photo: Action to the Community Development Center (ACDC)

CHAPTER 4. DISABILITY-INCLUSIVE BUSINESS

4.1. The Business Case for Diversity and Inclusion

Businesses have the transformative power to change and contribute to a more open, diverse and inclusive society, and accelerate the achievement of the Sustainable Development Goals (SDGs).⁹⁸ By promoting diversity and inclusion (D&I) businesses can not only drive social change and contribute to sustainable development, but can also help grow their business, and potentially their social impact, increase profits and direct sales but also helping to create an environment that promotes innovation among workers and accelerate the creativity needed to grow as a business in the 21st century. With a diverse work staff, regardless of their background, sexual orientation, gender identity or being differently abled, businesses can tap into a pool of new talents and innovative ideas to keep up with rapidly changing markets. Furthermore, by integrating D&I into their business, businesses can also tap into niche market segments of vulnerable groups, by adapting their product and service lines to meet the market needs of, for example, persons who have a disability.

The foundational basis for D&I in the workplace are the principles of equality and non-discrimination for employees.⁹⁹ 'Inclusive Business' builds on these principles and legislative basis for promoting diversity, but the concept encourages business to go beyond compliance by integrating D&I fully into their corporate culture and operations. The growing movement for greater D&I in business has seen increased attention from leading global businesses, with particular focus given to both recruiting more, and creating a more inclusive working environment for PWDs. In Viet Nam, the Ministry of Science and Technology has published the national standard ISO 26000: 2013 for providing businesses with guidance on Corporate Social Responsibility (CSR). In recent years, many businesses in Viet Nam have linked their CSR initiatives to support vulnerable employees, including PWDs. Successful example in Viet Nam include IntelLife, who own the TokyoLife brand, through their project 'Creating jobs for people with disabilities', in partnership with Hanoi Association of People with Disabilities (DP Hanoi).

A large number of studies indicate that businesses with more diverse human resources will perform better on many levels.¹⁰⁰ For example, diversity creates a competitive advantage and contributes to revenue growth,¹⁰¹

⁹⁸ UN General Assembly, *Transforming our world: the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1, Accessed: 19 November 2019. Available at: <https://www.refworld.org/docid/57b6e3e44.html>

⁹⁹ ILO, Declaration on Fundamental Principles and Rights at Work, 1998 identifies as fundamental conventions the Discrimination (in Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100).

¹⁰⁰ Eswaran, V., "The business case for diversity in the workplace is now overwhelming," The World Economic Forum, 29 April 2019. Accessed: 10 February 2020. Available at:

<https://www.weforum.org/agenda/2019/04/business-case-for-diversity-in-the-workplace/>

¹⁰¹ Accenture, *Getting to Equal: The Disability Inclusion Advantage*, (2018), Accessed: 20 November 2019. Available at: https://www.accenture.com/_acnmedia/pdf-89/accenture-disability-inclusion-research-report.pdf. A recent report by Accenture shows that companies in the USA leading on disability employment and inclusion achieved on average of 28% higher revenue, double the net income and 30% higher economic profit margins over a four-year period. The study also shows that companies championing disability inclusion "were, on average, two times more likely to outperform their peers in terms of total shareholder returns compared with the rest of the sample". The effective synergy from different groups helps businesses create a competitive advantage over their competitors.

boosts innovation,¹⁰² helps to meet the diverse consumer needs, helps attract and retain talent¹⁰³ and can increase productivity.¹⁰⁴ The growing evidence to support the idea that promoting D&I in business is not just good for society but is also good for business, is further reinforced in recent years by the growing adoption of D&I policies and practices by leading multinational companies. Executives in top performing companies increasingly have come to acknowledge that “their companies can’t be successful on a global platform if they don’t have a diverse and inclusive workforce.”¹⁰⁵ The culture and practices of MNCs has made significant contributions to the growing movement in Viet Nam, through investment, awareness raising, advocacy, and placing minimum requirements for compliance through their supply chain. Now that Viet Nam is the 21st largest export economy in the world with USD 220 billion exports in 2017, similar pressures and incentives have been exerted on Vietnamese businesses looking to invest and export overseas.¹⁰⁶ Despite the growing demands, only up to 50 Vietnamese businesses among 200,000 businesses currently operating in the country have received CSR standard certifications.¹⁰⁷ D&I offers Vietnamese businesses an opportunity to build such CSR programmes, while also growing their business.

From within Viet Nam, domestic companies have shown leadership and also pushed ahead to promote D&I, in supporting vulnerable groups access the labour market, and there has been notable progress made in particular in creating employment opportunities for PWDs. Despite this progress, both influenced and driven by international and national business, much work still needs to be done to integrate D&I into the corporate in Viet Nam.

Vietnamese consumers are also increasingly demanding socially and environmentally responsible products and services. The Corporate Sustainability Report by Nielsen released in 2017 found that Vietnamese consumers are the most socially-conscious in South East Asia, with 86% of respondents from Viet Nam willing to pay extra to companies who are committed to positive social and environmental impact.¹⁰⁸ This shows a growing consumer based demand for inclusion in the workforce, which is seems to be driven even more so by the millennial generation.

¹⁰² Forbes Insights, *Global Diversity and Inclusion: Fostering Innovation Through a Diverse Workforce*, (2011). Accessed: 25 November 2019. Available at:

https://images.forbes.com/forbesinsights/StudyPDFs/Innovation_Through_Diversity.pdf. A study by Forbes insights (2011) surveying 321 executives from large global enterprises with annual revenues of more than USD 500 million found that in the APAC region, 56% strongly agreed that diversity helps drive innovation. A large majority of the respondents agreed that a “diverse and inclusive workforce brings the different perspectives that a company needs to power its innovation strategy.”

¹⁰³ Glassdoor, “What Job Seekers Really Think About Your Diversity and Inclusion Stats,” November 17 2014.

Accessed: 20 January 2020. Available at: <https://www.glassdoor.com/employers/blog/diversity/>. A survey by recruitment firm Glass door (USA) has found that 67% of people think that “a diverse workforce is an important factor when evaluating companies and job offers.

¹⁰⁴ United Nations Department of Public Information, Enable Fact Sheet, DPI/2486, November 2007. Accessed: 21 February 2020. Available at: <https://www.un.org/disabilities/documents/toolaction/employmentfs.pdf>. A 30-year analysis by DuPont de Nemours (USA) showed that “persons with disabilities have equal or higher performance ratings, better retention rates, and less absenteeism UN, Department of Economic and Social Affairs (2007)

¹⁰⁵ Forbes Insights, *Global Diversity and Inclusion: Fostering Innovation Through a Diverse Workforce*, (2011), 4.

¹⁰⁶ OEC, Economic Complexity Index (ECI), (2017). Accessed: 20 January 2020. Available at:

<https://oec.world/en/rankings/country/eci/>

¹⁰⁷ Huang, Y.F., Do M. H., Kumar, V., *The Vietnamese Consumer Perception on Corporate Social Responsibility*, (2010). Accessed: 20 January 2020. Available at: <https://onlinelibrary.wiley.com/doi/abs/10.1002/csr.1746>

¹⁰⁸ Ngoc C., “Vietnamese consumers the most socially conscious in Asia-Pacific,” Vietnam Economic Times, 26 April 2017, Accessed: 21 January 2020. Available at:

<http://vneconomicstimes.com/article/business/vietnamese-consumers-the-most-socially-conscious-in-asia-pacific>

4.1.1. Financial Incentives

The Government of Viet Nam provides financial incentives to encourage employers to hire PWDs. As mentioned in Section 3.2.2.6, financial incentives for enterprises in Vietnam include: (i) financial support to improve working conditions and environment for PWDs; (ii) Earned Income Tax exemption; (iii) loans with preferential interest rates from VBSP for projects on expanding business establishments and creating stable jobs for PWDs, and; (iv) exemption and reduction of land rent, space and water surface.

4.1.2. Corporate Commitment to Going Beyond Compliance

There are many CEOs and managers who are committed to hiring employees with disabilities regardless of the existence of a favourable legal environment, thus going beyond their minimum legal requirements. This includes proactively promoting equal access to employment opportunities for people with disabilities, creating an accessible working environment that enables people with disabilities to participate fully in the workforce, and even promoting positive messaging on inclusion of PWDs in the company and in society more widely through corporate communications and advertising. These corporate commitments are often expressed in the form of a D&I policy, in the charter of the business when newly established or in the recruitment notices, which again proactively encourage PWDs to apply for available positions, as demonstrated by VBPO, Joma, TokyoLife as described in section 4.2 below.

It is clear from discussing with businesses leading in D&I, including those proactively creating employment opportunities for PWDs, that it is key that this commitment comes from or is reinforced from the top, those in decision making or senior management positions. From this commitment, a culture of inclusion can be created in the businesses, which in turn leads to changing corporate practices for businesses to fulfil their role in combatting inequality and discrimination. The next section of this report deals with company practices that have proven to be effective in this regard.

4.2. Corporate Good Practices in Vietnam

4.2.1. Multinational Companies in Viet Nam

Joma Viet Nam

Joma Viet Nam Co., Ltd (Joma Bakery and Café) is a company specialising in producing and trading high quality coffee and pastries, running a chain of bakery cafés in South East Asia. Joma is headquartered in Laos and has been in Viet Nam since 2009, when Joma opened its first store in Hanoi. For more than twenty years of development and integration, the company is expanding its market to other Asian countries, such as Cambodia and Thailand. Joma's products are not only popular with foreign customers, but also increasingly popular among Vietnamese customers. In Viet Nam, Joma is also currently providing meals directly to five international schools.

When Joma first opened in Viet Nam, none of its workforce were PWDs. Over the last 10 years, the company led the way in PWDs making up the majority of its workforce. Joma has continued to provide opportunities for PWDs, through training and employment. In 2019, Joma merged with local Hanoi social enterprise, Donkey Bakery, which also had very strong connections to local disability associations, and so have recruited even more PWDs, with different types of disabilities, such as mobility, hearing, speaking, mental and intellectual disabilities. Joma has a corporate policy on recruiting and

training PWDs for a year, which helps them to build careers in the hospitality sector, with the following overarching objectives:

1. Prioritise support to vulnerable groups in society such as PWDs and women who are victims of trafficking, etc. including by donating to local causes
2. Create employment opportunities for PWDs to include them in the society
3. Develop comprehensive working and communication skills of PWDs to support their integration into society

Currently, there are more than 40 employees with disabilities working at Joma, including more than 30 with hearing and speaking disabilities; 3 with visual disabilities and; 10 with the other types of disabilities. Based on the talents and strengths of each employee, the company will choose and arrange jobs which are suitable for each individual. Job positions can also be flexibly changed during their work process. Areas PWDs are currently perform are baking, making coffee, cashier (people with hearing and speaking disabilities), customer service (people with visual disabilities), warehouse management, product inventory (people with intellectual disabilities).

Good Practice: Partnerships for Success

Critical to the recent success of Joma in supporting PWDs, has been the move to merge with an existing social enterprise with strong connections to local disability associations. This way, Joma can more easily connect with PWDs who are looking for employment opportunities, receive feedback and expert advice from associations on the challenges PWDs face when starting a new job to ensure an inclusive workplace, and advise such associations and their members on the types of skills they are looking for to match trainings and supports with market needs. As a result, the results in terms of recruiting PWDs have been encouraging. Additionally, the success of the Joma model comes from efforts made to build a friendly and collegial working environment with existing employees. Training is offered to existing employees on communicating and engaging with PWDs. Employees with disabilities wear badges to identify their disability and help customers communicate with them. Overall, the extra efforts to help build the capacity of employees with disabilities and ensure their integration with the existing workforce has ensured a positive experience for PWDs, created opportunities for them to pursue in the hospitality sector, and importantly maintain the quality of the products and service the business has built over the last 20 years.

"There is an illiterate employee who started working at Joma, but actually had a good ability to remember, which we were not expecting. Upon realizing this clear strength, his integration to the business went smoothly and easily, and he performed with great professionalism."

"There are employees with disabilities who are able to do jobs that even the employees without disabilities are still facing difficulties with". – HR Manager of Joma

Saitex International

SAITEX International is a garment manufacturer established in 2001. Currently, there are four factories specialized in making denim garments, including one in California, USA, and one factory located in Amata Industrial Park in Bien Hoa City, Dong Nai province in Viet Nam. SAITEX is a certified B-Corporation, which is recognition that it is a business that meets high standards of verified social and environmental performance, public transparency, and legal accountability to balance profit and purpose. SAITEX has been supporting four orphanages and centres for persons with disabilities for 11 years. In recent years, SAITEX has been proactive in recruiting PWDs, and in September 2019 began a full programme aimed at recruiting people with different types of disabilities.

SAITEX started this project with three main goals:

1. To provide equal opportunities, sustainable jobs and stable income to people from disadvantaged backgrounds.
2. To prove the possibility of such inclusivity and be an example to other manufacturing companies to implement similar practices.
3. To eventually build a vocational training and social centre for people from disadvantaged backgrounds to have the proper resources to succeed.

Currently, SAITEX employs 42 people with various types of disabilities including mobility, hearing and speaking, intellectual and developmental. Also, the kinds of jobs that employees with disabilities perform are quite diverse, such as sewing, quality assurance, repairing of garments, cutting threads and fabrics, office staff jobs, and onsite agriculture (hydroponic containers and greenhouse).

The Rekut project is a bold initiative by SAITEX that proactively seeks and recruits PWDs from orphanages and local communities to provide them with employment in production at SAITEX. The project adopts a comprehensive approach to recruiting PWDs throughout the process by also supporting new recruits to complete all necessary documents such as IDs and health check-ups before recruitment. To further support their inclusion, SAITEX is also organizing a basic English language course for staff at Rekut, sign language course for the supervisors and IT training course for the associates with disabilities to move to work in other positions within the business.

SAITEX's Disability Policy (2017) states that SAITEX will employ PWDs for jobs that are suitable to their ability and compliant with the Labour Code. It also requires all workers associates to not "*discriminate, alienate, refuse recruitment, abuse or prejudice ... disabled employees*". SAITEX has an action plan to implement this policy with specific activities and resources. It has also issued a disability management procedure in November 2019 to make sure the employment of PwDs is compatible with laws and corporate policies.

Good Practice: Commitment from the Very Top

Based on interviews with representatives of SAITEX, what is clear with the company is the very public and strong commitment of the CEO, Mr Sanjeev Bahl. This commitment has helped build support for the policies throughout the senior management of the company, including the Board of Directors and Factory Management. This commitment has been translated into corporate policy, and most importantly action. SAITEX earmarks 0.1% of its revenue for social impact initiatives, which also includes D&I related work. It also has a team of 12 staff working on sustainability, social impact and D&I. This has resulted in impacts for PWDs and the staff of SAITEX. Internally, it has given the employees more purpose. For employees with disabilities, for many this is their first ever job and paycheck. Feedback from employees participating in the Rekut programme shows that PWDs can both prove and improve their capabilities and gain more confidence. For other employees, they feel very proud to work in a company that is inclusive and they are inspired by the optimistic energy to work harder, which can strengthen productivity and retention of staff.

4.2.2. Vietnamese Companies

VBPO (Vietnam Business Process Outsourcing)

VBPO was established in 2010 and focuses on outsourcing business processes including information technology (IT) services. VBPO is headquartered in Da Nang and has got two branches in Thua Thien Hue and Dak Lak. Business Process Outsourcing companies (BPOs) are still quite new to Viet Nam and Mr. Tran Manh Huy, founder of VBPO, is a pioneer in terms of introducing this concept to the country. VBPO's former main focus is on providing support with IT applications, from simple tasks such as data entry and document digitisation etc., to the more complex processes such as accounting, financial services, customer management, and graphic design. Since 2020, VBPO has widen their services: Continues to provide traditional service combined with new services on Artificial Intelligence (AI), Automation, Big Data and Digital Transformation to improve operational productivity and save costs for businesses. Working in the IT sector can be done remotely, which makes it easier for many PWDs to find employment in this sector. Additionally, there are many PWDs with exceptional IT skills which opens up many opportunities for them and for businesses to find committed and skilled workforce.

VBPO started with only 15 employees but now has more than 500 employees and an annual turnover of more than 30 billion VND. In 2019, the turnover of VBPO reached 44 billion VND. Of the total workforce of VBPO, 30% are PWDs. Of this group, their work includes data updating, digitising documents for accounting, customer care, etc. for which they receive an average income of 5 million VND per month.

"The greatest dream of my life is to create jobs for persons with disabilities and other disadvantaged groups in Viet Nam. Danang in Central Vietnam is the first place to realise my dream. I believe that BPO can help create jobs for disadvantaged and disabled people and drive the development of the Central of Viet Nam. I am proud that my colleagues and I are trying our best to make a dream come true." - Mr. Tran Manh Huy, CEO of VBPO

Good Practice: Connecting Skills to Market Demands

From very early on in their journey, VBPO recognized the huge potential both to grow the business, and enhance the capabilities of PWDs, by tapping into an emerging industry in Viet Nam, and an area of great interest for many PWDs, the IT sector. This approach is a clear move away from the charity-based model by focusing on finding the balance between market demands and the skills and capacity of PWDs. As a result, VBPO have been able to tailor trainings and capacity building for employees with disabilities to ensure they are working to a very high standard and making significant contributions to the company's growth. The biggest advantage of this approach in focusing more on the company's growth initially, is that by growing the business, increasing returns, VBPO can reinvest in trainings and programmes for the recruitment of PWDs, then they can scale up their impact and increase the amount of, and support to, employees with disabilities.

SCDeaf

Established in 2017, SCDeaf provides the first and only online language interpretation service in Viet Nam. Over the years, SCDeaf has been functioning as the bridge between people with hearing and speaking disabilities and others by offering an online communication service. Interpreters translate and facilitate communication between those with hearing and speaking disabilities and others in multiple different contexts, including in receiving medical advice, ordering food, finding accommodation, navigating transport, doing job interviews and resolving family disputes. The interpreters also perform home visits to provide more comprehensive support. SCDeaf Company was established by Do Hoang Thai Anh with four strategic goals:

1. Removing language barriers and helping people with hearing and speaking disabilities participate in the community;
2. Support people with hearing and speaking disabilities in accessing essential services through the development of sign language interpretation services;
3. Change people's perceptions of and raise awareness of the challenges faced by people with hearing and speaking disabilities through the teaching of sign language to others;
4. Creating employment opportunities jobs for people with hearing and speaking disabilities (e.g.: people with hearing and speaking disabilities as a sign language teacher, introducing jobs for people with hearing and speaking disabilities, etc.).

SCDeaf has signed 'sign language teaching contracts' with some multinational companies such as Samsung to change the perception of employers about employees with hearing and speaking disabilities and to help them understand how to support them in the workplace and in daily life. In addition to running the online sign language interpretation switchboard, SCDeaf Company also performs several other activities:

- Provides teaching service for sign language to individuals and groups, including online translation.

- Links people with hearing and speaking disabilities to businesses that have employment opportunities for PWDs.

Provides soft skills training and facilitation services for employers and employees with hearing and speaking disabilities to create an inclusive and productive workplace.

- Provides training on business and entrepreneurship skills for people with hearing and speaking disabilities. Mr Do Hoang Thai Anh organized a start-up training workshop (Deaf Bootcamp) for people with hearing and speaking disabilities for the first time in Viet Nam with the objective of helping them to become more independent and make important contributions to the community.

Good practice: Diversifying the Business Model

As well as being a business created by an entrepreneur with disabilities, Mr Do Hoang Thai Anh, SCDeaf has filled an important gap in the market in providing services for a previously underserved community. As mentioned above, in integrating inclusion in your business model, you can tap into such niche market segments, which in the context of Viet Nam are quite large given the population of PWDs, and for deaf people there are an estimated one million in Viet Nam. Despite this large market segment, SCDeaf experienced difficulties in building the business with its primary service, the online sign language interpretation service. Key to the businesses' continued growth is their ability to adapt to other demands from their market segment and branching out also to provide services for non-deaf or hard of hearing persons with inclusion and sign language trainings. By diversifying and supporting more deaf and hard of hearing people secure employment, SCDeaf have helped grow the demand for their services, as larger businesses and employers are keen to employ more PWDs and require the necessary training to ensure an inclusive and productive working environment for deaf and hard of hearing persons.

"In many developed countries, deaf people are provided means of communicating with other people, for example specialized computer tablets, and free use of a sign language interpretation service 24 hours a day. Deaf people are also provided supports to improve their working conditions and welfare regimes. Meanwhile, the deaf in Viet Nam are still quite disadvantaged due to lack of awareness and support among the wider society. Our survey results show that only 4% of deaf people are confident in using sign language, while 52% say they experience significant communication barriers, and for the majority they rarely actually use sign language. This creates huge barriers to deaf people from securing good employment opportunities." - Mr. Do Hoang Thai Anh, Director of SCDeaf Company.

IntelLife

IntelLife is a Vietnamese trading and service company that also owns the TokyoLife brand, a chain of Japanese retail stores selling household goods and sustainable fashion. IntelLife has cooperated with the Hanoi Disabled People Association, or DP Hanoi, since 2018 on a project called 'Joining hands for the community' to create sustainable employment opportunities for PWDs as well as promoting the right to work of PWDs.

IntelLife employs more than 100 persons with different types of impairments. Their tasks depend on the operating unit but for example at the factories they employees with disabilities work as tailors or in transporting products throughout the facility. At the stores, PWDs work as shop assistants, and in the office, PWDs work with the IT teams performing tasks such as producing web content. Representative of IntelLife stated that *"IntelLife Company does not look at the defects of employees with disabilities, but instead focuses more on their ability to inspire a stronger working spirit among other employees in the company"*.

IntelLife recognises that both the company and its employees have achieved many encouraging results since employing PWDs. In assessing the working ability of employees with disabilities, IntelLife shared that they never compare employees but focuses on the development of each individual, with tailored support for continue professional development. IntelLife also offers attractive employment and welfare packages for PWDs, with the monthly income of the employee with disabilities ranges from 4-7 million VND with bonuses depending on turnover, seniority and holidays, social insurance and health insurance for employees, in line with salary grade for other employees.

Good Practice: Tailored Employee Support

Key to IntelLife's success has been their approach in trying to treat each employee equally in terms of identifying what it is they can contribute to the business, and what challenges they are facing that stymie this contribution. Fundamentally, the business's focus is on helping employees overcome such challenges and support their continued professional development. For PWDs, IntelLife offers vocational training programmes for employees with disabilities, supporting each individual with VND 2.5-4 million/month during the training period. In employing many different types of disabilities, it is critical that the supports offered are not one size fits all, as each employee faces a unique set of challenges. In addition to the tailored supports offered, PWDs living in remote areas are provided with comfortable accommodation close to the workplace to facilitate as much as possible their inclusion in the workplace.

Thuong Thuong Handmade Company

Thuong Thuong Handmade Handicraft Production and Trading Company is a social enterprise established in June 2016. Thuong Thuong Handmade mainly manufactures souvenirs and provides vocational training for PWDs. The company's products include handicrafts, such as paper art with a variety of designs such as pen boxes, tissue boxes, earrings, jewellery boxes, bookmarks, greeting cards, paintings of Vietnamese people and design of company logos.

Currently, there are 12 employees with disabilities working with Thuong Thuong Handmade, most of them people with mobility disabilities. The director of the company, Ms. Nguyen Thi Thu Thuong, suffers from a disability affecting her mobility and she was confined to her house for nearly 20 years until she enrolled on a vocational training course, which sparked her interest to develop the sector. At the same time, she also wants to bring as many job opportunities as possible for other PWDs because she understands their difficulties.

After apprenticeship and working at Thuong Thuong Handmade, many trainees and employees with disabilities are more confident to participate in the community pursue further employment opportunities. For Ms. Thuong, the change of in the attitudes of PWDs is the most critical consideration in building the future employment opportunities for PWDs.

"I asked my mother to let me go to a vocational training institution, where I learned to make craft souvenirs, beading and wool knitting. My hands are weak, and I cannot sit down, so it is not easy for me to learn anything. However, I always try my best to master all skills I learned." - Director of Thuong Thuong Handmade, Ms. Nguyen Thi Thu Thuong

Good Practice: Holistic Support

Thuong Thuong Handmade has many policies to support their employees, beyond their working environment. For example, the company covers 1 million VND for employees suffering from congenital anaemia for each hospital visit. The employees are offered token awards on the occasion of birthdays and national holidays. The company also rents a shared house to accommodate employees with disabilities. Electricity, water and gas are paid for by the company. In addition, the company provides a meal subsidy of 1.2 million VND per person a month.

As mentioned above, a key focus of the business is to build the confidence and wider quality of life for employees with disabilities. Give the model, turnover of staff is high, therefore improving their confidence and living environment are critical to supporting employees when leaving the company and seeking opportunities elsewhere. This model allows Thuong Thuong to offer more opportunities for PWDs to work and develop at the company, where building skills is only part of their continued professional development, and where overcoming low self-esteem and self-belief are central to the success of the business and the careers of PWDs.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS



CHAPTER 5.

CONCLUSION AND RECOMMENDATIONS

The present study has found that measures and policies introduced by the Government, complemented by efforts from leading multinational and national businesses, has seen the volume and quality of employment opportunities for PWDs increase in recent years. However, the study has identified a number of limitations or gaps in the regulatory and policy framework in terms of fully supporting persons with disabilities through training, creating an inclusive workplace and promoting and protecting the rights of PWDs to employment.

Firstly, the impact and implementation of the Government's primary instrument for increasing employment opportunities, through the national vocational training framework, is not tailored to the specific interests, abilities and strengths of PWDs, nor is it adapted to the demands of the market. The effectiveness of vocational training and education programmes for PWDs to access the labour market would be easily enhanced by ensuring the participation and insights from both PWDs and businesses in design of such programmes. Such revisions would not be resource intensive but would be hugely beneficial in terms of targeting existing limited resources and capacity into areas offering the best possibility of providing PWDs with secure and long-term employment opportunities, and most importantly are tailored to the strengths and interests of PWDs. Training and direct support to PWDs must look to empower PWDs to take pursue employment opportunities. Self-stigmatization remains a huge barrier for PWDs in seeking out training and applying for jobs.

Secondly, the incentive policies targeted at businesses to promote PWD employment should be revised. The tax incentives are triggered only when 30% of the workforce are PWDs. The policy is not sufficiently attractive for SMEs which makes up over 90% of all businesses in Viet Nam and will be critical in increasing the amount of employment opportunities for PWDs. Policies should target and reward SMEs who make such efforts, and not just favour larger businesses who have the resources to meet the minimum requirements. Furthermore, policies should also look at rewarding the amount and quality of employment opportunities for PWDs. Finally, greater clarity and guidance is needed on the penalties and schemes for redress where businesses are found to discriminate against PWDs to effectively deter such practices.

Finally, despite efforts, there remains huge challenges in effectively disseminating information both to PWDs and businesses. The rates of uptake of vocational training programmes remains low when compared to the overall population with disabilities. Businesses interested in employing PWDs often do not have information on the basic steps they can take to become an inclusive workplace, and so are often discouraged by fear of huge capital investment to take on PWDs in their business. Some business leaders in Viet Nam are however leading the way. The business case for integrating diversity and inclusion must be promoted by Government so that businesses no longer see supporting PWDs as an act of charity, but an opportunity to grow their businesses.

5.1. Recommendations for Improving Policies and Legal Framework on Employment for Persons with Disabilities

Improving institutional arrangements

- Establishing a local orientation service and job coaching mechanism to function as intermediaries between PWDs, private sector, and government. These intermediaries would help to match PWDs skills and career aspirations with market demand and their level and type of disability and provide career counselling.
- Ensuring that all government communications, and especially those most relevant for PWDs, are available in an accessible format.

Improving vocational training for PWDs

- Supplementing Article 20 of Decree No. 31/2015/ND-CP stipulating the methods of national occupational skills assessment:
 - Adding one more point in Clause 2 and Clause 3 Article 20 on oral exam questions in case of necessity. The choice of exam format in special cases will be decided by the head of the vocational skill assessment organization or the head of the jury of the exam.
 - Adding a Clause in Article 20 that clearly stipulates ensuring adequate equipment for candidates with disabilities when taking the test on paper or on computer. If the organizer of the national vocational skill assessment cannot arrange adequate equipment, the candidate may use their personal equipment that has been tested for reliability and truthfulness.
- Developing a legal framework that encourages employees with disabilities to take the national occupational skills examination in the Law on Employment and other detailing and guiding documents to update their skills and raise their job opportunities.



Photo: UNDP Viet Nam/Youth Co:Lab Viet Nam

Improving employment for PWDs

- Including employment support for PWDs in national strategies and plans as well as local policies.
- Developing specific employment policy solutions that take into consideration the level and type of disability and sociodemographic compounding factors like age, gender, ethnicity or household income.
- Amending the regulation that requests employers to hire 30% of PWDs in Article 24 of the Law on PWDs and other relevant documents, in either of the following ways:
 - Reducing the percentage to less than 30% of employees with disabilities;
 - Offering better incentives to those employing more PWDs and with a higher level of disability (e.g., the more employees with disabilities are employed, the more incentives the employers receive);
- Adding quotas to the Labour Code (Section “Employees with Disabilities”):
 - Adjusting to each particular industry (factories, agricultural and others), sector (public or private), region, the total number of employees.
 - Establishing penalties to be paid to the Employment Fund for PWDs in case of not complying with provisions above and demand from the employer documental explanation of the reasons for not complying.
- Amending or abolishing Clause 4, Article 4 of the Law on Enterprise Income Tax 2008 (amended in 2013) on income tax exemption to enterprises with at least 30% of employees with a disability and at least 20 employees to benefit companies employing a higher number of PWDs.
- Adding detailed regulation for point a, Clause 1, Article 9 of Decree No. 28/2012/ND-CP on the support level for improving working conditions and environment suitable for PWDs depending on the number or official employees with disabilities, their impairment level and size of the business.

5.2. Recommendations for Enhancing the Implementation of Policies on Employment for Persons with Disabilities

Ensuring enforcement

- Revising policies based on implementation gaps that create barriers on access to benefits for employers and PWDs, such as the lack of advocacy and communication interventions or the existence of budgetary limitations at the different administrative levels.
- Performing labour inspections to ensure compliance with legislation regarding PWDs and to protect PWDs from exploitation.

Improving the quality and efficiency of vocational training for PWDs

- Raising awareness about the availability and selection of vocational training opportunities for PWDs.
- Developing specific vocational training textbooks and e-learning materials for PWDs, particularly taking into account the needs of persons with visual disabilities and persons with hearing-speaking disabilities.
- Improving knowledge and skills of vocational trainers for PWDs to meet teaching quality requirements.
- Diversifying vocational training areas and providing job advice for PWDs based on their needs, capabilities and personal circumstances.
- Increasing educational opportunities in high-demand areas like accounting or IT.

Improving the quality and efficiency of vocational training management

- Committing Provincial People's Committees (particularly the Department of Labor, Invalids and Social Affairs) to provide vocational training that meets labour market demands.
- Promoting the cooperation between vocational training institutions and employers to secure jobs for the PWDs after they finalize the vocational training period.

Enhancing the quality of the national occupational skills' examination and granting the concession of official certificates

- Updating regularly the sets of questions in the assessment for certificates of national occupational skills examination.
- Establishing a network of organizations for occupational skills assessment.
- Encouraging the participation of professional associations, enterprises, and employers in the quality appraisal of the national occupational skills assessment and certification process.

Raising the awareness of community (especially employers) about the capacity of PWDs

- Raising awareness of the existing preferential policies for hiring PWDs among businesses.
- Promoting persons with disabilities-owned enterprises to establish cooperatives.
- Advocating for OPDs to support businesses employing PWDs in business development and production to help them become more profitable.

Focusing on employment creation and support for products made by PWDs

- Encouraging government agencies and departments to employ a percentage of their workforce of PWDs to set an example for other employers.
- Providing further funding for the NEF through sources from the State budget, social budget and tax revenue from employers who do not employ persons with disabilities.
- Encouraging government agencies and departments to employ a percentage of their workforce of PWDs to set an example for other employers.
- Providing further funding for the NEF through sources from the State budget, social budget and tax revenue from employers who do not employ persons with disabilities.
- Considering allocating funds to facilitate grants of subsidized loans for employees with disabilities, entrepreneurs with disabilities, business employing PWDs in NEF and members of social organisations that advocate for PWDs's rights.
- Considering providing public funds to cover for PWDs internships in government and private companies to increase their skills and employability.
- Committing the Provincial People's Committees to issue priority policies tailored to the local level on the promotion of products made by PWDs.

5.3. Additional Recommendations and Supporting Measures to Facilitate Inclusion

Improving PWD employment requires changes in other areas including access to education, accessibility, etc.



Improving PWDs' access to education

- Providing tuition support to all poor and near-poor PWDs in secondary education.
- Increasing the number and qualification requirements of teachers for PWDs.

Improving mobility and accessibility

- Guaranteeing that public transportation is made accessible for PWDs.
- Developing and or revising legislation on disability accessible spaces and making sure new constructions comply with the law.
- Providing financial support, technical assistance or assistance in kind to enterprises adapting their workplace and public spaces to make them accessible.

Collecting and utilising data on PWDs

- Improving data collection on PWDs, increasing the level of disaggregation by sex, age, location, type of disability, degree of disability and household income, among other variables.

Introducing measures to advocate for the inclusion of PWDs in all areas of social and economic activity.

- Introducing visits to centres employing PWDs in the primary and secondary education curricula.
- Encouraging the media to raise awareness among the public on the capacity of PWDs and debunk myths about disabilities.

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