

SUSTAINABLE DEVELOPMENT CHAPTER IN THE EVFTA: SEARCHING FOR DECENT WORK

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Abstract: There is a substantial increase in provisions that refer to decent work in the Trade and Sustainable Development (TSD) Chapter in the new-generation European Union (EU) Free Trade Agreements (FTAs) era, notably the EVFTA – the most comprehensive agreement ever signed between the EU and a developing country. This research provides novel insights on the commitment to decent work in the second-generation EU FTAs, with a specific emphasis on the EVFTA. By employing a variety of approaches, the research elucidates the structure and substance of decent work commitments in the comparison between the EVFTA and other second-generation EU FTAs. This paper simultaneously investigates the nature of Vietnam’s obligations with respect to decent work commitment under the EVFTA as well as the legal context of decent work in Vietnam. In conclusion, the research proposes recommendations that could help Vietnam and other EU partner countries effectively implement decent work provisions in the context of trade and development, with the goal of achieving global sustainable development.

Keywords: core labour standards; decent work; decent work agenda; ILO; second-generation EU FTA

DOI: 10.14712/23366478.2026.111

1. INTRODUCTION

Tracing back to 1999, the International Labour Organisation (ILO) officially endorsed decent work as a way to tackle the challenges posed by globalisation,¹ as part of avoiding a situation when countries engage in a “race to the bottom” by relying on low-cost labour to gain a competitive advantage.² As of now, decent work has been seen as a driving force of sustainable development,³ and promoting decent work is

¹ HAUF, F. The Paradoxes of Decent Work in Context: A Cultural Political Economy Perspective. *Global Labour Journal*. 2015, Vol. 6, No. 2, p. 138.

² CHAN, A. Racing to the Bottom: International Trade Without a Social Clause. *Third World Quarterly*. 2003, Vol. 24, No. 6, p. 1012.

³ 2030 Development Agenda: ILO Focus Targets. In: *International Labour Organization* [online]. [cit. 2025-06-03]. Available at: <https://www.ilo.org/topics/decent-work-and-2030-agenda-sustainable-development/2030-development-agenda-ilo-focus-targets>.

more crucial in the international context.⁴ It should therefore come as no surprise that the EU, as an economic power that participates globally in a responsible manner and supports universal values of human rights, takes a firm position in upholding and protecting decent work inside its own borders and worldwide, in line with the ILO Decent Work Agenda.⁵ Historically, the initial attempt by the EU to include a “social clause” in the WTO’s Singapore Declaration (1996), which expressed the link between trade and labour within a multilateral framework, was ultimately rejected.⁶ It follows that the EU has used FTAs as a key tool to develop and export these values to third countries, exceptionally developing countries that engage in cooperation with the EU.⁷ As it can be seen, the emergence of a second-generation FTAs era integrating labour commitments in the TSD Chapter has proved more effective in the strategy that the EU is pursuing. It is important to highlight that the heart of these labour commitments, not only the core labour standards outlined in the ILO fundamental conventions, but also the ILO Decent Work Agenda.

Despite this, both scholars and policymakers in EU partner nations, such as Vietnam, have focused most of their attention on the ratification and implementation of core labour standards while neglecting the commitment to the ILO Decent Work Agenda – the Trade and Sustainable Development (TSD) Chapter’s ultimate goal. For that, as the most comprehensive and expected FTA with a developing country, clarifying the essence of this commitment in conjunction with the obligations it sets for Vietnam is meaningful for both Vietnam and other EU partners in trade negotiations.

This research scrutinises the decent work provisions in the second-generation EU FTAs, beginning with the FTA signed with Korea in 2011, also encompassing the EU-Vietnam Free Trade Agreement (EVFTA). This focus enables the research to investigate similarly decent work commitments in agreements that exhibit significant variations in terms of geography, development context, and broader legality. Finally, the research identifies the obligations that the commitment to decent work in the new-generation EU FTAs imposes on members, chiefly Vietnam, in the final analysis.

To obtain this purpose, the rest of this research is divided into four parts. The first part analyses the model of decent work commitments in the second-generation EU FTAs, which serves as a tool for the realisation of sustainable development goals. It evaluates and delineates the disparities in decent work provisions across different FTAs, thereby elucidating the precise features of this commitment in several dimensions. The second part, then, delves into the heart of the decent work commitment – the ILO Decent Work Agenda. This part provides a concise overview of the fundamental elements of decent work, not to mention international legal instruments referring to decent work

⁴ European Commission. Communication on Decent Work Worldwide for a Global Just Transition and a Sustainable Recovery, COM(2022) 66 final. Brussels, 23. 2. 2022, p. 1.

⁵ European Commission. Joint Communication on Strengthening the EU’s Contribution to Rules-Based Multilateralism, JOIN(2021) 3 final. Brussels, 17. 2. 2021.

⁶ LEARY, V. A. The WTO and the Social Clause: Post-Singapore. *European Journal of International Law*. 1997, Vol. 8, pp. 118–122.

⁷ KUŽNAR, A. Towards a More Sustainable World – the EU Efforts to Establish More Decent Work Conditions. In: HLAVATÝ, I. (ed.). *23rd International Joint Conference Central and Eastern Europe in the Changing Business Environment: Proceedings*. Bratislava: EKONÓM, 2023, p. 118.

on the global agenda. The third part is to demonstrate the existence of binding obligations regarding decent work commitments with the EU partners, particularly Vietnam, inclusive of grasping the legal context and proposals for the true implementation of this commitment. The fourth part presents the conclusions.

2. THE TREND “DECENT WORK”: CORE ELEMENT FOR A SECOND-GENERATION EU FTAS

The idea of promoting decent work in the EU trade and development policy is part of a broader declaration issued at the beginning of the twenty-first century that the social dimensions of globalisation will shape international relations.⁸ In other words, the European Commission affirmed that decent work is a crucial policy pillar in EU trade and development cooperation.⁹ In this view, the EU must go further to promote binding decent work targets for each developing country.¹⁰ If not to say that the EU asserts its commitment to include decent work into all future bilateral and regional agreements at all levels.¹¹ As a result, the most comprehensive TSD Chapters in the EU FTAs, principally the second-generation, incorporate commitments to sustainable development issues, including fostering decent work and core labour standards, distinguishing them from labour commitments in the US FTA.¹²

Indeed, one of the second-generation EU FTAs, which is arguably the most comprehensive and ambitious with a developing country – the EVFTA,¹³ also defines recognition of the beneficial role of decent work as an essential task.¹⁴ Reinforcing the importance of this task, the EVFTA refers to “labour issues” as those under the Decent Work Agenda, as referred to in the ILO Declaration on Social Justice for a Fair Globalisation, adopted by the International Labour Conference at its 97th Session in Geneva

⁸ HURT, S. R. The EU’s Economic Partnership Agreements with Africa: ‘Decent Work’ and the Challenge of Trade Union Solidarity. *Third World Thematics: A TWQ Journal*. 2016, Vol. 1, No. 4, p. 549.

⁹ European Commission. A Decent Life for All: Ending Poverty and Giving the World a Sustainable Future, COM(2013) 92 final. Brussels, 2013, p. 8.

¹⁰ LANGAN, M. The Decent Work Agenda and ACP-EU Relations. *EUSA Biennial Conference: Baltimore, USA, May 9th–11th 2013*, p. 7.

¹¹ Commission of the European Communities. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Promoting Decent Work for All: The EU Contribution to the Implementation of the Decent Work Agenda in the World, COM(2006) 249 final. Brussels, 24. 5. 2006.

¹² ROMANCHYSHYNA, I. Tackling Labour Rights and Environmental Protection Through Trade and Sustainable Development Chapters: The European Approach. In: EGAN, M. – RAUBE, K. – WOUTERS, J. – CHAISSE, J. (eds.). *Contestation and Polarization in Global Governance*. Cheltenham: Edward Elgar Publishing, 2023, p. 346.

¹³ Delegation of the European Union to Vietnam. *Guide to the EU-Vietnam Trade and Investment Agreements*. Hanoi, 2019, p. 6.

¹⁴ TRÖSTER, B. et al. *Combining Trade and Sustainability? The Free Trade Agreement Between the EU and Vietnam*. ÖFSE Policy Note, No. 29/2019. Vienna: Austrian Foundation for Development Research (ÖFSE), 2019, p. 2.

on 10 June 2008.¹⁵ This means that the labour concerns in the TSD chapter are linked not just to the Core Labour Standards approach but also to the notion of decent work developed by the ILO. Broadly speaking, the overarching goal of the TSD chapter in the EVFTA and the EU FTAs is to stimulate decent work by supporting or promoting the endogenous development of core labour standards.¹⁶

With the aim of clarifying the nature of decent work in the TSD chapter, this section provides a thorough investigation together with identifying similarities or differences between provisions concerning decent work in the EVFTA and other second-generation EU FTAs. We draw the following conclusion: Decent work is at the heart of the trade and sustainable development aspirations of the EVFTA and the second-generation EU FTAs. Accordingly, we selected eight EU FTAs for this section. All of them are characteristic of currently effective FTAs and exemplify second-generation EU FTAs, as illustrated in Table 1.

Table 1. EU FTAs selected for the comparative study

Trade agreement	Signature date	Coming into effect	Decent work provisions
EU-Korea FTA	6/10/2010	1/7/2011 (provisi- onally); 13/12/2015 (full)	<i>Chapter TSD</i> Article 13.1 – Context and objectives. Article 13.4(2) – Multilateral labour standards and agreements. Article 13.6 – Trade favouring sustain- able development. Article 13.10 – Review of sustainabili- ty impacts. Annex 13.1(k) – Cooperation on trade and sustainable development.
EU- Col/Peru/ Ecuador Trade Agreement	26/6/2012	1/3/2013, 1/8/2013, 1/1/2017 (pro- visionally with Peru, Colombia & Ecuador respecti- vely)	<i>Chapter TSD</i> Article 267(1) – Context and Objecti- ves. Article 269(1) – Multilateral labour standards and agreements. Article 271 – Trade favouring sustaina- ble development. Article 286(k) – Cooperation on trade and sustainable development.

¹⁵ See footnote no. 69 of the EVFTA.

¹⁶ ARESTOFF-IZZO, F. et al. The Use, Scope and Effectiveness of Labour and Social Provisions and Sustainable Development Aspects in Bilateral and Regional Free Trade Agreements: Final Report to the European Commission, Employment, Social Affairs and Equal Opportunities DG, Contract VC/2007/0638. 15. 9. 2008, p. 12.

Trade agreement	Signature date	Coming into effect	Decent work provisions
EU-Central America Association Agreement	29/6/2012	1/8/2013 (provisionally Honduras, Nicaragua, Panama); 1/10/2013 (provisionally Costa Rica, El Salvador); 1/12/2013 (provisionally Guatemala)	<i>Chapter TSD</i> Article 284 – Context and Objectives. Article 286 – Multilateral labour standards and agreements.
EU-Canada Comprehensive and Economic Trade Agreement (CETA)	30/10/2016	21/9/2017	<i>Chapter TSD</i> Article 22.1 – Context and Objectives. Article 22.3 – Cooperation and promotion of trade and sustainable development. <i>Chapter Trade and labour</i> Article 23 – Context and Objectives. Article 23.3 – Multilateral labour standards and agreements. Article 23.7 – Cooperative activities.
EU-Japan Economic Partnership Agreement (EPA)	17/7/2018	1/2/2019	<i>Chapter TSD</i> Article 16.1 – Context and Objectives. Article 16.3 – International labour standards and conventions. Article 16.5 – Trade and investment favouring sustainable development. Article 16.5 – Cooperation.
EU-Singapore FTA	19/10/2018	21/11/2019	<i>Chapter TSD</i> Article 12.1 – Context and Objectives. Article 12.3(2) – Multilateral labour standards and agreements. Article 12.4(e) – Labour Cooperation in the Context of trade and sustainable development.
EVFTA	30/6/2019	1/8/2020	<i>Chapter TSD</i> Article 13.1 – Objectives. Article 13.4(1) – Multilateral labour standards and agreements. Article 13.10(2)(a) – Trade and investment favouring sustainable development. Article 13.14(1)(e) – Working Together on trade and sustainable development.

Trade agreement	Signature date	Coming into effect	Decent work provisions
EU-UK Trade and Cooperation Agreement (TCA)	30/12/2020	1/5/2021	<i>Chapter Other instruments for TSD</i> Article 397 – Context and Objectives. Article 399(1), (6), (8) – Multilateral labour standards and agreements. Article 405(2)(a) – Trade and investment favouring sustainable development.

Source: Author analysis

The 2010 FTA with Korea was the first second-generation FTA that the EU signed.¹⁷ Following this, the EU has consistently engaged in negotiating and signing new-generation FTAs “era” with a wide variety of partners, most notably, FTAs with emerging countries in the Association of Southeast Asian Nations in recent years.¹⁸ Anyway, the position of decent work commitments is in the TSD chapter of these FTAs, aligning with the chapter’s objectives, which are “*promoting sustainable development, notably by fostering the contribution of trade and investment-related aspects of labour and environmental issues*”.¹⁹ Apart from that, decent work is defined and specified in four primary articles (with different names depending on the goals of the negotiating parties, but with similar approaches), including: (1) Context and Objectives; (2) Multilateral Labour Standards and Agreements; (3) Trade and Investment Favouring Sustainable Development; and (4) Working Together on Decent work. To begin, the research investigates the scope of the decent work commitment in these directions.

THE FIRST, CONTEXT AND OBJECTIVES

The first feature shared by all TSD Chapters is provisions that outline “context and objectives” and situate them within the larger global agenda for sustainable development.²⁰ For more details, the TSD Chapter seeks to foster bilateral trade and investment relationships in a way that contributes to the overall sustainable development target. And besides, its content provisions manage labour and

¹⁷ European Commission. *The EU-Korea Free Trade Agreement in Practice*. Luxembourg: Publications Office of the European Union, 2011, p. 3.

¹⁸ Commission of the European Communities. *Global Europe – Competing in the World – a Contribution to the EU’s Growth and Jobs Strategy*, COM(2006) 567 final. Brussels, 4. 10. 2006, p. 9.

¹⁹ For example, article 13.1 of the EU-Korea FTA; article 267 of the EU-Col/Peru/Ecuador FTA; article 284 of the EU-Central America FTA; article 22.1 of the CETA; article 16.1 of the EU-Japan EPA; article 12.1 of the EU-Singapore FTA; article 13.1 of the EVFTA; and article 397 of the EU-UK TCA.

²⁰ DURÁN, G. M. Sustainable Development Chapters in EU Free Trade Agreements: Emerging Compliance Issues. *Common Market Law Review*. 2020, Vol. 57, No. 4, p. 1034.

environmental concerns within the trading context.²¹ This is even acknowledged as a key element in the common approach to TSD in the new-generation EU FTAs, inclusive of the EVFTA.

This clause's approach is to emphasise the parties' commitment to the fundamentals of sustainable development, encompassing decent work, via references to numerous international conventions, declarations, and relevant international instruments.²² More precisely, the majority of the second-generation EU FTAs include a mention of decent work, as outlined in the Ministerial Declaration of the United Nations Economic and Social Council (ECOSOC) on Full Employment and Decent Work (2006).²³ Meanwhile, five out of eight FTAs go further by mentioning the Decent Work Agenda in the ILO Declaration on Social Justice for a Fair Globalisation (2008).²⁴ Beyond that, some FTAs also pertain to significant international processes as regards sustainability, like the Outcome Document of the United Nations Conference on Sustainable Development entitled *The Future We Want* (2012) and the Outcome Document of the United Nations Summit on Sustainable Development entitled *Transforming Our World: The 2030 Agenda for Sustainable Development* (2015).²⁵ The incorporation of international instruments and declarations on decent work, indeed, acts as an explicit indicator of the parties' intention for this to be the chapter's main purpose. This also means that the provisions of this chapter are built upon and serve universal and globally recognised principles and rights.²⁶ One point to mention in this situation is that Vietnam and Japan are the leading nations in terms of citing international statements, demonstrating their official and earnest commitment. Furthermore, it is essential to acknowledge that while the article does not set forth a binding legal duty, these references play a vital role in the process of interpretation. They help provide contextual understanding to determine the ordinary meaning of ambiguous terms, conforming to the overall context or purpose.²⁷ This important function was expressed in both Panel of Experts decisions on labour commitments in FTAs.²⁸ Refer to Table 2 below for further information.

²¹ KRAJEWSKI, M. – HOFFMANN, R. T. *Alternative Model for A Sustainable Development Chapter and Related Provisions in the Transatlantic Trade and Investment Partnership (TTIP)*. The Greens, European Free Alliance in the European Parliament, 2016, p. 13.

²² *Ibid.*, c. d., p. 12.

²³ Except for EU-UK TCA.

²⁴ For example, CETA, EU-Japan EPA, EU-Singapore FTA, EVFTA, EU-UK TCA.

²⁵ For example, EU-Japan EPA, EVFTA, EU-UK TCA.

²⁶ STOLL, P. T. – GÖTT, H. – ABEL, P. A Model Labour Chapter for Future EU Trade Agreements. In: GÖTT, H. (ed.). *Labour Standards in International Economic Law*. Cham: Springer, 2018, p. 385.

²⁷ KATSAROUMPAS, I. Different Shades of Minimalism: The Multilateral Construction of Labour Clauses in the UK-Australia and UK-New Zealand FTAs. *King's Law Journal*. 2023, Vol. 34, No. 1, p. 83.

²⁸ For example, disputes between the US and Guatemala (CAFTA-DR), the EU and Korea.

Table 2. International agreements related to Decent Work

Trade agreement	Ministerial Declaration of the ECOSOC on Full, Productive Employment and Decent Work (2006)	ILO Declaration on Social Justice for a Fair Globalisation (2008)	The Future We Want (2012)	The 2030 Agenda for Sustainable Development (2015)
EU-Korea	✓			
EU-Col/Pe/Ecu	✓			
EU-Central America	✓			
CETA	✓	✓		
EU-Japan	✓	✓	✓	✓
EU-Singapore	✓	✓		
EVFTA	✓	✓	✓	✓
EU-UK		✓	✓	✓

Source: Author analysis

THE SECOND, MULTILATERAL LABOUR STANDARDS AND AGREEMENTS

This provision adopts a favourable perspective towards decent work by framing it as a common objective and placing it within a broader global context,²⁹ so creating a general obligation to guarantee and advance decent work.³⁰ This clause, similar to the previous one, is structured either in two parts or three parts, depending on the priorities of the parties. It includes a straightforward reaffirmation of their commitment to implementing international instruments, such as the Ministerial Declaration ECOSOC on Full Employment and Decent Work (2006),³¹ the ILO Decent Work Agenda in the ILO Declaration on Social Justice for a Fair Globalisation (2008),³² or both of these declarations.³³

Taking into account the general objectives part refers to the recognition of the role of full, productive employment and decent work for all in responding to challenges and opportunities arising from globalisation. In contrast to these aspirational provisions, the Comprehensive Economic and Trade Agreement (CETA) and EU-UK TCA concentrate on specific areas and mandate that parties ensure their labour laws and practices align with the objectives of the ILO Decent Work Agenda, which include: (i) health and safety at work; (ii) establishment of acceptable minimum or decent working standards;

²⁹ KRAJEWSKI – HOFFMANN, *c. d.*, p. 15.

³⁰ STOLL – GÖTT – ABEL, *c. d.*, p. 395.

³¹ For example, EU-Korea FTA, EU-Central America FTA.

³² For example, CETA, EU-UK TCA.

³³ For example, EU-Singapore FTA.

and (iii) non-discrimination in respect of working conditions.³⁴ In this case, CETA expands this objective by requiring parties to ensure that their labour laws and practices include and protect working conditions, respecting the health and safety of workers.³⁵ In this view, in the EU Impact Assessment Report on Vietnam in the EVFTA, the EU highlighted its objective to advance and enforce the Decent Work Agenda (DWA) via national legislation and practices, despite it not being explicitly regulated.³⁶ From a legislative perspective, these discrepancies indicate an inclination to enforce mandatory requirements to incorporate international frameworks for decent work into domestic legislation. They also reflect an increasing dedication to confronting the problem of decent work in developed nations.

The truth is that a stringent commitment explicitly declares that the parties will, “promote” the above goals³⁷ through different instruments to effectively tackle urgent challenges pertaining to labour rights in the context of globalisation. These instruments could be: promoting the development of international trade;³⁸ dialogue and cooperation;³⁹ the development of macroeconomic policy;⁴⁰ exchanging views and information on trade-related issues in TSD Committee meetings and other appropriate forums;⁴¹ consultation and cooperation;⁴² or even formulating policies that promote basic principles,⁴³ as shown in Table 3. Above all, the top priority would be consultation and cooperation mechanisms, as appropriate, at the bilateral, regional, and global levels, with special attention to developing and least developed countries.

Table 3. Multilateral labour standards and agreements provisions

Trade agreement	Reaffirming international commitments	General objective	Specific mechanism
EU-Korea	Reaffirm the commitment, under the 2006 Ministerial Declaration of the UN Economic and Social Council in Full Employment and Decent Work.	Recognising full and productive employment and decent work for all as a key element of sustainable development for all countries and as a priority objective of international cooperation.	Promoting the development of international trade in a way that is conducive to full and productive employment and decent work for all, including men, women, and young people.

³⁴ For example, article 23.3(2) of the CETA and article 399(6) of the EU-UK TCA.

³⁵ For example, article 23.3(3) of the CETA.

³⁶ Commissions Services’ Annex on Vietnam to the Position Paper on the Trade Sustainability Impact Assessment of the Free Trade Agreement Between the EU and ASEAN, p. 7.

³⁷ KATSAROUMPAS, *c. d.*, p. 90.

³⁸ For example, EU-Korea FTA.

³⁹ For example, EU-Col/Pe/Ecu FTA.

⁴⁰ For example, EU-Central America FTA.

⁴¹ For example, EU-Japan EPA.

⁴² For example, EU-Singapore FTA, EVFTA.

⁴³ For example, CETA.

Trade agreement	Reaffirming international commitments	General objective	Specific mechanism
EU-Col/Peru/Ecu		Recognise international trade, productive employment and decent work for all as key elements for managing the process of globalisation.	Reaffirm their commitments to promote the development of international trade in a way that contributes to productive employment and decent work for all.
EU-Central America	Recalling the 2006 Ministerial Declaration of the UN Economic and Social Council on Full Employment and Decent Work.	Recognise that full and productive employment and decent work for all, which encompass social protection, fundamental principles, and rights at work and social dialogue, are key elements of sustainable development for all countries, and therefore a priority objective of international cooperation.	Reaffirm their will to promote the development of macroeconomic policies in a way that is conducive to full and productive employment and decent work for all, including men, women, and young people, with full respect for fundamental principles and rights at work under conditions of equity, equality, security, and dignity.
CETA	The ILO Decent Work Agenda, and in accordance with the ILO Declaration on Social Justice for a Fair Globalisation of 2008 adopted by the International Labour Conference at its 97th Session, and other international commitments.	Shall ensure that its labour law and practices promote the following objectives: (a) health and safety at work, including the prevention of occupational injury or illness and compensation in cases of such injury or illness; (b) establishment of acceptable minimum employment standards for wage earners, including those not covered by a collective agreement; and, (c) non-discrimination in respect of working conditions, including for migrant workers.	Shall ensure that its labour law and practices embody and provide protection for working conditions that respect the health and safety of workers, including by formulating policies that promote basic principles aimed at preventing accidents and injuries that arise out of or in the course of work, and that are aimed at developing a preventative safety and health culture where the principle of prevention is accorded the highest priority.

Trade agreement	Reaffirming international commitments	General objective	Specific mechanism
EU-Japan		Recognise full and productive employment and decent work for all as key elements to respond to economic, labour, and social challenges.	Further recognise the importance of promoting the development of international trade in a way that is conducive to full and productive employment and decent work for all, [...] shall exchange views and information on trade-related labour issues of mutual interest in the meetings of the Committee on TSD established pursuant to Article 22.3, and as appropriate in other fora.
EU-Singapore	Affirm their commitments, under the Ministerial Declaration of the UN Economic and Social Council on Generating Full and Productive Employment and Decent Work for All of 2006.	Recognising full and productive employment and decent work for all as a key element of sustainable development for all countries and as a priority objective of international cooperation.	Resolve to promote the development of international trade in a way that is conducive to full and productive employment and decent work for all.
EVFTA		Recognise the importance of full and productive employment and decent work for all, in particular as a response to globalisation.	Reaffirm their commitment to promote the development of their bilateral trade in a way that is conducive to full and productive employment and decent work for all, including for women and young people. In this context, the Parties shall consult and cooperate, as appropriate, on trade-related labour issues of mutual interest.

Trade agreement	Reaffirming international commitments	General objective	Specific mechanism
EU-UK	Affirm their commitment [...], as expressed in the 2008 ILO Declaration on Social Justice for a Fair Globalisation.	Shall continue to promote, through its laws and practices, the ILO Decent Work Agenda as set out in the 2008 ILO Declaration on Social Justice for a Fair Globalisation (the “ILO Decent Work Agenda”) and in accordance with relevant ILO Conventions, and other international commitments, in particular with regard to: (a) decent working conditions for all, with regard to, inter alia, wages and earnings, working hours, maternity leave, and other conditions of work; (b) health and safety at work, including the prevention of occupational injury or illness and compensation in cases of such injury or illness; and (c) non-discrimination in respect of working conditions, including for migrant workers.	Promoting the development of international trade in a way that is conducive to decent work for all, as expressed in the 2008 ILO Declaration on Social Justice for a Fair Globalisation.

Source: Author analysis

THE THIRD, TRADE AND INVESTMENT FAVOURING SUSTAINABLE DEVELOPMENT

Unlike the previous provisions, not all second-generation EU FTAs include this one. For instance, 5/8 FTAs examined mention this provision, comprising EU-Korea FTA, EU-Coll/Pe/Ecu FTA, EU-Japan EPA, EU-UK TCA, and, of course, the EVFTA. In essence, this provision reaffirms the general goal of economic, social, and environmental development, which is dependent on and mutually reinforcing with the TSD chapter, while providing more detail. This clause in these FTAs stipulates that the parties will recognise the beneficial role that decent work may have for

economic efficiency, innovation, and productivity through trade, investment, and labour policies.⁴⁴ The exception is the EU-UK TCA, in which Article 405.2(a) provides that the parties shall continue to promote: “(a) *trade and investment policies that support the four strategic objectives of the ILO Decent Work Agenda, consistent with the 2008 ILO Declaration on Social Justice for a Fair Globalisation, including a minimum living wage, health and safety at work, and other aspects related to working conditions*”. It is clear that this FTA specifies the ILO Decent Work Agenda – related obligations and, simultaneously, clarifies vital aspects of decent work, notably the minimum living wage, health and safety at work, and other aspects tied to working conditions. Although this provision may have some technical differences compared to earlier FTAs, it ultimately highlights the importance of the commitment to promote coherence between trade and investment policies, on the one hand, and labour policies, on the other.

Table 4. Trade and investment favouring sustainable development

Trade agreement	Trade and investment favouring sustainable development provision
EU-Korea	✓
EU-Col/Pe/Ecu	✓
EU-Central America	No
CETA	No
EU-Japan	✓
EU-Singapore	No
EVFTA	✓
EU-UK	✓

Source: Author analysis

THE FOURTH, WORKING TOGETHER ON DECENT WORK

In this regard, all second-generation EU FTAs affirm working together on trade-related aspects of the ILO Decent Work Agenda. Actually, cooperation on the TSD’s labour side at the multilateral level is beneficial and should be upheld, as it conveys a common approach.⁴⁵ This is reflected, first of all, in the key pillars of decent work, namely: (i) the inter-linkage between trade and full and productive employment; (ii) core labour standards; (iii) social protection and social inclusion; (iv) social dialogue; and (v) gender equality. Not only that, but this approach is also extended to other areas associated with labour, for example, labour market adjustment; labour statistics;

⁴⁴ For example, EU-Korea FTA, EU-Col/Pe/Ecu FTA, EU-Japan EPA, EVFTA.

⁴⁵ KRAJEWSKI – HOFFMANN, *c. d.*, p. 16.

human resource development and lifelong learning. It seems that even though most of the second-generation EU FTAs are rather similar to one another in this regard, there are a few that stand out more than the others. The EVFTA shows its strong and universal commitment to promoting cooperation on decent work for all, according to the ILO Decent Work Agenda. Specifically, the EVFTA is the sole FTA that affirms a commitment to cooperate on the inter-linkage between trade and full and productive employment for all, including youth, women, and people with disabilities, or a commitment to ensuring social protection for all, encompassing vulnerable and disadvantaged groups, such as migrant workers, women, youth, and people with disabilities. The EVFTA explicitly reaffirms its commitment to collaboration on additional labour standards, extending beyond the fundamental labour standards. It can also be seen that Occupational Safety and Health and labour inspection, are not only CLS commitments but also an area of cooperation, through improving compliance and enforcement mechanisms. In other words, the current wave of responsible supply chain management has led to the inclusion of decent work in global supply chains as a focal area of collaboration in several EU FTA. It is worth noting that the areas of cooperation in the EU-Chile IAT distinctly illustrate the correlation between trade and labour policies towards the goal of promoting employment, while simultaneously tackling labour market challenges with flexibility.⁴⁶ The Table 5 illustrates the details.

Table 5. List of areas of cooperation on Decent Work

Trade agreement	Inter-linkage between trade and full and productive employment	Labour market adjustment	Core labour standards	Other international labour standards	Labour statistics	Human resources development and lifelong learning	Social protection	Social inclusion	Social dialogue	Gender equality	Others
EU-Korea	✓	✓	✓		✓	✓	✓	✓	✓	✓	
EU-Col/Pe/Ecu	✓		✓				✓		✓		
EU-Central America											✓
CETA											✓
EU-Japan											✓
EU-Singapore	✓	✓	✓		✓	✓	✓	✓	✓	✓	
EVFTA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
EU-UK	✓	✓	✓				✓	✓	✓	✓	✓

Source: Author analysis

⁴⁶ Article 26.18 EU-Chile IAT.

For the first conclusion, taking into account the provisions related to decent work in the second-generation EU FTAs, some important assessments for the EVFTA can be drawn as follows: *Firstly*, decent work is the target of labour commitments in the EVFTA's TSD chapter, as well as other FTAs. *Secondly*, although the structure of decent work provisions depends on the negotiating circumstances of each country, it is evident that the commitment to decent work in the EVFTA can also be seen as a significant step forward in directly integrating the principle of decent work into the EU's trade policy. This also indicates that the TSD chapters in forthcoming agreements may evolve more comprehensively, as the EVFTA has incorporated lessons learnt from previous agreements. Therefore, with the spillover effect of broadening the scope of TSD chapters and upgrading them with commitments to decent work, the EVFTA is expected to set a benchmark for future EU FTAs and serve as a point of reference for other FTAs presently under negotiation in Southeast Asia, including the EU-Thailand FTA and EU-Indonesia FTA.

3. ILO DECENT WORK AGENDA: ONE PART OF THE EQUATION

In this section, the paper intends to indicate that the ILO Decent Work Agenda serves as the fundamental premise that directs the enforcement of the EVFTA as well as the second-generation EU FTAs in order to promote decent work. Subsequently, the substantive relationship between core labour standards and the decent work commitment in the TSD chapter has been further elucidated.

It is a fact that since the introduction of the ILO Decent Work Agenda, the EU has intensified its collaboration with the ILO.⁴⁷ It should come as no surprise that “*by aligning itself with the ILO's broader decent work discourse and programmes, the European Commission acquired a distinctive role in global social governance*”.⁴⁸ So the ILO Decent Work Agenda might be seen as a missing link in the trade-development policy orientation of this organisation.⁴⁹ Strategically, this appears to have led to a significant increase in commitment to the ILO Decent Work Agenda in trade agreements signed by the EU.⁵⁰ And as noted earlier, these agreements directly reference the ILO Decent Work Agenda, which covers the scope of labour issues in the TSD chapter.⁵¹ This implies that the ILO Decent Work Agenda is the key to realising full, productive employment and decent work for all desires in the EVFTA and other second-generation EU FTAs.

Stemming from the ILO Decent Work Agenda, a soft law initiative announced in 1999, offers a complete framework that “*involves opportunities for work that is*

⁴⁷ HURT, *c. d.*, p. 549.

⁴⁸ ORBIE, J. – TORTELL, L. From the Social Clause to the Social Dimension of Globalization. In: ORBIE, J. – TORTELL, L. (eds.). *The European Union and the Social Dimension of Globalization*. London: Routledge, 2009, p. 9.

⁴⁹ HURT, *c. d.*, p. 549.

⁵⁰ As analysed in the previous section.

⁵¹ HURT, *c. d.*, p. 550.

productive and delivers a fair income, security in the workplace, and social protection for workers and their families. It means better prospects for personal development and social integration, and the freedom for people to express their concerns, to organise, and to participate in the decisions that affect their lives. It entails equality of opportunity and treatment for all women and men."⁵² This is how the ILO aims to establish decent work as part of the global development agenda,⁵³ grounded four strategic pillars: (i) promoting employment; (ii) social protection; (iii) rights at work; and (iv) social dialogue. These goals are "*inseparable, interrelated, and mutually supportive*".⁵⁴ The ILO explains each of these pillars as follows:⁵⁵

Firstly, promoting employment: This pillar calls on ILO Member States to set national policy goals and plans to achieve full employment and fair payments for work as the key means to poverty reduction. Notably, the idea of decent work goes beyond the narrow definition of paid jobs; it also means "consideration for all workers" and all kinds of work that contribute to society, like unpaid domestic work, all types of informal paid work, self-employment, and agricultural labour.

Secondly, social protection: To follow this pillar, ILO Member States must create national policies that aim to prevent work-related injuries and illnesses, as well as oppressive working conditions, such as excessively long working hours. It also necessitates the provision of remunerated time off and social security safeguards when illness, old age, disability, unemployment, pregnancy, and other circumstances may impede one's capacity to work.

Thirdly, rights at work: The ILO Declaration of Fundamental Principles and Rights at Work, which came out in 1998 and is part of this pillar, sets four fundamental labour standards derived from the ILO Convention. Countries that are part of the ILO have to adhere to these criteria, regardless of whether they have formally ratified the underlying conventions. The four rights involve the following: (a) the right to freedom of association and the right to collective bargaining; (b) the abolition of forced or compulsory labour; (c) the abolition of child labour; and (d) the abolition of discrimination in employment.

Fourthly, social dialogue: This pillar requires members to facilitate of consultation, negotiation, and tripartite agreements between workers and employers at all societal levels, ranging from the workplace to national consultations as a means to engage workers' voices and amicably settle conflicts.

In addition, gender equality and non-discrimination must be considered cross-cutting objectives in these strategic pillars.

⁵² Decent Work. In: *International Labour Organization* [online]. [cit. 2025-06-03]. Available at: <https://www.ilo.org/international-labour-organization/topics/decent-work>.

⁵³ VON BROEMBSSEN, M. The Decent Work Agenda and the Developing World. In: DAVIDOV, G. et al. (eds.). *The Oxford Handbook of the Law of Work*. Oxford: Oxford University Press, 2024, p. 682.

⁵⁴ ILO Declaration on Social Justice for a Fair Globalization. In: *International Labour Organization* [online]. 2008, p. 2 [cit. 2025-06-03]. Available at: <https://www.ilo.org/resource/other/ilo-declaration-social-justice-fair-globalization>.

⁵⁵ International Labour Organization. *Decent Work: Report of the Director-General: International Labour Conference (87th Session)*. Geneva: International Labour Office, 1999 [cit. 2025-06-03]. Available at: <https://webapps.ilo.org/public/english/standards/relm/ilc/ilc87/rep-i.htm#Global%20adjustment>.

Nearly a decade later, in 2008, the ILO Decent Work Agenda was consolidated at the core of ILO policies when the ILO adopted the Declaration on Social Justice for a Fair Globalisation.⁵⁶ Despite the fact that this Declaration is not legally binding under international law, the international community, specifically the EU, recognises the ILO Declaration as an official and authoritative declaration that lays out the formal content standards/principles for dealing with the current challenges related to decent work.⁵⁷ This partly explains why the EU actively integrates the ILO Decent Work Agenda, or the 2008 ILO Declaration, into the TSD Chapter in its new-generation FTAs. Noting that the ILO went further with this statement by adopting the Century Declaration on the Future of Work (2019), which is the fourth significant milestone on which the ILO reviewed and reiterated its foundational principles.⁵⁸ In light of this, it is anticipated that the Declaration will be referred to in the second-generation EU FTAs with the aim of tackling employment problems in future international trade relations.⁵⁹

The second-generation EU FTAs not only identify the ILO Declarations as its policy pillars but also allude to the ECOSOC Ministerial Declaration on Full Employment and Decent work (2006), major international processes that deal with sustainability, namely the United Nations Conference on Sustainable Development: The Future We Want (Rio+20) (2012) and the United Nations Summit on Sustainable Development: Changing Our World: Agenda 2030 on Sustainable Development (2015), both of which serve as reference documents for the TSD Chapter in the EVFTA and EU FTAs. In essence, these declarations reflect international endeavours regarding the ILO Decent Work Agenda⁶⁰ as it is a broader declaration reaffirming the commitment of member states to full employment and decent work without providing a comprehensive framework or detailed action plan for execution. However, these are still recognised as a “revolutionary declaration” that mandates all countries to integrate the goals of full, productivity employment, and decent work for all into their policies, programmes, and activities. In the 2030 Agenda, decent work, for the first time, became a standalone goal SDG 8, which aims to “*promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*”. A unique feature is that the ILO’s four pillars of decent work are included in the framework of SDG 8,⁶¹ In other words, the DWA has secured a place on the global agenda and possesses institutional legitimacy.⁶² The Table 6 shows the correlation between the goals of SDG 8 and the pillars of the ILO Decent Work Agenda.

⁵⁶ FREY, D. F. – MACNAUGHTON, G. A Human Rights Lens on Full Employment and Decent Work in the 2030 Sustainable Development Agenda. *Sage Open*. 2016, Vol. 6, No. 2, p. 3.

⁵⁷ ROMBOULTS, S. J. – ZEKIĆ, N. Decent and Sustainable Work for the Future? *UCLA Journal of International Law and Foreign Affairs*. 2020, Vol. 24, No. 2, p. 327.

⁵⁸ *Ibid.*

⁵⁹ For example, EU-Thailand FTA.

⁶⁰ Commission of the European Communities, 2006, *c. d.*, p. 3.

⁶¹ ROMBOULTS – ZEKIĆ, *c. d.*, p. 332.

⁶² VON BROEMBSSEN, *c. d.*, p. 686.

Table 6. SDG 8 Target and ILO Decent Work Agenda pillars

	ILO Decent Work Agenda pillars
Target 8.1: Sustain per capita economic growth in accordance with national circumstances and, in particular, at least 7% gross domestic product growth per annum in least developed countries	Economic growth target
Target 8.2: Achieve higher levels of economic productivity through diversification, technological upgrading, and innovation, including through a focus on high-value added and labour-intensive sectors	Aims at fostering employment
Target 8.3: Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services	Aims at fostering employment and improving social protection
Target 8.4: Improve progressively, through 2030, global resource efficiency in consumption and production and endeavour to decouple economic growth from environmental degradation, in accordance with the 10-Year Framework of Programmes on Sustainable Consumption and Production, with developed countries taking the lead	Aims at improving patterns of consumption and production
Target 8.5: 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	Aims at fostering employment, rights at work, social protection, and social dialogue
Target 8.6: By 2020, substantially reduce the proportion of youth not in employment, education, or training	Aims at fostering employment
Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and by 2025, end child labour in all its forms	Aims at achieving rights at work
Target 8.8: Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment	Aims at achieving rights at work and social protection
Target 8.9: By 2030, devise and implement policies to promote sustainable tourism that creates jobs and promotes local culture and products	Aims at fostering employment
Target 8.10: Strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance, and financial services for all	Aims at fostering employment
Target 8.a: Increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries	Economic growth target
Target 8.b: By 2020, develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization	Aims at fostering employment

Source: Author analysis

The above discussion can be summarised as follows: core labour standards serve as objectives and essential criteria of the 2030 Agenda, providing the key normative basis for measuring social sustainability.⁶³ In other words, fundamental rights at work are both a goal and an effective vehicle for achieving all the other goals of the ILO Decent Work Agenda.⁶⁴ With such a function, the role of core labour standards in the EVFTA or other second-generation EU FTAs are to fulfil the decent work aims of the TSD Chapter. Therefore, the EVFTA requires the parties to commit to respecting, promoting, and effectively implementing basic principles and rights at work in accordance with the obligations of ILO Member States and the 1998 Declaration, including: (i) freedom of association and substantive recognition of the right to collective bargaining; (ii) ending all forms of forced or compulsory labour; (iii) effectively eliminating child labour; and (iv) ending discrimination in employment and occupation.⁶⁵

Given the wide range of aspects involved in this matter, whilst basic labour standards appear to be a prerequisite for decent work,⁶⁶ decent work encompasses a broader scope than just core labour standards. It brings together a range of developmental and normative issues⁶⁷ based on a more dynamic approach to social progress,⁶⁸ including promoting employment, rights at work, social protection, and social dialogue. Otherwise, the ILO Decent Work Agenda, which was incorporated into the 2008 Declaration, encompasses a wider range of ILO conventions compared to the basic labour standards conventions outlined in the 1998 Declaration, for example, the Labour Inspection Convention, 1947 (No. 81), and the Tripartite Consultation Convention, 1976 (No. 144).⁶⁹

For the second conclusion, clarifying some important international instruments on decent work recorded in the EVFTA as well as the second-generation EU FTAs, with a focus on the ILO DWA, yielded several findings. On the one hand, the EU's pursuit of a transnational DWA remains a long journey; at present, it has only been clearly and directly realised through core labour standards. However, fulfilling this commitment, conversely, requires more than mere compliance with core labour standards – a matter that will be examined more in the next section. Conversely, to attain the fundamental objective of decent work within the EU's trade policy framework, mere state-actor implementation of labour standards is inadequate. The EU's non-trade objectives can only be effectively achieved when non-state actors also “join the game” alongside the state through commitments to Corporate Social Responsibility (CSR).

⁶³ Ibid.

⁶⁴ ILO Declaration on Social Justice for a Fair Globalization, p. 2.

⁶⁵ Article 13.4 of the EVFTA.

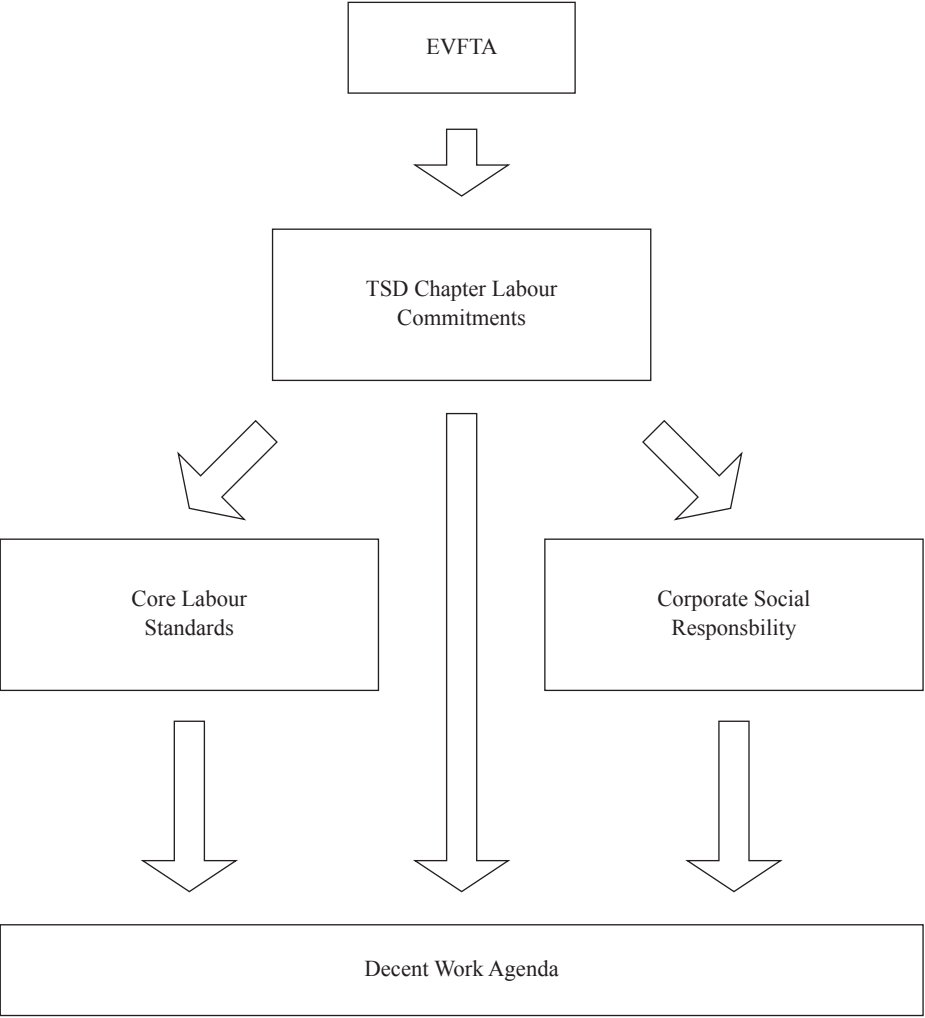
⁶⁶ REYNAUD, E. *The International Labour Organization and Globalization: Fundamental Rights, Decent Work and Social Justice*. ILO Research Paper No. 21. International Labour Office, 2018, p. 22.

⁶⁷ KATSAROUMPAS, c. d., p. 82.

⁶⁸ ARESTOFF-IZZO et al., c. d., p. 18.

⁶⁹ KATSAROUMPAS, c. d., p. 83.

Table 7. Relation between key elements in labour commitments under the EVFTA TSD Chapter



Source: Autor analysis

4. FURTHERING THE VIETNAM’S COMMITMENT
TO DECENT WORK IN THE EVFTA

When considering this section, this paper first points out the obligations that Vietnam must fulfil according to its decent work commitment under the EVFTA. Afterwards, it reviews Vietnam’s recent efforts in promoting decent work. At the

conclusion we provide some proposals regarding the implementation of the promoted decent work commitment as outlined in the EVFTA.

4.1 OBLIGATIONS OF DECENT WORK COMMITMENT UNDER THE EVFTA

Once again, the meaning of decent work in the second-generation EU FTAs, or the EVFTA, is demonstrated through three aspects: (i) the overarching and cross-cutting goals of the TSD Chapter; (ii) general obligations that the parties agree to uphold; and (iii) areas of cooperation between the parties. In the manner determined by the Panel of Experts in the EU-Korea FTA dispute: *“decent work is at the heart of their aspirations for trade and sustainable development, with the ‘floor’ of labour rights an integral component of the system they commit to maintaining and developing”*.⁷⁰ As one partner in the agreement, the EU’s stance on FTAs entails the need to adhere to international labour standards and promote decent work through national laws and practices, including effective labour inspection.⁷¹ In addition, the EU tends to tighten monitoring systems for compliance with sustainable development commitments, including decent work, such as appointing a Chief Trade Enforcement Officer to ensure that its trading partners meet their sustainable development commitments.⁷² Another option is to use the ongoing review of the 15-point action plan to assess the implementation of these labour provisions.⁷³ Furthermore, the revocation of trade preferences may occur in the event of abuses of certain labour rights.⁷⁴ Typically, there is undoubtedly an obligation to uphold minimum standards for promoting decent work on the part of the EVFTA. In this case, when integrated into a commitment in the EVFTA, the ILO Decent Work Agenda, from providing a framework and set of principles that member states are encouraged to apply and implement voluntarily, transformed into a legally binding nature for parties. Hence, Vietnam is duty-bound to diligently fulfil its obligations towards fundamental labour standards, foster decent work in keeping with universally recognised principles – ILO Decent Work Agenda, and actively collaborate on these matters. When converted into a commitment in the EVFTA, the DWA, which provides a framework and a set of principles that member states are encouraged to voluntarily apply and implement, has transformed into a legally binding nature for the parties.

According to the aforementioned interpretation, Vietnam is obliged to maintain and promote the principles and four normative pillars in its national policies and practices in the most effective and efficient way, in accordance with the 2008 Declaration. Additionally, ILO Member States are required to implement the DWA through Decent Work Country Programmes (DWCPs). The DWCPs clarify the relationship between

⁷⁰ MURRAY, J. et al. *Panel of Experts Proceeding Constituted under Article 13.15 of the EU – Korea Free Trade Agreement: Report of the Panel of Expert*. 20. 1. 2021, paragraph 95, p. 27.

⁷¹ Communication on Decent Work Worldwide for a Global Just Transition and a Sustainable Recovery, COM(2022) 66 final, p. 15.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

the DWA and the economic development strategy of the country.⁷⁵ These executions at the national level would be contingent upon each country's specific requirements and priorities. Member states will consult with representatives of employee and employer organizations to determine the most effective approach to fulfilling their obligations.⁷⁶ In a more general framework, the ILO identifies certain essential measures, which are outlined below:⁷⁷

- [1] Putting in place a national or regional plan for decent work, or both, with a list of targets for achieving the strategic goals as a whole;
- [2] The creation of the right statistical or indicator tools possible with the ILO's support, to track and assess the progress made;
- [3] A review of their progress in ratifying or implementing ILO instruments in order to reach a wider range of strategic goals. This review should focus on the instruments that are considered core labour standards as well as those that most important from a governance point of view, including those that cover tripartism, employment policy, and labour inspection;
- [4] Taking the right steps for an adequate coordination between positions taken on behalf of the member state concerned in relevant international forums and any actions they may take under this Declaration;
- [5] The promotion of sustainable enterprises;
- [6] When it makes sense, sharing national and regional best practices learned from the successful running of national or regional projects that include decent work;
- [7] The provision on a bilateral, regional or multilateral basis, as much as their resources allow, of appropriate support to other members' efforts to put the principles and goals set out in this Declaration into action.

4.2 THE CONTEXT OF DECENT WORK IN VIETNAM

First, Vietnam has adopted a national strategy on decent work, targeting a series of priorities to pursue strategic objectives. Specifically, since Vietnam rejoined the ILO in 1992, Vietnam and the ILO have been implementing four cooperation programmes on decent work that involve the following: (1) a cooperation programme to support Vietnam in developing its Labour Code when Vietnam had to create a new legal framework to govern the labour market as part of the Doi Moi process (1994); (2) Decent Work Country Programme in Viet Nam, 2012–2016; (3) Decent Work Country Programme in Viet Nam, 2017–2021 (4) Decent Work Country Programme in Viet Nam, 2022–2026. And Vietnam, in its country programme, sets priorities based on the guidelines of the ILO and aligns them closely with the aims of the ILO Decent Work Agenda. In particular, the current Decent Work Country Programme sets out three priorities, which are:⁷⁸

⁷⁵ VON BROEMBSSEN, *c. d.*, p. 686.

⁷⁶ ILO Declaration on Social Justice for a Fair Globalization, p. 11.

⁷⁷ *Ibid.*, pp. 14–15.

⁷⁸ Memorandum of Understanding Between the Government of the Socialist Republic of Viet Nam, Workers' and Employers' Organizations and the International Labour Organization on the Decent Work Country Programme in Viet Nam. 2022–2026.

Country Priority 1 (Decent work during economic transformation): By the 2026, individuals in Vietnam, particularly those who are vulnerable, would actively participate in and get fair advantages from a sustainable, inclusive, and gender-responsive economic transformation. This transformation will be driven by innovation, entrepreneurship, increased productivity, competitiveness, and decent work.

Country Priority 2 (Social protection for inclusive development): By 2026, individuals in Vietnam, particularly those who are economically disadvantaged and vulnerable to exclusion, will experience the advantages of comprehensive, gender-responsive, disability-inclusive, fair, accessible, and high-quality social services and social protection systems. They will also make significant progress in overcoming poverty in all its aspects and gain the ability to fully realise their potential.

Country Priority 3 (Governance for Decent Work): By 2026, individuals in Vietnam, particularly those who are vulnerable to being marginalised, will experience advantages and actively participate in a society that is fair, secure, and inclusive. This will be achieved through enhanced governance, more accountable institutions, reinforced adherence to legal principles, and the safeguarding and promotion of human rights, gender equality, and freedom from all types of violence and discrimination. These efforts align with Vietnam’s international obligations.

Second, Vietnam has established appropriate indicators to monitor and evaluate progress achieved. With more details, Vietnam has unequivocally demonstrated its commitment to achieving the goals of sustainable development and decent work for all, through the publication of a catalogue of targets. The National Sustainable Development Goals closely align with SDG 8, but also include special duties tailored to the socio-economic conditions of the country. Additionally, they designate specific agencies accountable for executing and coordinating the achievement of these goals.⁷⁹

Table 8. Vietnam’s sustainable development goals in terms of decent work

Target 8.1 (SDG 8.1)	Sustain per capita GDP growth rate of 4–4.5% per year and annual GDP growth rate of 5–6% on average. [Pursue effective international integration in order to increasingly attract and effectively utilize international support relating to trade and participate in high value-added global production chains (SDG 8.a)].
Target 8.2 (SDG 8.2)	Increase productivity through accelerating economic restructuring, transforming the economic growth model, upgrading and renovating technology, through a focus on high value-added and labour-intensive sectors.
Target 8.3 (SDG 8.3)	Promote development-related policies that support productive activities, create decent jobs creation, entrepreneurship, creativity and innovation; encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through improving access to financial services.

⁷⁹ Decision 622/QĐ-TTg Approving the National Action Plan for the Implementation of 2030 Agenda for Sustainable Development. 10. 5. 2017.

Target 8.4 (SDG 8.4)	By 2030, increase the efficiency of resource use in production and consumption, minimize the impacts of economic growth on environmental degradation, in accordance with the 10-year framework of programmes on sustainable production and consumption of Viet Nam.
Target 8.5 (SDG 8.5)	By 2030, achieve full and productive employment and decent work for all men and women, including for young people and persons with disabilities, and ensure equal pay for work of equal value.
Target 8.6 (SDG 8.6; 8.b)	By 2030, substantially reduce the proportion of young people not in employment, education, or training; make proactive efforts in effectively implementing ILO's Global Jobs Pact.
Target 8.7 (SDG 8.7)	Take timely and effective measures to eradicate forced labour, end modern slavery and human trafficking, and prevent and abolish child labour in all its forms.
Target 8.8 (SDG 8.8)	Protect labour rights and promote safe and secure working environments for all workers, particularly female migrant workers and workers in the informal sector.
Target 8.9 (SDG 8.9)	By 2030, develop sustainable tourism, create jobs and turn out products/services that are competitive with countries in the region and the world; and promote local cultures and products.
Target 8.10 (SDG 8.10)	Strengthen the capacity of domestic financial institutions to encourage and expand access to financial, banking and insurance services for all citizens.

Source: Author analysis

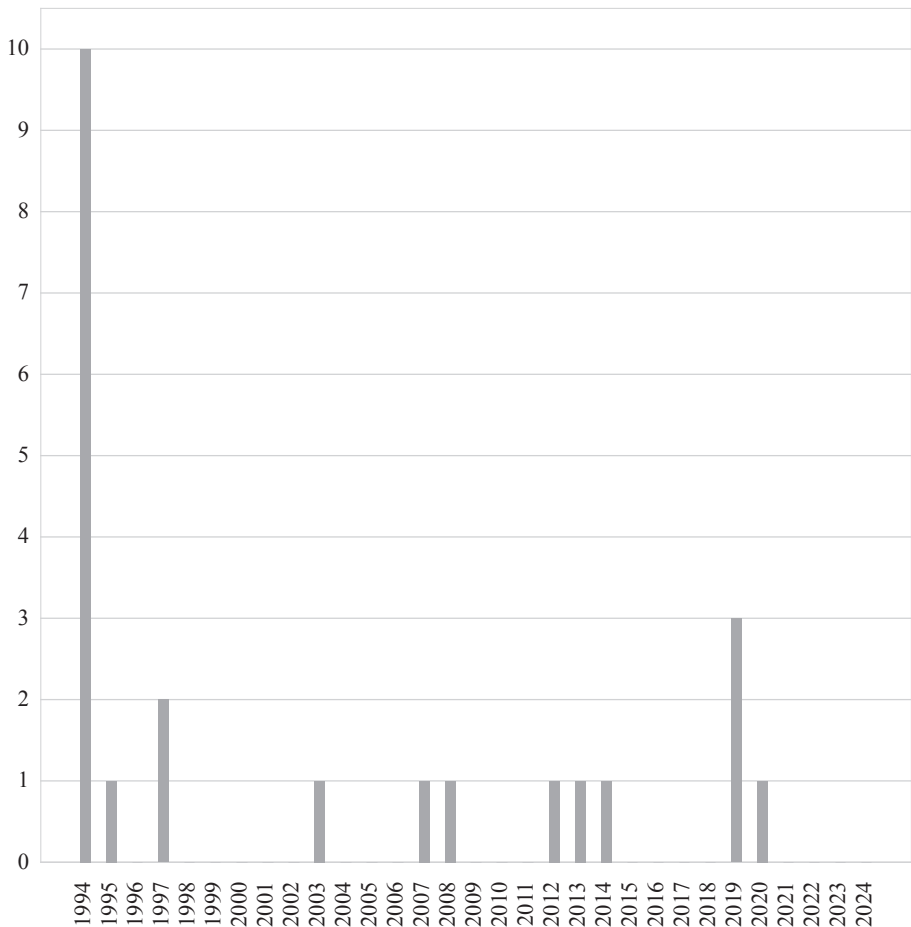
Third, Vietnam has relatively complete ratification of the ILO's core conventions, with respect to increasing coverage of each of the strategic objectives set out in the ILO Decent Work Agenda. Accordingly, Vietnam has ratified a total of 25 conventions and is bound by 23 ILO conventions. Vietnam has officially ratified 9/10 core conventions out of these, except for Convention No. 87, which remains unratified. Out of the ILO Governance Conventions, Conventions No. 81, No. 122, and No. 144 have been officially ratified, whereas Convention No. 129 remains unapproved.⁸⁰ The ratification cycle shown in the chart demonstrates Vietnam's preparedness to fulfil its international commitments.⁸¹

For the third conclusion: Vietnam, being an ILO member and having signed the most comprehensive and expected FTA with the EU, is expected to consistently uphold policies and practices; moreover, it is expected to utilise all possible measures to fulfil its legal obligation to promote decent work. In fact, Vietnam has been pursuing actions on decent work, corresponding to its obligations under the ILO. Yet, there exists a distinct disparity between Vietnam's commitment to decent work within trade agreements and its national programs, which will be delved into in the next part.

⁸⁰ Viet Nam. In: *International Labour Organization: NORMLEX* [online]. [cit. 2025-06-03]. Available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11110:0::NO::P11110_COUNTRY_ID:103004.

⁸¹ International Labour Organization. *Country Programme Review Viet Nam Decent Work Country Programme 2017–2021*. Ha Noi, 2021, p. 71.

Table 9. ILO Convention ratification by year 1994–2024



Source: Author analysis

4.3 RECOMMENDATIONS FOR VIETNAM TO IMPLEMENT ITS DECENT WORK COMMITMENT UNDER THE EVFTA

First and foremost, it is necessary to acknowledge that the decent work commitment is not entirely new; it builds on the ILO Decent Work Agenda. However, the integration of the decent work commitment into the trade-development linkage of the EVFTA or other EU FTAs, must also demonstrate the function of linking trade and investment policies with labour policies favouring the sustainable development goal. It is apparent that national programmes on decent work in Vietnam seem to only focus on ILO membership, aiming to achieve socio-economic growth and social fairness.

Instead, it is a plan designed to promote bilateral commerce in a manner that supports full, productive employment and decent work for all, stemming from the objective of the EVFTA's TSD chapter. In terms of policy, the EVFTA implementation plans, notably Decision No. 1201/QĐ-TTg by the Vietnamese Prime Minister and Decision No. 1061/QĐ-BLĐTBXH by the Ministry of Labour, War Invalids, and Social Affairs in Vietnam, do not explicitly address the concept of decent work; they just mention solely focusing on labour standards. This confirms that impact assessments on labour commitment in the TSD Chapter only evaluate the four core labour standards. In other words, labour issues in the TSD Chapter, from Vietnam's viewpoint, are seen just as core labour standards rather than an emphasis on decent work. The decent work commitment in the EVFTA apparently, seems to be left open, even though being mentioned as the ultimate objective of sustainable development, the EU, even, requires Vietnam to incorporate it into its domestic law and practice. Therefore, Vietnam must put first straightforward identification of core labour standards as an essential platform to realise the TSD Chapter's ultimate goal, namely, the attainment of decent work. This leads to both current and future action plans for implementing the EVFTA clearly articulating the objective of fostering decent work integrated into bilateral trade relationships between the two countries on both sides. In relation to this matter, it is absolutely critical that the reports from the meetings of the Committee of Experts on TSD include efforts aimed at really enforcing the commitment to decent work. Additionally, the discussions and consultations of the domestic advisory group, in line with the EVFTA regime, should also focus on this objective. Parallely, conducting empirical research using sociological surveys would be essential for evaluating the level to which decent work obligations are being followed under the EVFTA.

It is also hoped that policies and practices to fulfil decent work cooperation areas also need to be investigated and put into action, at least with a maximum effort, which is higher than just taking only minimal steps or doing nothing at all, which falls short of always taking all possible measures.⁸² As mentioned in the previous part, the various areas related to promoting decent work in which Vietnam has committed to cooperate include the links between trade and full and productive employment for all, including youth, women, and people with disabilities; labour market regulation; core labour standards and other international labour standards; labour statistics; human resource development and education; lifelong learning; social protection for all, including vulnerable and disadvantaged groups, such as migrant workers, women, youth, and people with disabilities; and social inclusion, social dialogue, and gender equality.

As a means to achieve decent work, the adoption of core labour standards and transformation into domestic labour law for application in Vietnam seems to end at breakthrough responsibilities on paper. So far, implementation has been postponed, and the ramifications of these requirements remain uncertain.⁸³ As of April 2024, the Vietnam Ministry of Labour – Injured and Social Affairs had released just three-quarters

⁸² MURRAY et al., c. d., paragraph 277, p. 74.

⁸³ MARSLEV, K. – STARITZ, C. Towards a Stronger EU Approach on the Trade-Labor Nexus? The EU–Vietnam Free Trade Agreement, Social Struggles and Labor Reforms in Vietnam. *Review of International Political Economy*. 2022, Vol. 30, No. 3, pp. 1125–1150.

of the decrees regulating the implementation of the new Labour Code, and the decree on the organisation of employee representatives had yet to be published. For that reason, Vietnam's primary priority obligation is to ratify ILO Convention No. 87 without delay⁸⁴ and to consider ratifying other conventions, particularly those extending decent work and internalising regulations, as well as effectively executing them in practice. The current solution entails strictly adhering to the ILO's annual recommendations on convention ratification and implementation, as well as the requirement that the Vietnamese government provide comprehensive reports on the progress of implementation and statistical data, taking into account the consensus views of the Committee of Experts on the Application of Conventions and Recommendations.

In short, though closely interlinked, there are distinctions in awareness and action between ensuring the implementation of core labour standards and promoting decent work. The inquiry pertains to whether Vietnam's delays can align with the swift advancement of decent work obligations in the EU's recent FTAs – or, at a minimum, fulfil the EU's fundamental criteria for the implementation of these commitments at a basic level. Currently, the EU is dissatisfied with merely a national agenda on decent work; it now anticipates that Vietnam will incorporate a Global Gateway strategy – responsible investment linked to rights and decent employment – into its policies. Consequently, Vietnam's ability to bridge the implementation capability gap and establish itself as a reliable partner of the EU hinges on decisive, prompt, and earnest actions from the government.

5. CONCLUSION

This research scrutinises a number of second-generation EU FTAs to provide insight into the nature of the decent work commitments in the TSD Chapter of these FTAs, chiefly the EVFTA. In terms of form, the decent work commitment emerges via four key factors: context and objectives; multilateral labour standards and agreements; trade and investment towards sustainable development; and cooperation. This commitment, in terms of substance, are not novel regulations but rather universal goals and principles developed by the ILO – Decent Work Agenda. Furthermore, this research highlights the significant finding that the primary objective of the labour commitments in the TSD Chapter is to promote decent work, with core labour standards being the prerequisite means to attain this purpose – as an emerging form of global labour governance. Through a comparison of the second-generation EU FTAs, the assessment that the EVFTA is the most comprehensive new-generation FTA among other FTAs between the EU and developing countries is well-founded because it demonstrates a strong level of commitment to decent work in most areas. Notwithstanding, implementing decent work commitment under the EVFTA is a limitation for Vietnam. It is important to

⁸⁴ EU Domestic Advisory Group under the EVFTA. Statement from the European Union Domestic Advisory Group. In: *European Economic and Social Committee* [online]. 2023 [cit. 2025-06-03]. Available at: <https://www.eesc.europa.eu/en/documents/statement-european-union-domestic-advisory-group-eu-vietnam-free-trade-agreement>.

reiterate that implementing this commitment entails more than just adhering to duties pertaining to core labour standards. This implies that Vietnam must undertake measures to foster bilateral trade in a way that promotes decent work, which stems from the role of connecting trade-investment policies with labour policies that support sustainable development. Taking these into account, Vietnam can make effective improvements to working conditions, basic labour standards and decent work. It so happens that further research can use experimental methods based on sociological surveys to evaluate these improvements. Setting this aside, this paper serves as a roadmap for future studies on decent work provisions in EU FTAs and for other EU partner nations struggling to put the TSD chapter's contents into practice, especially those pertaining to decent work.

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