

Improving the legal policy system to develop the social work sector in Vietnam in the context of international integration

Hoàn thiện hệ thống chính sách pháp luật nhằm phát triển ngành công tác xã hội ở Việt Nam trong bối cảnh hội nhập quốc tế

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Abstract: Resolution No. 06-NQ/TW of the Fourth Plenum of the 12th Central Committee of the Communist Party of Vietnam (“Resolution 06”) [1] outlines strategies and policies for effectively implementing the process of international economic integration while maintaining political and social stability in the context of Vietnam's participation in new-generation free trade agreements. The resolution highlights the importance of addressing social issues, including developing the social work sector in Vietnam. In accordance with the government's Resolution No. 22/NQ-CP on May 28, 2009[2], the Prime Minister of Vietnam issued Decision No. 32/2010/QĐ-TTg (“Decision 32”) [3] to approve the plan for developing social work from 2010 to 2020. However, 12 years have passed since then, and many objectives have yet to be achieved. The lack of legal tools is currently hindering the development of the social work sector, making it necessary to improve the legal policy system in Vietnam to promote the sector's development in the context of international integration.

Keywords: *Improving; legal policy; social work sector*

Tóm tắt: Nghị quyết số 06 – NQ/TW Hội nghị lần thứ tư Ban chấp hành Trung ương Đảng khoá XII (Nghị quyết 06)[1], về các chiến lược, chính sách để thực hiện hiệu quả tiến trình hội nhập kinh tế quốc tế, giữ vững ổn định chính trị - xã hội trong bối cảnh nước ta tham gia các hiệp định thương mại tự do thế hệ mới. Nghị quyết nhấn mạnh tầm quan trọng của việc giải quyết các vấn đề xã hội, trong đó có việc phát triển ngành công tác xã hội ở Việt Nam. Theo Nghị quyết số 22/NQ-CP ngày 28 tháng 5 năm 2009[2] của Chính phủ, Thủ tướng Chính phủ Việt Nam đã ban hành Quyết định số 32/2010/QĐ-TTg (Quyết định 32) [3] phê duyệt kế hoạch phát triển nghề công tác xã hội giai đoạn 2010 – 2020. Tuy nhiên, đến nay đã 12 năm, các mục tiêu đề ra vẫn chưa đạt được. Sự thiếu hụt những công cụ pháp lý đang tạo nên nhiều rào cản cho sự phát triển của ngành công tác xã hội. Vì vậy việc hoàn thiện hệ thống chính sách pháp luật ở Việt Nam nhằm phát triển ngành công tác xã hội trong bối cảnh hội nhập quốc tế là rất cần thiết.

Từ khóa: *Chính sách pháp luật; hoàn thiện; ngành công tác xã hội*

1. Introduction

At the Conference of the International Federation of Social Workers held in Montreal, Canada, in July 2000, experts proposed a definition [4]: professional social work is meant to improve society, solve issues regarding human relations,

empower and liberate the people so that their lives may become more pleasant and comfortable. By applying theories on human behaviours and social systems, social work shall intermediate at points of interaction between people and their environment. Human rights

and equity are the foundational principles of the social work profession. A social worker is referred to as a social work officer/employee. Examples of fields in which a social worker may work include famine relief, life skills, social skills, community development, rural development, urbanization, law, rectification, labor relations, social integration, child protection, elderly protection, women's rights, human rights, management of socially excluded people, addiction, functional recovery, ethical development, cultural reconciliation, natural disaster management, mental health, behavioral therapy, and disabilities.

The profession of social work promotes social change, solves problems in human relationships, increases capacity, and frees people to make their lives more comfortable and enjoyable. Applying theories of human behavior and social systems, social work interacts with the points between people and their environment. Human rights and social justice are the fundamental principles of the profession." The United Nations defined 1955 social work as an "activity that assists people to adapt to the structure and to help the structure to adapt to people." Although there are many vague elements of social work, this definition shows that in the early stages of development, social work must gradually assert its position, role, and meaning of existence in society.

In 2000, the International Federation of Social Workers in Montreal, Canada (IFSW) provided a definition: "The social work profession promotes social

change, solves problems in human relationships, increases capacity, and frees people to make their lives more comfortable and enjoyable. Applying theories of human behavior and social systems, social work interacts with the points between people and their environment. Human rights and social justice are the fundamental principles of the profession"[5]. Thus, social work is a profession that promotes positive social change. Social workers have various theoretical frameworks to identify complex issues that individuals, families, and communities face and identify the needs of these groups that require assistance. The work of social workers follows certain principles and ethical standards, with the fundamental principle being the value of human rights and social justice.

In order to create a legal basis and provide direction for the development of the social work profession in our country, particularly in the context of international integration, several resolutions have been issued. These include Resolution No. 07-NQ/TW, dated November 27, 2001, by the Politburo on International Economic Integration, Resolution No. 22-NQ/TW, dated April 10, 2013, by the Politburo on International Integration, and the most recent Resolution 06, which focuses on effectively implementing the process of international economic integration, maintaining political and social stability while participating in new-generation free trade agreements. This resolution outlines several significant policies and strategies

related to addressing social issues, precisely the following measures:

- Amend, supplement, and improve the legal system related to social welfare and establish a comprehensive and appropriate legal framework for social insurance, unemployment insurance, occupational safety, health insurance, and social assistance policies. Build and implement a social insurance cooperation program with other countries. Improve the legal framework to regulate social relationships, particularly labor relations, and address new issues from implementing new-generation free trade agreements.

- Effectively implement sustainable poverty reduction goals through multidimensional approaches, narrow the development and rich-poor gap between urban and rural areas, regions, and ethnic groups, and ensure social justice. Proactively develop and implement social assistance policies for vulnerable or easily affected groups while implementing new-generation free trade agreements.

- Ensure the minimum living standards of workers and their families, and provide essential social services to the people, such as education, health care, housing, clean water, and information, particularly in rural, mountainous, border, and island areas.

- From the state management aspect, the implementation of Resolution No. 22/NQ-CP of the Government on May 28, 2009, on the issuance of the Government's Action Program to implement Resolution No. 9 of the 10th Central Committee of the

Party on some major tasks and solutions to continue the successful implementation of the 10th National Party Congress on March 25, 2010. To continue implementing the 10th National Party Congress successfully, the Prime Minister issued Decision 32 approving the Program on Developing Social Work Profession Phase 2010-2020. As mentioned above, the Party and the state documents are critical legal orientations and foundations for developing the social work sector in the context of international integration.

2. The current situation of issuing and implementing policies and laws on social work in Vietnam

Statistics from the Ministry of Labor - Invalids and Social Affairs ("MOLISA") show that currently, there are 425 social assistance establishments providing social work services throughout the country. Of these, 195 public establishments and 230 non-public establishments currently only meet the social assistance needs of 30% of the population. Services such as receiving, managing, caring for, and nurturing social protection subjects; organizing activities to restore function, productive labor, cultural education, vocational training, and career orientation; and providing social work services have been organized but not uniformly in terms of quality in various localities [6].

The total number of social work officials and employees currently working at related establishments providing social work services and the network of provinces and cities establishing a network of social work

collaborators is about 235,000. Of these, more than 35,000 civil servants, officials, and workers work at public and non-public social establishments, and nearly 100,000 people work at various levels of associations and organizations (women, youth, Red Cross, elderly, Fatherland Front, farmers' association, labor union, veterans); more than 100,000 collaborators work on poverty reduction, social evils prevention, child protection, and community development...

Currently, legal documents related to social work include a series of decisions and circulars. For example, since the first phase of implementing Decision 32/2010/QĐ-TTg, Circular 08/2010/TT-BNV has been issued to regulate social work professions, and Circular 34/2010/TT-BLĐTBXH has been issued to define professional standards for each social work position. Recently, Circular 07/2013/TT-BLĐTBXH was added to establish professional standards for social work collaborators at the commune/ward level, and Decision 2514/2011/QĐ-BYT was made regarding the development of the social work profession within the healthcare system. These documents provide a basic legal framework for the role of social work and also begin to establish a professional service structure.

Circular 07/2013/TT-BLĐTBXH defines the role of social work collaborators at the commune level, but in areas where it has been implemented, it is unclear how this term has been used in practice. However, this circular also

clarifies that this person plays a supporting role and is not like a "social worker," as defined in another circular.

Currently, the Social Work Association is under the Vietnam Vocational Training and Social Work Association through Decision 272/2013/QĐ-BNV. However, although this decision mainly focuses on social work and not vocational training, many people involved in social work, such as officials or teachers, are concerned that combining these two professions is not beneficial for social work. There are two reasons for this. Firstly, there is no distinction between these two professional fields, so outsiders, such as leaders and community members, may think that social work is like vocational training and have incorrect expectations. Secondly, the functions performed by the professional association for its members cannot be achieved, including creating a network to share scientific information and developing skills, and ensuring that all social workers understand ethical standards and other professional requirements. Indeed, an essential role of an association is to help members develop ethical rules. Social work officials and teachers are confused about whether these ethical rules have been established because no one has reported seeing them. The network is being developed but appears regionally through centers and offices rather than through existing associations.

At the time of this assessment, some laws are being amended, such as the law on foster care, or under review, such as laws related to youth offenders, to better

align with international standards in the field of social work. However, it is also necessary to consider training enough social workers to implement these laws successfully. Currently, there is no law specifically related to the social work profession. The documents under the law that mention social work are guidance decrees implementing Decision 32/2010/QĐ-TTg, Decision 2514/2011/QĐ-BYT, and most recently, Circular 43/2015/TT-BYT of the Ministry of Health, which regulates the tasks and organizational forms of implementing social work in hospitals. While some success has been achieved in initiating this process, leaders and officials at all levels have commented on the lack of strength in these texts. At present, some parts still do not understand what social work is and who is called a social worker. This is evident not only in the community but also in some leaders and officials at all levels within the system. This lack of understanding also affects the issue of education and training, which is an essential factor for achieving correct awareness.

Strengthening the general professional structure, such as professional associations, will contribute to a better understanding of social work and its position in society and create a mechanism for Vietnamese social workers to share and develop knowledge and skills and ensure that the profession continues to grow and improve. It will also allow Vietnamese social work to improve its cooperation with social work in the region and the world.

In recent years, the government has issued many policies, programs, and projects to provide monthly subsidies to tens of millions of people; free health insurance cards to millions of poor people and social assistance beneficiaries; support for housing, education, vocational training, and employment for beneficiaries; and the social welfare machinery and staff working in social welfare fields have been increasingly expanded.

Based on practical experience and international knowledge, the Government's Prime Minister has issued Decision 32 approving the Project for the Development of Social Work Profession from 2010-2020 [7]. Up to now, we have built a system of normative legal documents on the development of the social work profession, such as regulations on titles and codes of social work civil servants, standards of professional competence for social work civil servants, standards of care at social protection facilities, standards for social work collaborators at the commune level, functions, tasks, powers and organizational structure of public social work centers, and decrees regulating salary regimes for social work civil servants.

The network of social work service providers has been strengthened and developed; specifically, the MOLISA and the Ministry of Home Affairs (“MHA”) have instructed localities on the functions, tasks, powers, and organizational structure of social work centers models, increasing the total number of related facilities providing social work services to 432. The total

number of social work officials and employees currently working in agencies related to social work service provision and at the commune level network is 35,000.

Regarding the training of social work officials, the MOLISA has cooperated with universities that offer social work programs to develop curricula and intermediate and vocational training programs for social work, including short-term training programs.

In terms of communication work, the MOLISA has collaborated with central press agencies to release approximately 1000 news articles per year. Local newspapers and radio stations have released about 10,000 news articles per year related to the development of social work in Vietnam. In addition, Vietnam Television, Voice of Vietnam, and the Communication Consultancy and Service Center have produced many documentaries and discussions related to topics in the social work field.

Limitations and drawbacks:

The citizens and social assistance recipients have not been fully supported; there is still no interdisciplinary coordination in assisting in each specific case; needs assessment for case management has not been conducted; early detection, intervention, assistance, care, and community-based recovery have not been emphasized; The demand for social work services is significant, but the network of social work service providers is lacking in quantity and quality. The network of social work service providers is mainly established

in the Labor - Invalids and Social Affairs sector and is being piloted in the healthcare and education sectors with limited scope, scale, and the number of beneficiaries. The social work staff is still scarce and has not been professionally trained; most are trained in other professions, and some have not received professional or vocational training; Although social work is a new field, its potential for development is enormous. Therefore, at a higher level, what should have been done earlier is enacting a specialized law with a high legal status to gradually develop the professional social work profession in Vietnam, which has been neglected for many years. In the field of social work, there are only a few decrees, decisions, and inter-ministerial circulars... but their legal value is still low, making it difficult to integrate and incorporate specific regulations on social work into legal documents in specialized fields as well as to implement them in practice; Developed countries in the world, and even many countries in the region, have a lot of experience in the field of social work. However, the transfer of professional social work knowledge and the mechanisms and policies to attract more international organizations to participate in developing the social work profession in our country are still limited.

3. Some solutions to improve the legal policy system to develop the social work sector in Vietnam in the context of international integration

Based on the achieved results, to develop the social work sector in Vietnam in the current context of deep

international integration, we believe that it is necessary to implement the following synchronized solutions and recommendations:

Firstly, ministries and agencies need to continue to develop legal policies and mechanisms for the social work sector, study and submit to the Prime Minister for amendment and supplementation of Decision 32 approving the Project on developing the social work profession in the period of 2010-2020; remove legal barriers for provincial-level social work centers; research and establish a pricing framework for social support services as a basis for citizens and the state to pay service fees for social work providers; create equal competition opportunities between public and non-public social support facilities to enhance the quality of social work services.

Secondly, the MHA and the MOLISA should study and amend the regulations on codes and criteria for social work civil servants and collaborators; the MHA, the MOLISA, and the Ministry of Finance should study and supplement preferential allowance policies for social work professionals working at social work service providers to encourage the formation of a professional social work workforce. Research and develop social work services in child protection, social work in schools, and healthcare facilities, social work in addiction support, social work in mental health, and some other vital areas.

Thirdly, continue to strengthen the training and development of high-level social work management officials and master's degree training in social work.

Central ministries and agencies should support localities in implementing training for social work professionals who work and study simultaneously; guide provincial-level vocational training institutions to establish departments or faculties for social work training; support the capacity building of social work centers at the local level.

Fourthly, localities continue to build the model of provincial social work centers in provinces and centrally-governed cities, restructuring social protection facilities to provide social work services according to the functions and tasks stipulated in Inter-Ministerial Circular No. 09/2013/TTLT/BLDTBXH-BN dated June 10, 2013, guiding the functions, tasks, powers, and organizational structure of public social work service centers;

Fifthly, promoting the implementation of socialization of social work activities by encouraging organizations and individuals inside and outside the country to participate in training, retraining, upgrading professional skills, and providing social work services; continuing to improve public awareness of the social work profession; Sixthly, building, developing, and improving the quality of operations of the social work staff network and social work collaborators according to the regulations in Circular No. 07/2011/TT-BLDTBXH dated May 24, 2013, guiding the standards for social work collaborators at the commune level.

4. Conclusion

The social work sector plays a vital role in ensuring social welfare, contributing

positively to the stability and development of society, improving social conditions of communities, enhancing individual resources, improving the relationships between individuals and supportive social environments, helping disadvantaged groups, and creating conditions for them to integrate into the social community in sustainable development. In the current revolutionary period, especially in the context of our country's deepening international integration, the social work sector has more opportunities for solid development. However, this is a relatively new field, so the challenges of the market mechanism, along with the limitations and weaknesses of the system of state agencies and the corps of officials, civil servants, and employees in performing tasks, will certainly be inevitable barriers to the development process of the social work sector in our country.

To enable the social work sector to develop truly professionally and effectively shortly, we still have to do a lot, but in our opinion, the most important and immediate task is to complete the system of policies and laws to develop the social work sector in Vietnam.

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