

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 53/2014/ND-CP

Hanoi, May 26, 2014

DECREE

**ON REGULATING THE CONSULTATION BY STATE MANAGEMENT AGENCIES WITH
ORGANIZATIONS REPRESENTING EMPLOYEES AND EMPLOYERS IN THE
FORMULATION OF POLICIES, LAW ON LABOUR AND INDUSTRIAL RELATION
ISSUES**

Pursuant to the Law on Organization of the Government dated December 25, 2001;

Pursuant to the Labour Code dated June 18, 2012;

At the proposal of the Minister of Labour - Invalids and Social Affairs,

After reaching agreement with the Vietnam General Confederation of Labour, the Vietnam Chamber of Commerce and Industry, the Vietnam Cooperative Alliance and the Vietnam Association of Small and Medium Enterprises, the Government promulgates the Decree to provide the consultation by State management agencies with organizations representing employees and employers in the formulation of policies, law on labour and industrial relation issues.

Article 1. The scope of application

This Decree provides principles, contents and forms which State management agencies collecting consultation of organizations representing employees and employers at the central level in the formulation of policies, law on labour and industrial relation issues.

Article 2. Subjects of application

1. The State management agency as prescribed in this Decree which is the Ministry of Labour - Invalids and Social Affairs.
2. The Vietnam General Confederation of Labour.

3. The central-level organizations representing employers provided in this Decree which are the Vietnam Chamber of Commerce and Industry, the Vietnam Cooperative Alliance and the Vietnam Association of Small and Medium Enterprises.

4. Agencies, organizations and individuals relating to the implementation of this Decree.

Article 3. Principles of consultation

The consultation of organizations representing employees and employers in the formulation of policies, law on labour and industrial relation issues must comply with law and respect the rights and legitimate interests of employees and employers.

Article 4. Contents of consultation

1. Policies, law on labour concerning the rights and legitimate interests of employees and employers in the industrial relation.
2. Measures for prevention and settlement of labour disputes.
3. Reports on the implementation of the International Labour Organization's Conventions ratified by the Socialist Republic of Vietnam.

Article 5. Forms of consultation

1. Written consultation.
2. Consultation through drafting committees, editorial boards, steering committees and research committees in which organizations representing employees and employers participate.
3. Consultation at meetings, seminars, forums and consultation conferences in which organizations representing employees and employers participate.

Article 6. Responsibility of State management agencies for consultation

1. To consult organizations representing employees and employers in the process of formulation of policies, law on labour concerning the rights and legitimate interests of employees and employers in the industrial relation.

Past the time limit for consultation, State management agencies shall summarize opinions of the organizations representing employees and employers and related agencies and organizations, report on assimilation and explanation of opinions, and submit them to authorized agencies for promulgation, or promulgate according to their authorization such policies and law.

2. To consult organizations representing employees and employers in the process of formulation and implementation of programs on coordinated action in prevention and settlement of labour disputes; to assess the implementation of measures for prevention and settlement of labour disputes.

3. To consult organizations representing employees and employers in the elaboration of national reports at the request of the Government on the implementation of the International Labour Organization's Convention ratified by the Socialist Republic of Vietnam relating to the rights and legitimate interests of employees and employers in the industrial relation.

4. To hold meetings, conferences, seminars, forums and consultation conferences on policies, laws on labour and industrial relation issues, and summarize and report them under regulations.

5. To propose measures to maintain and develop the industrial relation, and send them to stakeholders, and report to the Prime Minister.

Article 7. Responsibilities of the Vietnam General Federation of Labour and central-level organizations representing employers to give opinions at the request of State management agencies

1. To collect and summarize opinions, and join with State management agencies in formulating policies, law on labour relating to the rights and legitimate interests of employees and employers in the industrial relation.

2. To coordinate with other agencies in implementing programs of action on prevention and settlement of labour disputes; to assess the implementation of measures to prevent and settle labour disputes.

3. To participate in the elaboration of National Reports at the request of State management agencies on the implementation of the International Labour Organization's Convention ratified by the Socialist Republic of Vietnam relating to the rights and legitimate interests of employees and employers in the industrial relation.
4. To coordinate with other agencies in holding and participating in meetings, conferences, seminars, forums and consultation conferences on policies, law on labour and industrial relation issues.
5. To summarize and report periodically (biannually or annually) or unexpectedly on the industrial relation, to propose measures to maintain and develop the industrial relation within the scope of their functions and tasks, and submit them to State management agencies for summarization and reporting to competent agencies.

Article 8. Effective

1. This Decree takes effect on July 15, 2014.
2. Decree No. 145/2004/ND-CP of July 14, 2004, detailing the Labour Code regarding the Vietnam General Confederation of Labour's and employer representatives' contribution of opinions to state agencies on labour policies and law and industrial relation issues, ceases to be effective from the effective date of this Decree.

Article 9. Implementation responsibilities

1. The Minister of Labour - Invalids and Social Affairs shall guide the implementation of this Decree regarding consultation of the organizations representing employees and employers in localities after reaching agreement with the Vietnam General Confederation of Labour, the Vietnam Chamber of Commerce and Industry, the Vietnam Cooperative Alliance and the Vietnam Association of Small and Medium Enterprises.

2. The chairperson of the Vietnam General Federation of Labour shall guide and organize the implementation of this Decree among trade unions at all levels; the chairpersons of the Vietnam Chamber of Commerce and Industry, Vietnam Cooperative Alliance, and Vietnam Association of Small and Medium Enterprises shall guide and organize the implementation of this Decree among member organizations and enterprise associations.
3. Ministers, Heads of ministerial-level agencies, Heads of Government- attached agencies, and Chairpersons of provincial-level agencies shall implement this Decree.

**FOR THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung