

# STATUTES OF THE VIETNAMESE TRADE UNIONS

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(Adopted by the Xth National Congress of Vietnamese Trade Unions  
on November 5th, 2008)



### EMBLEM OF THE VIETNAMESE TRADE UNIONS

1. A black cogwheel (with 13 teeth) in the center of a globe,
2. Above the cogwheel flutters the Vietnamese national flag, with a gold star against a bright red background,
3. Inside the cogwheel is a black slide rule against an azure background,
4. Below and in front of the cogwheel is a white book,
5. Below the globe are the initials "TLD" against a stylized blue banner,
6. The meridians and parallels of the globe are in white against a golden background.

The Vietnamese Trade Unions, whose predecessor was the Tonkin (Northern Vietnam) Federation of Red Trade Unions, was founded on the 28th of July, 1929, and is currently the Vietnam General Confederation of Labor (hereinafter referred to as VGCL).

The VGCL is a broad socio-political organization of the working class, the intelligentsia and other working people, who have founded it of their own free will with the aim of rallying and uniting forces and building up a comprehensively powerful Vietnamese working class; it bears the class nature of the working class and a mass character, and has the following functions: to represent and protect the lawful and legitimate rights and interests of workers, office employees and other working people (hereinafter referred to as workers); to participate in State affairs' governance, socio-economic management, and monitoring and oversight of the operations of State agencies and economic organizations; to educate and motivate workers to bring into play their right as masters of the country, fulfill their citizens' obligations, and build and defend the socialist Vietnamese Homeland.

The VGCL is a member of the political system under the leadership of the Communist Party of Vietnam; it maintains cooperative relations with the State and coordination with other socio-political and social organizations, and operates within the framework of the Constitution and laws of the Socialist Republic of Vietnam.

The VGCL commits itself to be always loyal to the interests of the working class and the nation, while promoting traditions of international solidarity, strengthening and expanding cooperation with trade unions (hereinafter referred to as TUs) of other countries and international organizations on the principle of friendship, solidarity, equality and mutually beneficial cooperation, and striving for the interests of the working people, peace, democracy, national independence, development and

social progress.

## Chapter I

### TU MEMBERS AND CADRES

Article 1: Membership in the TUs shall be open to Vietnamese salaried workers and lawful self-employed working people, irrespective of occupation, gender and religious belief, provided that they accept the Statutes of the Vietnamese TUs, voluntarily participate in a grassroots TU organization, and pay membership fees as stipulated.

Article 2. An aspirant to TU membership shall make a voluntary application. His/her admission shall be considered and decided upon by the Executive Committee (hereinafter referred to as EC) of the grassroots or higher-level TU, which shall deliver him/her a membership card. When a member is transferred to another workplace, he/she shall present his/her membership card to the EC of the new grassroots TU to be allowed to continue his/her TU activity. When a member applies for termination of his/her TU activity, the EC of the grassroots TU shall delete his/her name from the membership list and revoke his/her membership card.

Article 3. A member shall have the following rights:

1. To access information, discuss, make recommendations, and vote on TU affairs; to stand for election, nominate candidates, and elect TU leading bodies; an outstanding member may be recommended by the TUs for consideration by the Party for Party membership, or for election to leading bodies of the Party (if he/she is a Party member), the State, and other socio-political organizations; to criticize and query TU office-bearers, and to recommend the dismissal of those having made breaches.

2. To solicit protection by TUs of his/her dignity and lawful and legitimate rights and interests when infringed upon; and representation by TUs in legal procedures to protect his/her lawful rights and interests in compliance with stipulations by the law.

3. To benefit from TUs free counseling on labor and TU legislation; advice and help in employment seeking and job training; preferential treatment in admission to TU-hosted schools and courses; and solicitude and assistance in case of illness or difficulty. To take part in TU-sponsored cultural, sport, tourist and recuperative activities.

4. After retirement, a member shall be exempted from TU activity, benefit from his/her former grassroots TU and the TU at his/her place of residence support and protection of his/her lawful and legitimate rights and interests; and be entitled to participation in TU-assisted pensioners' clubs and pensioners' liaison committees.

Article 4. A member shall have the following obligations:

1. To fulfill his/her citizen's obligations, contributing to national construction and defense.

2. To implement TU resolutions, participate in TU activities and meetings, pay membership fees, work for increasing TU membership, and build up the TU organization.

3. To learn constantly to raise his/her political, cultural, professional and occupational levels; forge him/her in working class qualifications; and live and work in compliance with the Constitution and laws.

4. To help colleagues raise their professional levels, work with efficiency and organize properly their lives; exercise solidarity and mutual assistance in order to protect the lawful and legitimate rights and interests of workers and the TU organization.

Article 5. TU cadres

1. TU cadres are persons elected to offices by voting at TU congresses or conferences (from TU groups upward); or designated or appointed by competent TU bodies to TU offices, or given regular assignments to carry out functions and tasks of Vietnamese TU organizations.

2. TU cadres are composed of full-time and part-time office-bearers.

- a. Full-time TU cadres are those with regular tasks in TU organizations, elected by TU congresses

or conferences at different levels, or designated or appointed by competent TU bodies to TU offices and given regular assignments.

b. Part-time TU cadres are those holding offices concurrently, elected by TU members to posts from TU groups upward, and recognized or designated by competent TU bodies.

3. The VGCL's Presidium shall, pursuant to current stipulations, determine the staff of full-time TU cadres.

#### Article 6. Obligations and rights of TU cadres.

Apart from those of a TU member, a TU cadre shall have the following obligations and rights:

1. To combat violations of Party guidelines, State policies and laws, and TU resolutions at all levels.

2. To represent, as stipulated by the law or as a proxy, and protect the lawful and legitimate rights and interests of workers.

3. To maintain close contact with TU members and workers; to respect their opinions.

4. To provide information and exercise two-way communication between TUs at different levels, and between employees and employers or the latter's representatives.

5. To organize dialogues between employees and employers in offices, work units or enterprises, or between TU organizations and employers' representatives.

6. To organize and lead strikes (for grassroots TU cadres in enterprises) in compliance with stipulations by the law.

7. To benefit from related regulations and policies in compliance with stipulations by the Party, the State and the VGCL's Presidium.

8. To benefit from protection, assistance and support by TUs in case of difficulty while implementing tasks assigned by TUs.

9. A part-time TU cadre, if qualified and willing, shall be considered for preferential recruitment as a full-time TU cadre.

## Chapter II

### ORGANIZATIONAL PRINCIPLES AND STRUCTURE OF THE TUs

Article 7. The TUs shall be organized and operate on the principle of democratic centralism, with the following fundamental contents:

1. The leading bodies of TUs at all levels shall be established through elections. In case of need, the higher-level TU shall be entitled to designate additional EC members and other office-bearers in the standing body of the grassroots TU's EC.

2. The highest decision-making power at any level shall belong to the corresponding-level congress. During the period between two congresses, the leading body shall be the EC.

3. The ECs at all levels shall operate on the principles of collective leadership, individual accountability, and submission of the minority to the majority, of the lower to the higher level, and of the individual to the organization.

4. The resolutions of TUs at all levels shall be adopted by a majority of votes and strictly implemented.

5. In case of establishment, splitting or merger of TUs, or in a unit or enterprise without a TU, the immediate higher-level TU shall designate a provisional EC or additional members of the provisional EC. The tenure of a provisional EC shall not exceed 12 months.

Article 8. The VGCL is a united organization composed of the following fundamental levels:

- The VCGL.

- The labor federations of provinces or centrally administered cities (hereinafter referred to as provincial or city labor federations), national sectoral TUs, and corporation TUs subordinate to the VGCL

- Intermediate TUs.
- Grassroots TUs and labor unions.

#### Article 9. TU congresses at different levels.

##### 1. Tasks of a congress:

- a. To discuss and approve the reports of the EC; to decide on the orientations and tasks of the TU for the incoming tenure.
- b. To participate in elaborating documents for the higher-level congress.
- c. To elect the new EC and delegates to the higher-level congress.
- d. To adopt the Statutes of the Vietnamese TUs (for the National Congress).

##### 2. Convocation of TU congresses at different levels:

- a. The congress of a grassroots TU or labor union shall be convened twice every five years. For a grassroots TU with a large membership or widely dispersed member unions, a congress may be convened once every five years.
- b. The congress of an intermediate TU shall be convened once every five years.
- c. In special cases, if agreed upon by the higher-level TU, a congress at any level may be convened ahead of or behind schedule, but not exceeding 12 months ahead of or behind schedule for an intermediate TU and 06 months ahead of or behind schedule for a grassroots TU. The convocation of a National Congress shall be determined by the VGCL's EC.

##### 3. The number of delegates to a congress at any level shall be determined and convened by the corresponding-level EC in compliance with stipulations by the VGCL. The full-right delegates shall be composed as follows:

- a. The incumbent members of the EC that convenes the congress.
  - b. The delegates elected by the congresses, conferences of representatives, or conferences of the membership of lower-level TUs.
  - c. The delegates designated by the convening EC, whose number shall not exceed 3% (three percent) of the total number of convened full-right delegates.
4. The delegates to a congress shall have their credentials recognized by voting by the congress. If a delegate is under sanction ranging from admonition (as stipulated by the Labor Code) or warning (for other cases) upward, his/her credentials shall be examined, determined, and then reported to the congress by the convening EC. A person subject to legal case initiation, under prosecution, or in custodian detention shall not be qualified as a delegate.

#### Article 10. Conferences of representatives, conferences of the membership.

##### 1. Wherever it deems necessary, and if agreed upon by the immediate higher-level TU's EC, an EC shall be entitled to convene a corresponding-level conference of representatives or conference of the membership.

##### 2. The number of delegates shall be determined by the convening EC. The delegates to a conference shall have their credentials recognized by voting by the conference. They shall be composed as follows:

- a. The incumbent members of the convening EC.
- b. The delegates elected by lower-level TU congresses (in case of timing coincidence), or conferences of representatives, or conferences of the membership. In case a conference of representatives or conference of the membership cannot be held, and if agreed upon by the immediate higher-level TU's EC, the delegates shall be elected by a meeting of the convening EC.
- c. The designated delegates, whose number shall not exceed 3% (three percent) of the total number of convened full-right delegates.

##### 3. Tasks of a conference of representatives or conference of the membership:

- a. To review execution of the congress resolution; and make amendments on the orientations, tasks and program of activity of the corresponding-level TU.
- b. To participate in elaborating documents of the higher-level congress.
- c. To fill vacancies in or reinforce the EC, and elect delegates to the higher-level congress or conference of representatives (if any).

#### Article 11. A congress, conference of representatives, conference of the membership, or EC meeting of TUs at all levels shall be validated by a quorum of 2/3 (two-thirds) of the total number

of convened persons. The election of leading bodies of TUs at all levels and election of delegates to higher-level congresses shall be by secret ballot; to be elected, a candidate shall need more than ½ (half) of the votes.

Article 12. The EC is the leading body during the period between two congresses of a TU at any level.

1. The EC at any level shall be elected by the corresponding-level congress. A lower-level TU's EC shall need recognition by the immediate higher-level TU's EC. When required by more than ½ (half) the number of congress participants, and if agreed upon by the immediate higher-level TU, the congress of a grassroots TU or labor union shall be entitled to elect directly the president of the grassroots TU or labor union from among the EC members elected by the congress.

2. The size of an EC at any level shall be determined by the corresponding-level congress and shall not be larger than that stipulated by the VCGL's Presidium.

a. Any vacancy in an EC at any level shall be filled through by-election by the corresponding-level conference of representatives, conference of the membership, or EC. The number of EC members thus elected throughout a tenure shall not exceed 1/3 (one third) of that previously determined by the congress.

b. In special cases, when a by-election is necessary but the number of EC members thus elected will exceed that previously determined by the congress, the by-election shall need agreement by the immediate higher-level TU and the number of EC members thus elected shall not exceed that stipulated by the VCGL's Presidium. A by-election for members of the VCGL's EC, whose number will exceed that previously approved by the National Congress of TUs, shall be considered and determined by the VCGL's EC, but the number of EC members thus elected shall not exceed 3% (three percent) of the total number of the VCGL's EC members previously determined by the National Congress of TUs.

c. If an EC member moves to another job outside his/her sector, locality or unit, he/she shall terminate his/her TU EC membership at that sector, locality or unit. Upon retirement or leaving his/her job, an EC member at any level shall have his/her EC membership terminated as of the date of the related decision.

d. If an EC member who is a full-time TU cadre moves to another job without full-time cadre status, continuation of his/her EC membership shall be considered by the corresponding-level EC and submitted for decision by the higher-level TU.

3. Duties of TU ECs at all levels:

a. To organize the implementation of corresponding-level congress resolutions.

b. To implement instructions and resolutions of the Party and higher-level TUs.

c. To exercise guidance and control over lower-level TUs.

d. To report periodically on the organization and operation of corresponding-level TUs to corresponding-level Party committees and higher-level TUs, and notify lower-level TUs.

e. To administer the finances, assets and economic operations of TUs in compliance with stipulations by the State and the VGCL.

4. Regular meetings of ECs at all levels:

a. The ECs of the VCGL, provincial or city labor federations, national sectoral TUs, and corporation TUs subordinate to the VGCL shall meet twice a year.

b. The ECs of TUs immediately above the grassroots level, of grassroots TUs or labor unions, and their member grassroots TUs shall meet at least once every three months. The ECs of TUs immediately above the grassroots level whose grassroots member unions operate in different provinces or cities shall meet at least once every six months.

Article 13. Standing bodies of TU ECs at all levels:

1. The standing body of the VCGL's EC is the Presidium; the standing bodies of lower-level TU ECs are the standing boards. The Presidium (standing boards) of TUs at all levels shall be elected by the corresponding-level ECs. The number of Presidium (standing board) members shall not exceed 1/3 (one third) of the number of corresponding-level EC members, and shall be composed of a president, vice-presidents and a number of members.

The Presidium (standing boards) shall be entitled to assign a number of members as executives.

2. The VGCL's Presidium shall make preparations for the VGCL's EC meetings and organize the implementation of the latter's resolutions. It shall be entitled to issue resolutions or decisions with a view to organizing the implementation of the Resolution of the National Congress of Vietnamese TUs and resolutions of the VGCL's EC. It shall provide direct guidance to the VGCL's Head Office and attached agencies; and submit to the Party and the State, on behalf of workers, employees and other working people, recommendations on issues related to the latter and the TU organization.

3. The standing boards of TUs at different levels shall make preparations for EC meetings and provide guidance for the implementation of EC resolutions; handle operations during the period between two EC meetings and report on their own activity to the regular EC meetings; provide direct guidance to the operation of attached agencies and units; and, on behalf of TU members and other working people, collect recommendations for submission to corresponding-level People's Councils, People's Committees, ministries, agencies, and enterprises' boards of governors; and appoint representatives to sit on related agencies and organizations.

4. The President is the head of the EC, and shall be responsible for handling the operation of the Presidium (standing board), and the legal representative of the corresponding-level TU EC.

a. When the post of president, vice-president or member of the VGCL's Presidium is vacant, it shall be filled through by-election by the VGCL's EC from among EC members at the Presidium's proposal.

b. When the post of president, vice-president or member of a TU standing board is vacant, the corresponding-level EC shall request permission from the immediate higher-level TU for a by-election from among EC members.

Article 14. The EC at any level is the representative of corresponding-level TU members and workers.

The ECs at all levels shall be responsible for training and grooming TU cadres, facilitating their activities, helping them, and intervening to protect them when their lawful and legitimate rights and interests are infringed upon; the ECs of higher-level TUs shall support and help grassroots TU ECs exercise the right to organize and lead strikes in compliance with stipulations by the law

Article 15. The ECs at all levels shall, pursuant to their respective tasks, competence and financial capacities, and stipulations by the VGCL's Presidium, report to the corresponding-level Party committees (if any) before taking decisions on their working apparatuses; and notify corresponding-level agencies, enterprises or authorities for the discharge of respective responsibilities in compliance with stipulations by the law.

### Chapter III

#### GRASSROOTS ORGANIZATIONS OF TUs

##### Article 16.

1. The grassroots organizations of TUs are:

a. Grassroots TUs, founded in enterprises, industrial, small industry, handicraft and service cooperatives, State and non-State public service delivery units, State agencies, and offices of political, socio-political and socio-professional organizations, whose membership consists of five or more persons each and whose establishment is decided upon by a higher-level TU.

b. Labor unions as TU grassroots organizations, rallying lawful self-employed working people of the same craft or occupation, and founded on the basis of geographical location or work unit, whose membership consists of ten or more persons each, and whose establishment is decided upon by a higher-level TU.

2. Grassroots TUs and labor unions shall be organized into four categories:

a. Grassroots TUs or labor unions without TU or labor union groups.

b. Grassroots TUs or labor unions with TU or labor union groups.

c. Grassroots TUs or labor unions with sectional TUs or sectional labor unions.

d. Grassroots TUs with member grassroots TUs.

3. A grassroots TU or labor union without sufficient conditions for existence and operation shall be dissolved following consideration and decision by the immediate higher-level TU.

Article 17. Duties and competence of grassroots TUs in State agencies, public service delivery units, and offices of political, socio-political and socio-professional organizations:

1. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization. To educate and raise political, education, legal, scientific-technical, professional and occupational levels.

2. To monitor and oversee the implementation of regulations, policies and laws, and ensure the exercise of the rights and interests of TU members, cadres, public servants, employees, and other working people. To combat negative practices, corruption and social vices; to execute thrift and combat wastefulness. To identify and help tackle complaints, denunciations and labor disputes, and exercise the rights of grassroots TUs in compliance with stipulations by the law.

3. To coordinate with the chiefs or heads of agencies or units in the implementation of regulations on democracy and the holding of employees' meetings in the agencies or units; to appoint representatives to sit on councils for examining and settling issues related to the rights and interests of TU members, cadres, public servants, employees, and other working people. To provide guidance and assistance to working people in labor contracting. To join with the chiefs or heads of agencies or units in improving working conditions and catering for the life of workers; to sponsor social and charity activities among workers.

4. To organize and motivate workers in agencies or units for patriotic emulation campaigns, for the execution of their obligation to help administer their respective agencies or units and improve working styles and administrative procedures with a view to raising work quality and efficiency.

5. To increase and administer TU memberships; to build strong grassroots TUs, and contribute to Party building.

Article 18. Duties and competence of grassroots TUs in State-owned enterprises:

1. To coordinate with the directors in the implementation of regulations on democracy in the enterprises and the holding of workers' assemblies; to represent the labor collectives in formulating, negotiating, signing, and overseeing the implementation of collective labor agreements; to help formulate the operational rules, internal regulations and production plans of the enterprises; to draft and conclude work coordination regulations with the directors.

2. To collect legitimate and lawful demands and expectations of workers; to sponsor, provide and exercise two-way communication, and organize dialogues between employees and directors; to provide guidance to workers in labor contracting; to appoint representatives to sit on councils for examining and settling issues related to the rights and interests of TU members and workers; to join with the directors in settling issues related to employment, working conditions betterment, income augmentation, and workers' life and welfare improvement; to motivate workers to take part in social activities, help each other in case of difficulty, and combat corruption, wastefulness and social vices.

3. To monitor and oversee the implementation of laws related to the rights and obligations of TUs and workers; to help settle labor disputes, exercise the rights of grassroots TUs, organize and lead strikes in compliance with stipulations by the law; to launch and co-organize emulation campaigns in enterprises.

4. To disseminate information on Party guidelines, State policies and laws, tasks of the TU organization, and obligations of workers; to motivate workers to implement State policies and laws, and enterprise rules and regulations, and efficiently fulfill tasks assigned by the directors.

5. To increase and administer TU memberships, build strong grassroots TUs, and contribute to Party building.

Article 19. Duties and competence of grassroots TUs in industrial, small industry, handicraft, service, communications and transport cooperatives:

1. To oversee the implementation by the management boards of regulations and policies, the distribution of incomes and profits to coop members; to represent workers in formulating, negotiating and signing collective labor agreements; to provide guidance to non-coop workers in

labor contracting.

2. To join the management boards in measures for working conditions betterment, income augmentation, and workers' life and welfare improvement; to help settle labor disputes; to exercise the rights of grassroots TUs to organize and lead strikes; to motivate coop members and other working people to take part in social activities, and help each other at work and in case of difficulty

3. To provide information and motivate coop members and other working people to implement properly Party guidelines, State policies and laws, tasks of the TU organization, resolutions of coop membership assemblies, and cooperatives' statutes.

4. To increase and administer TU memberships; to build strong grassroots TUs and contribute to Party building.

Article 20. Duties and competence of grassroots TUs in non-State enterprises.

1. To represent the labor collectives in formulating, negotiating, signing and overseeing the implementation of collective labor agreements; to coordinate with the employers or their representatives in implementing regulations on democracy, holding workers' conferences, and formulating and signing regulations on work coordination; to provide guidance to workers in labor contracting.

2. To monitor and oversee the implementation of laws related to the rights and obligations of workers and TUs; to sit on enterprise councils in compliance with stipulations by the law and enterprise statutes; to formulate rules and regulations related to the rights and interests of workers.

3. To represent the labor collectives in grassroots labor reconciliation councils, in labor dispute settlement, in the implementation of the rights of grassroots TUs, and in organizing and leading strikes in compliance with stipulations by the law.

4. To collect legitimate and lawful demands and expectations of workers; to provide information and hold dialogues between employees and employers; to coordinate with employers to organize emulation campaigns, develop production and business, and cater for the material and spiritual life of workers; and to motivate workers to take part in social activities, help each other at work and in life, and combat social vices.

5. To disseminate information and motivate workers to implement Party guidelines, State policies and laws, tasks of the TU organization, and regulations of the enterprises.

6. To increase and administer TU memberships; to build strong grassroots TUs and contribute to Party building.

Article 21. Duties and competence of grassroots TUs in non-State public service delivery units

1. To take part in formulating and overseeing the implementation of rules, regulations and statutes of the units, and stipulations, policies and laws related to the rights and obligations of workers; to coordinate with the heads of units to organize the implementation of regulations on democracy and hold workers' conferences; to provide guidance to workers in labor contracting, and represent them in formulating, negotiating and signing collective labor agreements in compliance with stipulations by the law.

2. To formulate and sign regulations on work coordination with the heads of units; to appoint representatives to sit on unit councils related to the rights and interests of workers; to join the heads of units in formulating and overseeing the implementation of plans on training, grooming, raising occupational and professional levels, catering for material and spiritual life, and improving working conditions for workers; to co-organize emulation campaigns; to motivate workers to take part in social activities, combat social vices, and help each other at work and in case of difficulty.

3. To collect lawful and legitimate demands and expectations of workers; to exercise two-way communication and hold dialogues between workers and the heads of units with a view to settling issues related to the rights and obligations of workers.

4. To disseminate information and motivate workers to implement properly Party guidelines and State policies and laws directly related to workers, unit rules, regulations and statutes, and workers' obligations.

5. To increase and administer TU memberships; to build strong grassroots TUs and contribute to Party building.



#### Article 22. Competence and tasks of labor unions:

1. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization; to help raise political and education levels; to popularize and guide the implementation of stipulations, policies and laws related to the life and labor conditions of workers.
2. To represent labor union members in relations with local authorities and functional agencies to cater for and protect the lawful and legitimate rights and interests of members.
3. To practice solidarity and mutual assistance at work and in life; to combat social vices.
4. To increase and administer TU memberships; to build strong labor unions and contribute to Party building.

Article 23. Grassroots TUs shall delegate duties and competence to member grassroots TUs (if any); grassroots TUs and labor unions shall specify the duties and competence of sectional TUs or labor unions, and TU or labor union groups, in keeping with guidance by the VGCL's Presidium.

### Chapter IV

#### ORGANIZATION OF INTERMEDIATE TUs

#### Article 24. Education TUs of rural or urban districts, towns, and provincial cities

1. Education TUs of rural or urban districts, towns, or provincial cities (hereinafter referred to as district education TUs) are TUs immediately above the grassroots level, rallying employees and workers in district education divisions, schools (public and non-public), and other district-administered units.
2. District education TUs shall be established or dissolved by decision of labor federations of rural or urban districts, towns, or provincial cities (hereinafter referred to as district labor federations), following agreement with provincial or city education TUs and approval by provincial or city labor federations.
3. District education TUs shall be subject to direct guidance by district labor federations and professional co-guidance by provincial or city education TUs.
4. Duties and competence of district education TUs:
  - a. To organize the implementation of decisions by district labor federations, resolutions of provincial or city education TUs, and resolutions of corresponding-level TU congresses.
  - b. To cooperate with corresponding-level State agencies on issues related to sector development orientation; in formulating objectives and plans on education and training and other issues related to the responsibilities and interests of employees and workers; and in forming the contingent of teachers and employees for the sector.
  - c. To provide guidance to lower-level TUs in the implementation of stipulations and policies related to the rights and interests of employees and workers; to organize emulation and other campaigns determined by the Party, the State and the TU organization; to provide information and education on Party policies, State laws, tasks of the TU organization, and traditions of the education sector.
  - d. To coordinate with relevant district agencies in monitoring and overseeing the implementation of stipulations and policies, and protecting the lawful and legitimate rights and interests of employees and workers in the sector (including in non-State units).
  - e. To take decisions on the establishment or dissolution of grassroots TUs in schools and other district-administered units; to increase TU memberships, build strong grassroots TUs, and contribute to Party building.

#### Article 25. Local sectoral TUs.

1. Local sectoral TUs are TUs above the grassroots level, rallying workers of one and the same craft or occupation, of different economic sectors, and located in one and the same province or city.
2. Local sectoral TUs shall be established or dissolved by decision of provincial or city labor federations following agreement with national sectoral TUs.
3. Local sectoral TUs shall be subject to direct guidance by provincial or city labor federations, and

professional guidance by national sectoral TUs.

4. Duties and competence of local sectoral TUs:

a. To organize the implementation of decisions by provincial or city labor federations and national sectoral TUs, and resolutions of corresponding-level TU congresses.

b. To cooperate with corresponding-level State agencies on issues related to sectoral and local socio-economic development, sectoral responsibilities and interests, and formation of the contingent of employees and workers for the sector.

c. To provide guidance and information on laws, stipulations, policies, and scientific and technical matters related to the craft or occupation; to guide lower-level TUs in the implementation of labor stipulations and policies related to the craft or occupation; to organize patriotic emulation campaigns, and disseminate information on Party guidelines, State policies and laws, tasks of the TU organization, and traditions, obligations, rights and interests of workers in the sector.

d. To coordinate with district labor federations in guiding, directing and monitoring the implementation of stipulations and policies related to the craft or occupation, and protecting the lawful and legitimate rights and interests of workers in the sector; to support grassroots TUs in negotiating and signing collective labor agreements, to organize and lead strikes in compliance with stipulations by the law; to represent grassroots TUs or workers in initiating lawsuits or taking part in legal procedures as entrusted by them.

e. To increase TU memberships and develop grassroots TUs among different economic sectors, conduct organizational and cadre work as delegated by provincial or city labor federations, and build strong grassroots TUs or labor unions.

Article 26. Labor federations of rural or urban districts, towns, or provincial cities (hereinafter referred to as district labor federations).

1. District labor federations are TUs above the grassroots level, rallying workers located in one and the same district.

2. District labor federations shall be established or dissolved by decision of provincial or city labor federations, and subject to their direct guidance

3. District labor federations shall decide on the establishment or dissolution of, and provide direct guidance to, such intermediate TUs as district education TUs and grassroots TUs or labor unions located in the same districts (except grassroots TUs subordinate to provincial or city labor federations, local sectoral TUs, or corporation TUs).

4. Duties and competence of district labor federations:

a. To coordinate with district State agencies, local sectoral TUs and corporation TUs in monitoring and overseeing the implementation of stipulations and policies, and settling complaints, denunciations and labor disputes related to entities located in their respective districts; to provide guidance, support and assistance to grassroots TU ECs in negotiating and signing collective labor agreements, settling labor disputes, organizing dialogues with employers, organizing and leading strikes in compliance with stipulations by the law; to represent grassroots TUs or workers in initiating lawsuits or taking part in legal procedures as entrusted by them

b. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization.

c. To organize the implementation of instructions, resolutions and decisions of provincial or city labor federations, instructions and resolutions of corresponding-level Party committees, and resolutions of corresponding-level TU congresses; to take part with Party committees and State agencies in socio-economic development decisions and other issues related to employment and workers' life.

d. To organize emulation campaigns, and help promote socio-economic development and agricultural and rural industrialization and modernization.

e. To motivate TU members and workers for participation in social activities, provide guidance on forms and measures to improve living and working conditions, eradicate hunger and reduce poverty, cultivate a cultured lifestyle, and combat negative practices, corruption, and social vices.

f. To increase TU memberships, establish grassroots TUs and labor unions, conduct organizational and cadre work as delegated by provincial or city labor federations; to build strong grassroots TUs

and labor unions.

Article 27. TUs in industrial parks, export processing zones, high-tech parks and economic zones (hereinafter referred to as industrial park TUs).

1. Industrial park TUs are TUs above the grassroots level, established or dissolved by provincial or city labor federations, and subject to their direct guidance.

2. Industrial park TUs shall decide on the establishment or dissolution of, and provide guidance to, grassroots TUs in locally founded entities operating in industrial parks; and provide coordinated guidance to grassroots TUs subordinate to national sectoral TUs or national corporation TUs operating in industrial parks.

3. Duties and competence of industrial park TUs:

a. To provide guidance to grassroots TUs in exercising their duties and competence as stipulated by their statutes; to provide guidance, support and assistance to grassroots TU ECs in signing collective labor agreements, settling labor disputes, organizing dialogues with employers, and organizing and leading strikes in compliance with stipulations by the law.

b. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization; help raise the political, education and legal levels of workers in industrial parks; to organize the implementation of Party instructions and resolutions, instructions, resolutions and decisions of higher-level TUs, and resolutions of corresponding-level TU congresses.

c. To coordinate with industrial park management boards and local labor administration agencies in monitoring and overseeing the implementation of labor-related stipulations, policies and laws, and settling workers' petitions in industrial parks.

d. To increase TU memberships, establish and build strong grassroots TUs; to exercise TU cadre administration as delegated by provincial or city labor federations.

e. To provide guidance to grassroots TUs subordinate to national sectoral TUs or national corporation TUs operating in industrial parks for implementation of stipulations at point f, clause 3, Article 32 of the present Statutes.

Article 28. Corporation TUs.

1. Corporation TUs are TUs above the grassroots level, rallying workers in different entities of one and the same corporation.

2. For a corporation established by decision of the People's Committee of a province or centrally administered city, the corporation TU shall be established by the provincial or city labor federation, and subject to its direct guidance.

3. For a corporation established by decision of a ministry or central agency, the corporation TU shall be established by the national sectoral TU, and subject to its direct guidance.

4. For a corporation established by decision of the Prime Minister, the establishment of the corporation TU, and guidance to it, shall be determined by the VGCL's Presidium.

5. Duties and competence of corporation TUs:

a. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization; to organize the implementation of instructions, resolutions and decisions of higher-level TUs, and resolutions of corresponding-level TU congresses.

b. To join with corporation boards and general directors on issues related to corporation schemes and plans and economic development objectives, to help formulate, and monitor and oversee the implementation of, internal rules, regulations and stipulations on salaries, bonuses and other matters related to the lawful and legitimate rights and interests of TU members and workers in the corporations.

c. To coordinate with corporation boards and general directors in implementing regulations on democracy at the grassroots and holding workers' assemblies; to represent TU members and workers in signing collective labor agreements with corporation general directors in compliance with stipulations by the law, and join corporation councils for settling issues related to workers.

d. To provide guidance to grassroots TUs subordinate to corporation TUs for participation in management, implementation of labor and TU laws, and organization of patriotic emulation campaigns; to provide education in accordance with occupational or professional characteristics, and guidance concerning labor protection, social insurance, health insurance, and other stipulations

and policies related to the occupations or professions.

e. To decide on the establishment or dissolution of grassroots TUs subordinate to corporation TUs. To conduct cadre work as delegated by higher-level TUs, and guide the buildup of strong grassroots TUs.

f. To collect recommendations and directives from local labor federations and industrial park TUs targeting locally based grassroots TUs and corporation TUs' member unions, for the implementation of such tasks as stipulated at point f, clause 3, Article 32 of the present Statutes.

Article 29. TUs in government ministries, equivalent bodies, agencies attached to the Government and National Assembly, Party commissions, and national people's organizations (hereinafter referred to as national agency TUs), rallying officials and workers in national agencies, shall be entitled to establish grassroots TUs or TUs immediately above the grassroots level (when conditions are available).

1. National agency TUs shall be established or dissolved by decision of national sectoral TUs, and subject to their direct guidance.

2. National agency TUs immediately above the grassroots level shall decide on the establishment or dissolution of, and provide guidance to, grassroots TUs in entities subordinate to the agencies in the exercise of duties and competence as stipulated at Articles 17 and 18 of the present Statutes.

3. Duties and competence of intermediate national agency TUs:

a. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization.

b. To organize the implementation of instructions, resolutions and decisions of national sectoral TUs, instructions and resolutions of corresponding-level Party committees, and resolutions of corresponding-level TU congresses.

c. To organize emulation campaigns and contribute to the fulfilment of tasks of the agencies, to motivate TU members for participation in building clean and strong Party and Government agencies, and in social activities; to provide guidance on forms and measures to improve living and working conditions, eradicate hunger and reduce poverty, cultivate a cultured lifestyle, help administrative reforms, and combat negative practices, corruption and social vices.

d. To coordinate with the heads of agencies in implementing regulations on democracy, organizing workers' conferences, monitoring and overseeing the implementation of stipulations and policies, and the settlement of complaints and denunciations regarding entities subordinate to the agencies.

e. To increase TU memberships, establish and build strong grassroots TUs, conduct organizational and cadre work as delegated by national sectoral TUs, and contribute to Party building.

Article 30. National sectoral TUs.

1. National sectoral TUs shall be established or dissolved by decision of the VGCL's Presidium in accordance with characteristics of the profession and stipulations by the Law on Trade Unions.

In case of existence in one and the same ministry of a national sectoral TU and corporation TUs subordinate to the VGCL, their functions and duties shall be stipulated by the VGCL's Presidium.

2. A national sectoral TU shall rally TU members and workers of one and the same profession, irrespective of economic sector.

National sectoral TUs shall provide direct guidance to agency TUs in government ministries, Party commissions, and national people's organizations, corporation TUs, and ministry-subordinate equivalents.

3. Duties and competence of national sectoral TUs:

a. To represent and protect the lawful and legitimate rights and interests of TU members and workers in the profession.

b. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization.

c. To study and take part in State socio-economic management and the formulation of stipulations and policies related to the profession:

- To study and participate with ministries, agencies, Party commissions, and national people's organizations, and submit to the VGCL recommendations on sectoral socio-economic development strategies, in close association with the buildup, training and grooming of the pool of workers in

the profession.

- To study and participate in formulating laws, stipulations and policies related to labor, salaries, labor protection, social insurance, health insurance, and other stipulations and policies for workers in the profession, irrespective of economic sector.
  - To represent TU members and workers in negotiating and signing collective labor agreements with related professional associations or employers' representatives.
  - To monitor and oversee the implementation of stipulations and policies related to the profession; join sectoral councils for settling issues concerning workers; and recommend to State agencies for the amendment, revision and execution of sector-related stipulations and policies in order to meet requirements for sectoral development and workers' interests.
  - To coordinate with management bodies in guiding and sponsoring patriotic emulation operations in conformity with characteristics of the profession; and organize social activities.
- d. To study and submit to the VGCL recommendations on the structure, organizational pattern, and specific functions and tasks of different levels in the sectoral TU system; provide guidance to lower-level TU congresses; plan for, administer, train and groom cadres, and execute cadre policies as delegated by the VGCL.
- e. To provide guidance for corporation TUs, national agency TUs, and subordinate grassroots TUs:
- To study, specify and implement instructions and resolutions of the VGCL's EC and Presidium, and resolutions of corresponding-level TU congresses.
  - To participate in management and protection of workers' interests in compliance with stipulations by the law; hold employees' conferences or workers' assemblies; formulate and sign collective labor agreements.
  - To help workers raise their occupational skills and knowledge about laws and policies, and obligations and interests of TU members and workers in the profession; to organize patriotic emulation campaigns in conformity with characteristics of the profession.
- f. To proactively coordinate with provincial or city labor federations in guiding local sectoral TUs to implement sector-related labor stipulations and policies; provide information about the sector's traditions, and sectoral development orientations and tasks; establish TUs in non-State economic units of the same profession; and participate in the establishment or dissolution of local sectoral TUs (if any).
- g. To proactively join with provincial or city labor federations in formulating regulations on co-guidance to local sectoral grassroots TUs.
- h. To carry out external relations in compliance with stipulations by the VGCL's Presidium.

Article 31. TUs in the Vietnam People's Army and People's Public Security Forces are sectoral TU organizations belonging to the Vietnamese TU system, rallying salaried workers in production, scientific-technical, administrative, public service delivery, and service units in the national defense and security forces.

The organization and operation of TUs in the Vietnam People's Army and People's Public Security Forces shall be determined by the VGCL's Presidium following discussion and agreement with the leaderships of the Ministry of Defense and Ministry of Public Security on the principle of proper adherence to stipulations by the Law on TUs and Statutes of the Vietnamese TUs.

Article 32. Provincial or city labor federations.

1. Provincial or city labor federations, organized in keeping with the administrative boundaries of provinces or centrally administered cities, shall be established or dissolved by decision of the VGCL's Presidium in compliance with stipulations by the Law on TUs.
2. A provincial or city labor federation shall rally TU members and workers in one and the same province or city.

Provincial or city labor federations shall provide direct guidance to district labor federations, local sectoral TUs, provincial or city corporation TUs, industrial park TUs, and subordinate grassroots TUs and labor unions (including grassroots TUs in centrally administered units without national sectoral or corporation TUs).

3. Duties and competence of provincial or city labor federations.

- a. To disseminate information on Party guidelines, State policies and laws, and tasks of the TU

organization.

b. To represent and protect the lawful and legitimate rights and interests of local TU members and workers.

c. To organize the implementation of instructions and resolutions of the VGCL's EC and Presidium, resolutions of corresponding-level TU congresses, Party instructions and resolutions, and State policies and laws; to cooperate with provincial or city Party committees and State agencies in matters related to socio-economic development decisions and plans, and issues concerning the life, employment and working conditions of local workers; to organize emulation campaigns and social activities of local workers.

d. To coordinate with State agencies and national sectoral TUs in inspecting and monitoring the implementation of laws and policies directly related to workers in offices, units and enterprises; to join local labor arbitration councils, guide and direct the settlement of labor disputes, participate in investigations into labor accidents, and protect the lawful and legitimate rights and interests of workers in local enterprises.

e. To provide guidance to local sectoral TUs, district labor federations, industrial park TUs, provincial or city corporation TUs, and equivalents in the implementation of such tasks as stipulated in Articles 25, 26, 27 and 28 of the present Statutes.

f. To provide guidance to local grassroots TUs affiliated to national corporation TUs or subordinate to national sectoral TUs:

- in implementing Party resolutions, and decisions and plans on socio-economic development, security and national defense.

- in coordinating with local State agencies in matters related to labor monitoring and inspection; investigating into labor accidents; tackling complaints, denunciations and labor disputes; representing and protecting workers vis-a-vis employers and State agencies and in legal procedures; monitoring and overseeing the implementation of stipulations and policies related to workers.

g. To help raise the education and occupational levels of workers, organize cultural and sport activities, administer workers' and TU culture houses; to sponsor job service centers and legal counseling offices in compliance with stipulations by the State and the VGCL .

h. To have personnel schemes, administer, train and groom cadres, and execute related policies in accordance with their competence.

i. To provide guidance to lower-level TU congresses; to build strong grassroots TUs and labor unions.

j. To maintain external relations in compliance with stipulations by the VGCL's Presidium.

Article 33. Duties and competence of the VGCL:

1. To decide on programs and substance of TU activity with a view to implementing the Resolution of the National Congress of TUs and resolutions of the Communist Party of Vietnam; guide and direct activities of TUs at all levels; disseminate information on Party guidelines, State policies and laws, and tasks of the TU organization; and provide guidance to TU-related theoretical studies and reality reviews concerning the working class and TU activity.

2. To participate in State governance and socio-economic management; take part in formulating, and monitoring and overseeing the implementation of, stipulations, policies and laws related to obligations, rights and interests of workers; sponsor and administer scientific-technical studies concerning labor protection; appoint representatives to sit on the Industrial Relations Commission, and other national commissions and councils on issues related to workers.

3. To formulate, and guide the implementation of, programs and measures in coordination with the State to raise the education, political, professional and occupational levels of workers with a view to meeting national industrialization and modernization requirements; to cooperate with the State, the Vietnam Fatherland Front and national mass organizations in sponsoring patriotic emulation campaigns and social activities among workers.

4. To decide on orientations and measures for innovation of organizational and personnel work; to have personnel schemes, administer, train and groom TU cadres, and execute related policies in accordance with its competence .

5. To organize and manage TU economic operations, finances and assets in compliance with stipulations by the law and the VGCL; to provide guidance to cultural, sport, tourist and recuperative activities of TUs at all levels.
6. To expand external relations with TUs of other countries and international organizations in compliance with the foreign policy of the Party and the State.
7. To approve annual budget balances and proposals, and take decisions and measures on administration of TU finances and assets.

Article 34. Motivation of female workers shall be permeated in all activities of TUs at all levels with a view to promoting their role and ensuring their lawful and legitimate obligations, rights and interests in compliance with stipulations by the law.

The women's work divisions of TUs at all levels shall be tasked with advising corresponding-level TU ECs on matters related to female workers mobilization, gender, female cadre, population and family, and women's advancement; to represent female workers in tackling issues directly related to women and children.

## Chapter V

### TU CONTROL WORK

#### AND TU CONTROL COMMISSIONS AT ALL LEVELS

Article 35. TU control work constitutes a duty of TU ECs at all levels for directing the implementation of the present Statutes, and resolutions, instructions and stipulations of the TU organization. TUs at all levels shall organize and exercise control work at their respective levels and be subject to control by higher-level TUs.

Article 36. Control commissions are TU control bodies established at all TU levels; they shall be elected by corresponding-level ECs, and subject to recognition by immediate higher-level TUs.

1. TU control commissions at all levels shall be subject to direction by corresponding-level TU ECs and guidance by higher-level TU control commissions.

2. The size of a control commission shall be determined by the corresponding-level TU EC, and shall be composed of EC members and non-members; the number of EC members shall not exceed one third (1/3) of the control commission's total membership.

3. The election of control commissions and of their chairpersons and deputy-chairpersons shall be by secret ballot; to be elected, a candidate shall need more than half (1/2) of the votes.

Chairpersons of TU control commissions at all levels shall be elected by corresponding-level ECs; deputy-chairpersons shall be elected by the control commissions.

A grassroots TU with a membership of less than 30 persons shall assign one of its EC members to control duty.

4. For newly established, split or merged TUs, provisional control commissions and their chairpersons and deputy-chairpersons shall be designated by immediate higher-level TUs.

5. The tenure of control commissions shall coincide with that of corresponding-level TU ECs.

6. If a control commission member who is a full-time TU cadre moves to another job without full-time cadre status, his/her commission membership shall be terminated. If a control commission member moves to another sector or locality, his/her commission membership shall be terminated. Upon retirement or leaving his/her job, a control commission member at any level shall have his/her commission membership terminated as of the date of the related decision.

Article 37. Duties of TU control commissions:

1. To help ECs and standing boards monitor implementation of the TU Statutes by corresponding and lower level TUs.

2. To exercise control over corresponding and lower level TUs whenever there are signs of breaches by organizations or members of the TU Statutes, resolutions, instructions and stipulations.

3. To monitor the administration and utilization of TU finances, assets and economic activities by corresponding and lower level TUs.

4. To help ECs and standing boards tackle complaints and denunciations falling under the TUs' competence; and join with State agencies and employers in tackling workers' complaints and denunciations in compliance with stipulations by the law.

5. To groom and provide professional guidance to TU control commission members of corresponding and lower levels.

Article 38. Competence of control commissions:

1. Control commission members shall be entitled to participate in EC meetings, and be invited to corresponding-level congresses or conferences of representatives.

2. To report on TU control work to corresponding-level TU ECs, and submit to the latter's regular meetings proposals on their own work programs.

3. To ask units subject to control and their responsible persons to provide reports and documents for examination and answer queries posed by control commissions.

4. To submit to the standing bodies of corresponding-level TU ECs reports on conclusions of control operations and recommendations for reaction. In case their recommendations are not properly tackled by the standing bodies, control commissions shall be entitled to submit reports to corresponding-level TU ECs and higher-level control commissions.

5. Control commission members shall be entitled to get education and training to improve their professional qualification.

## Chapter VI

### TU FINANCES AND ASSETS

Article 39. The TUs exercise financial autonomy and self-management in compliance with stipulations by the law and the VGCL.

1. The TUs' finances shall come from the following sources:

a. Membership fees paid monthly by members, equivalent to one percent (1%) of their wages or salaries.

b. TU budgetary contributions deducted from the payrolls of enterprises, agencies and units, equivalent to a percentage (%) of the wages, salaries and allowances to be paid to their workers. The deduction rate shall be determined jointly by the Government and the VGCL's Presidium .

c. Other sources: Revenues from TU-sponsored cultural, sport, production, business and service activities, and grants from domestic and foreign organizations.

2. The TUs' finances shall be used to cover the following:

a. Salaries of full-time cadres, responsibility allowances to other TU cadres.

b. TU activities.

c. Gifts and support to TU members, and TU-sponsored social activities.

d. Rewards to TU collectives, cadres and members, and persons with contributions to TU organization building.

Article 40. The TUs' finances shall be administered on the principles of centralism, democracy and transparency. TUs at all levels shall administer their finances in compliance with stipulations by the law and the VGCL. Annually, TU ECs shall approve their corresponding-level budgetary proposals and balances.

Article 41. Assets acquired through TU sources or transferred to TU ownership by the State are owned by TUs. The VGCL is the owner of all assets of the Vietnamese TU organization. TUs at different levels shall be tasked by the VGCL with administering and utilizing the assets, and be accountable before the VGCL and the law for their administration and utilization.

## Chapter VII

### REWARDS AND SANCTIONS



Article 42. Cadres, members and other persons with contributions to TU organization building, and TUs and labor unions at all levels with outstanding achievements shall be recommended for TU rewards.

Article 43.

1. TU organizations, ECs and standing boards at all levels, and cadres and members having breached the Statutes, resolutions and stipulations of the Vietnamese TUs shall be subject to public, proper and timely sanctions depending on the graveness of their cases.

2. Forms of sanctions:

a. For TU organizations, ECs and standing boards at all levels: admonition, warning, dissolution.

b. For cadres and members: admonition, warning, discharge from office, expulsion.

3. Competence for sanctions:

a. Sanctions against TU organizations, ECs and standing boards shall be considered and decided upon by immediate higher-level TU ECs.

b. The expulsion of TU members shall be recommended by TU or labor union groups, and considered and decided upon by grassroots TU or labor union ECs. In special cases, it shall be considered and decided upon by higher-level ECs. An expelled member having mended his/her wrongdoing shall be entitled to consideration for readmission, if he/she so wishes.

c. Sanctions against TU EC members at all levels shall be considered by corresponding-level TU EC meetings, and recommended for decision by higher-level TUs. Sanctions against the VGCL's EC members shall be decided upon by the VGCL's EC.

d. Sanctions against control commissions or their members shall follow the patterns applicable to corresponding-level ECs and EC members.

## Chapter VIII

### IMPLEMENTATION OF THE STATUTES OF THE VIETNAMESE TUs

Article 44. The VGCL's Presidium shall be responsible for guiding the implementation of the Statutes of the Vietnamese TUs. TU organizations, ECs and standing boards at all levels, and TU cadres and members shall strictly implement the Statutes of the Vietnamese TUs. Newly emerged issues not stipulated in the present Statutes shall be considered by the VGCL's EC for guidance appropriate to common practices.

The Statutes of the Vietnamese TUs are adopted by the National Congress of Vietnamese TUs. Only the National Congress of Vietnamese TUs shall be entitled to amend or revise the Statutes of the Vietnamese TUs.

### XTH NATIONAL CONGRESS OF VIETNAMESE TRADE UNIONS