

CHARTER OF VIETNAM TRADE UNIONS

Preface

Vietnamese Trade Unions, with the Tonkin Red Federation of Trade Unions as fore-runner was established on 28 July 1929 and today is the Vietnam General Confederation of Labour.

Trade unions, as a broad socio-political organization of the working class, cadres, civil servants, public employees, factory workers and other workers (hereinafter referred to as workers) are established on voluntary basis to assemble, unite forces and build a strong working class of Vietnam.

The Vietnam General Confederation of Labour with the nature of the working class and mass, is a member of the political system under the leadership of the Communist Party of Vietnam, has working relationship with the State, cooperates with other socio-political organizations, operates in the framework of the Constitution and laws of the Socialist Republic of Vietnam.

The Vietnam General Confederation of Labour has following functions: to represent and protect workers' legitimate and legal rights and interests, to participate in state management, socio-economic management and in the inspection, examination, monitoring of activities of state agencies, organizations, establishments, enterprises, to propagate, encourage workers to study, improve qualification, professional skill, to observe laws and to build and defend the socialist Fatherland of Vietnam.

The Vietnam General Confederation of Labour is always loyal to the interests of the working class and the country, promote the traditions of international solidarity by strengthening and broadening cooperation with trade unions of other countries, international organizations on the principles of friendship, solidarity, equality, mutually beneficial cooperation, striving for workers' rights and interests, for peace, democracy, national independence, development and social progress.

Chapter 1

Membership and Trade Union officials

Article 1: Objects and conditions for recruitment, recognition as members of Vietnamese Trade Unions

Vietnamese workers working in state agencies, political organizations, socio-political organizations, professional socio-political organizations, professional social organizations, establishments, enterprises, cooperatives, other organizations employing workers as prescribed by labour laws and regulations, foreign agencies, organizations, international organizations operating in the Vietnamese territory (hereinafter referred to as agencies, organizations, enterprises); Vietnamese legal free-lance workers, irrespective of professions, gender, religion, adhering to the Charter of Vietnamese Trade Unions, voluntarily attach themselves to a grassroots trade union, pay membership dues as regulated are entitled to join trade unions.

Article 2: Procedures for admission, recognition of membership and change of workplace trade union

1. Procedures for admission, recognition of membership:

a. The applicant voluntarily lodges an application for trade union membership. The executive committee of the grassroots trade union, the immediate upper- level trade union or an upper-level trade union shall examine and issue the decision of membership admission or recognition and hand over the membership card.

b. In the absence of a grassroots trade union, the worker can lodge application for membership via the trade union campaigning committee at agencies, organizations, enterprises where the worker concerned is working or via the representative of immediate upper- level trade unions for them to consider the admission or recognition.

2. Procedures for change of workplace trade union

When moving to a new workplace, the trade union member has to present the trade union membership card to the executive committee of the new grassroots trade union to continue trade union activities. In case the trade union membership card is not available, an introduction paper from the former trade union is needed.

3. When a trade union member asks for resignation from trade union, the executive committee of the grassroots trade union, immediate upper- level trade union or upper-level trade union shall delete her/his name from the membership list and recall the membership card.

Article 3. Rights of trade union member

1. To participate in the establishment of grassroots trade unions and trade union activities as prescribed in the Charter of Vietnamese Trade Unions.

2. To request trade unions to represent and protect their legitimate rights and interests when infringed upon.

3. To be informed, discuss, propose and vote on the work of the trade union and propose to the trade union to make recommendations to the employer on the implementation of policies and laws in favour of the workers. To be informed about the regulations of the trade union and guidelines of the Party, policies and laws of the Government relating to trade unions and workers.

4. To stand for election, nomination and election of trade union leaders; questioning union officials; proposing disciplinary sanctions against union officials with violations. The elite union members are introduced to the Party to consider admission, introduction to the election of the Party's leaders (when being party members), of the government and other socio-political organizations.

5. To be guided and provided with legal counseling on labour law and trade union law free of charge by the trade union; to be represented in the process of lawsuit cases to protect their legitimate rights and interests as prescribed by law.

6. To be guided and provided with counseling on vocational training, job placement; given priority for enrollment in schools and classes organized by trade unions; to be visited and taken care when sick or when in difficulties. To participate in cultural activities, sports and tourism organized by trade unions.

7. To be allowed to exempt from union activities upon retirement, to be assisted by the local trade union of the place of residence in case of difficulties; to involve in retirement club activities with assistance from trade unions.

Article 4: Duties of a trade union member

1. To observe well obligations of a citizen, live and work in accordance to the country's Constitution and laws, contribute to the building and defence of the Fatherland of Vietnam.

2. To observe and implement the Charter of Vietnamese Trade Unions and resolutions of trade unions; to participate in trade union activities, to pay membership dues and build strong trade union organizations.
3. To constantly study and improve cultural and political qualifications, professional skills; to cultivate quality of the working-class.
4. To be in solidarity with and help co-workers to improve professional qualifications and skills, to work efficiently and protect legal and legitimate rights and interests of workers and trade union organizations.

Article 5: Trade union officials

1. Trade union officials are persons who take the title of deputy chief of trade union group or higher and are elected at a trade union congress or trade union delegates' conference; are designated, recognized, appointed to trade union positions or assigned regular duties to perform trade union functions and tasks by a competent trade union level.
2. Trade union officials consist of full time trade union officials and part-time trade union officials.
 - a. Full-time trade union officials are persons who take regular duties of trade union organizations, are elected by a trade union congress or trade union delegates' conference at different trade union levels, or recruited and appointed by a competent trade union level.
 - b. Part-time trade union officials are persons who perform trade union duties on part time basis, are elected by union members to the positions of deputy chief of trade union group * or higher and recognized or designated by a competent trade union level.

* Translator's note: A "trade union group" is a smaller trade union structure within a grassroots trade union, which organizes the workers/members usually on the basis of the work division within a workplace, like "production lines", "work team", "departments", etc.

Article 6. Duties and rights of trade union officials

In addition to the duties and rights trade union members, union officials have the following duties and rights:

1. Duties of trade union officials:
 - a. To keep close contact with union members and workers; respect the opinions of members and workers. To report, reflect and implement two-way communication between trade union levels, between workers and employers or employers' representatives.
 - b. To organize dialogue between employees and employers in agencies, units, enterprises or between trade unions and employers' representatives.
 - c. To develop union members and build strong grassroots trade unions.
 - d. To fight against manifestations of violation of the Party's guidelines and policies, the government's policies and laws and the resolutions of the trade unions at all levels.
 - dd. To perform other duties as assigned by the trade unions.
2. Rights of trade union officials:
 - a. To be the legal or authorized representative to protect the legitimate rights and interests of the workers.

- b. To exercise the rights of trade union officials in industrial relations according to the labour and trade union law.
- c. To organize and lead the strike in accordance with the law.
- d. To be entitled to undertake trade union activities at agencies, organizations and enterprises as prescribed by Trade Union Law. To be protected, assisted and supported by trade unions when being in difficulties during undertaking duties assigned by trade unions.
- dd. To be trained and improved professional skills in trade union work.
- e. To enjoy allowances and policies as prescribed by the Party, the government and trade unions.
- g. Part-time trade union officials when meeting conditions as prescribed and wish to be considered and recruited as full-time trade union officials will be given priority when there is a need by recruiting agencies.

Chapter II

Trade Union organizational principles and system

Article 7. Organizational principles and operations

1. Vietnamese Trade Unions are organized and operate on the principles of democratic centralism. Leading bodies of different trade union levels are set up through elections.
2. The highest decision making power of each trade union level is its trade union congress. The leading body of every trade union level between the two trade union congresses is the executive committee.
3. The executive committee of different trade union level operates on the principle of collective leadership, personal responsibility, majority rule, subordinate submissive to the superior, individual submissive to the organization.
4. Resolutions of different trade union levels shall be adopted by majority and need to be strictly implemented.

Article 8. Trade union insignia:

1. Trade union insignia is unanimously used across trade union system following this design:



2. Basic features of the trade union insignia:

- a. The black gear (with 13 distinctive sprockets) is located in the centre of the globe.
- b. Above the gear is the National Flag of Vietnam, with fresh red background and golden star in the middle.
- c. The black calipers are located inside the black gear on a blue background.
- d. The white open book is located in the middle, front position, just below the gear.
- dd. In the base of the globe is the word “ TLD” written in stylized navy blue band.
- e. The longitude and latitude lines on the globe are white on a yellow metallic background.

Article 9. Organizational system

The Vietnam General Confederation of Labour is an unified organization consisting of following levels:

1. The Central level: the Vietnam General Confederation of Labour.
2. Provincial, central city Federations of labour, national industrial unions and equivalent unions (hereinafter referred to as provincial, city federations of labour, national industrial unions and equivalents).
3. Federations of labour of district, towns, cities under provinces; local industrial unions; trade unions of industrial zones. export-processing zones, economic zones, hi-tech zones; trade unions of corporations and certain number of particular immediate upper- level trade unions (hereinafter referred to as immediate upper- level trade unions).
4. Grassroots trade unions, syndicates (hereinafter referred to as grassroots trade unions).

Article 10. Trade Union Congress at all levels

1. Duties of trade union congress at all levels:

- a. To discuss, adopt reports by the executive committee; to determine the direction and duties of the next term union.
- b. To participate in drafting instruments for the upper level trade union congress.
- c. To elect the new union executive committee and elect a delegate to attend the upper level trade union congress.
- d. To adopt the Vietnam Trade Union Charter (for the Vietnam Trade Union Congress).

2. Tenure of trade union congress at all levels:

- a. Tenure of trade union congress at all levels is once every 5 years. In case local trade union has few members or there is fluctuation regarding membership, if there is a written request from the executive committee of grassroots trade union, the immediate upper level trade union directly decides the tenure of the grassroots trade union congress of twice every 5 years.
- b. In special cases, upon approval of upper-level trade union, the trade union congress at all levels may convene sooner or later but not more than 12 months for a 5-year term and not more than 6 months for a twice-every-5 year term. The Vietnam Trade Union Congress is decided by the Executive Committee of the Vietnam General Confederation of Labour.
3. The number of delegates attending the congress at each level is decided and convened by the executive committee of the respective level, according to the regulations of the Presidium of the Vietnam General Confederation of Labour. Official representatives of each level of union include:

- a. Current executive member.
- b. Representatives elected by lower level unions.
- c. Delegates nominated but no more than three percent (3%) of the total number of officially delegates convened.
- d. Delegates attending the congress must be recognized of their eligibility. In cases delegate is disciplined in the form of reprice or more, the executive committee convening that delegate will consider and decide the delegate's eligibility and report to the congress. Persons who are prosecuted or detained are not eligible.

Article 11. Plenary conference, conference of delegates

1. Where deemed necessary and agreed by the executive committee of the immediate upper level trade union, the executive board of that level may convene a conference of delegates or a plenary conference.
2. The number of delegates is decided by the convening Executive Committee. Delegates attending the conference must be recognized of their eligibility. Participants include:
 - a. The current members of the Executive Committee convening the conference.
 - b. Delegates elected by the congress (if coinciding with the congress) or elected by the plenary conference or conference of delegates of lower level unions. Where it is not possible to hold a conference of delegates or plenary conferences and agreed by the immediate level union, the Executive Committee of that level will elect delegates.
 - c. Delegates nominated with no more than three percent (3%) of the total number of officially delegates convened.
3. Agenda of conference delegates, plenary conference:
 - a. Review the implementation of the resolution of the congress; to supplement the direction on duties and action plans of the union when necessary.
 - b. Take part in drafting instruments for the upper level trade union congress.
 - c. Strengthen the executive committee and elect delegates to the upper level trade union congress or conference (if any).

Article 12. Principle and form of voting leading body, standing body of trade unions at all levels and delegates to participate in congresses, conferences of upper level trade unions

1. Congresses, conferences of trade unions at all levels shall be validated by a quorum of two-thirds (2/3) of the convened persons.
2. The election of leading bodies of trade unions at all levels and election of delegates to higher-level congresses shall be by secret ballot.
3. To be elected, a candidate shall need more than half (1/2) of the votes.

Article 13. Executive Committee of different trade union levels

1. Executive Committee is the leading body between the two trade union congresses of every trade union level and is elected by the trade union of that level. The executive committee of a lower level trade union needs to be recognized by an immediate upper level trade union.

- a. In case of need, an immediate upper level trade union has the right to designate additional member/s of the executive committee and titles in the standing office of the executive committee of a lower level trade union.
- b. In case of a new establishment, split or merger of a trade union or non-union enterprise, the immediate upper level trade union shall designate or recognize a provisional trade union executive committee.

The term of a provisional trade union executive committee shall not exceed 12 months.

2. The executive committee of a trade union level shall represent trade union members and workers of that level. In non-unionized agencies, organizations and enterprises, the executive committee of the immediate upper level trade union shall exercise the right and responsibility of representing and protecting legal and legitimate rights and interests of workers upon their request.

3. The number of executive committee members of a trade union level shall be decided by the trade union congress of that level and shall not exceed the number prescribed by the Presidium of the Vietnam General Confederation of Labour.

a. In the event of vacancy of seats in the executive committee of a trade union level, the delegates' conference, plenary session or the executive committee of that level shall organize the election to supplement the vacancy. The number of executive committee members supplemented through election during a congress term shall not exceed one third (1/3) and half (1/2) of the number of executive committee members approved by the trade union congress in the case of an immediate upper level trade union and in the case of a grassroots trade union, syndicate respectively.

b. In particular case when a supplementation is required and the number of executive committee members supplemented through election exceed the number stipulated at the provision a, clause 3 of this Article or exceed the number approved by the trade union congress, this needs the endorsement of the immediate upper level trade union in accordance with regulations of the Presidium of the Vietnam General Confederation of Labour. The supplementation through election of executive committee members of the Vietnam General Confederation of Labour exceeding the quota approved by the National Congress of Vietnamese Trade Unions shall be examined and decided by the Executive Committee of the Vietnam General Confederation of Labour but shall not exceed three percent (3%) of the number of executive committee members of the Vietnam General Confederation of Labour approved by the National Congress of Vietnamese Trade Unions.

c. Executive committee members of all trade union levels upon retirement, resignation, change of workplace shall naturally quit the executive committee from the date of retirement, resignation, change of workplace mentioned in the decision.

d. In case an executive committee member who is a full-time trade union official resigns from the full-time position but still works in the industry, locality or establishment, his/her continuation in the executive committee shall be examined by the trade union executive committee of that level and referred to the upper level trade union for decision.

dd. In case an executive committee member lodges a written request for resigning from the executive committee, the trade union executive committee of that level shall examine and refer to the upper level union for decision. The case of executive committee members of the Vietnam General Confederation of Labour shall be examined and decided by the Executive Committee of the Vietnam General Confederation of Labour.

4. Duties of the executive committee of all trade union levels are as follows:

a. To elect the titles in the executive committee, supervising committee and head of the supervising committee.

- b. To organize the implementation of resolutions adopted by the trade union congress of its level.
- c. To implement directives, resolutions of the Party and upper level trade unions.
- d. To direct, monitor and guide activities of lower level trade unions.
- dd. To train, educate and facilitate trade union officials in their activities; to guide, assist, involve and protect trade union officials when their legal and legitimate rights and interests are violated. The executive committee of upper level trade union shall assist and help the executive committee of grassroots trade union to exercise the right to organize and lead strikes in compliance with regulations of laws.
- e. To periodically report about the deployment of trade union activities at its level to the party committee of the same level and to the upper-level trade union and to keep lower level trade union informed.
- g. To manage finance, property and trade union economic activities in conformity with regulations of the State and the Vietnam General Confederation of Labour.

5. Periodical meetings of the executive committee of different trade union levels:

- a. The Executive Committee of the Vietnam General Confederation of Labour, the executive committees of provincial and city federations of labour, national industrial unions and equivalents meet twice a year. An extra-ordinary meeting can be convened in case of need.
- b. The executive committees of upper level trade unions meet at least twice a year.
- c. The executive committees of grassroots trade unions, syndicates, member grassroots trade union meet at least every three months.

Article 14. Authorities of the Executive Committee on the organization of the working appartrade unions

The Executive Committee of trade union at all levels shall, based on their duties, authorities, financial capacity and regulations of the Presidium of the Vietnam General Confederation of Labour, report to the Party Committee of the same level (if any) prior to making decision on the organization of the appartrade unions; notify professional bodies, business owners or government authorities of the same level in undertaking relevant duties in accordance with law.

Article 15. Presidium of the Vietnam General Confederation of Labour, Trade Union Standing Committee at all levels

1. The Presidium of the Vietnam General Confederation of Labour, the trade union standing committee at all levels, is the standing body of the Executive Committee at each level. The Presidium (standing committee) of each level shall be elected by its respective Executive Committee. The number of members of the Presidium (standing committee) shall not exceed one third (1/3) of the total number of executive committee members of that level, including the chairman, vice chairs and members.
2. The Presidium of the Vietnam General Confederation of Labour shall prepare the contents of the Executive Committee's meeting sessions and organize the implementation of the resolutions of the Executive Committee of the Vietnam General Confederation of Labour. The Presidium of the Vietnam General Confederation of Labour shall issue resolutions and decisions... to organize the implementation of the resolutions of the National Congress of the Vietnam Trade Union and the resolutions of the Executive Committee of the Vietnam General Confederation of Labour; directly orient the activities of the Vietnam General Confederation of Labour and other units under the Vietnam General Confederation of Labour; represent

union members and workers to make recommendations to the Party and the government on issues related to workers and trade union.

3. The Trade Union Standing Committee at all levels shall prepare the contents of the executive committee meetings and direct the implementation of resolutions of the executive committee; administer the activities of the two executive meetings, report on their activities at the Executive Board's regular meetings; directly orient the implementation of activities of agencies and subordinate units; represent union members and workers to compile recommendations to the People's Councils, People's Committees, ministries, industries and boards of management of enterprises of the same level; send representatives to participate in related agencies and organizations.

4. Chairman is the head of the executive committee, responsible for managing the operation of the Presidium (standing committee) and is the legal representative of the executive committee of the same level.

Upon the request of more than one half (1/2) of congress participants, the congress of the grassroots trade union or syndicates shall directly elect chairman of the grassroots trade union or syndicates among newly elected executive committee members by the congress.

When vacating Chair, Vice Chair or member of the Presidium of the General Confederation, the Executive Committee of the General Confederation shall additionally elect among the members of the Executive Committee of the General Confederation at the request of the Presidium of the General Confederation.

When vacating Chair, Vice Chair or member of the Standing Committee, the executive committee of that level shall ask the upper level trade union to allow the additional election among members of the executive committee.

Chapter III

Grassroots trade unions, syndicates

Article 16. Conditions for establishment and organizational forms of grassroots trade unions.

1. Conditions for establishment of grassroots trade unions.

a. Grassroots trade union is a basic organization of trade unions, established at agencies, organizations, enterprises where there are at least five trade union members or where at least five workers voluntarily lodge application to join Vietnamese Trade Unions.

b. Syndicate is a basic organization of trade unions that bring together legal free-lance workers of the same trade, profession, established according to the area, workplaces when at least ten trade union members or where at least ten workers voluntarily lodge application to join Vietnamese Trade Unions.

2. Organizational forms of grassroots trade unions, syndicate:

a. Grassroots trade unions, syndicates without trade union group, syndicate group.

b. Grassroots trade unions, syndicates with trade union group, syndicate group.

c. Grassroots trade unions, syndicates with trade union section, syndicate section.

d. Grassroots trade unions with member grassroots trade union.

3. If a grassroots trade union, syndicate does not meet conditions to exist and operate, the immediate upper level trade union shall examine its dissolution.

Article 17. Procedures to establish a grassroots trade union

1. Grassroots trade union established by workers:

a. Workers set up a campaigning committee for grassroots trade union at agencies, organizations, enterprises and are advocated, propagated, guided and helped by an immediate upper level trade union.

b. The campaigning committee for grassroots trade union has the duty to ask the immediate upper level trade union for guidance in educating, campaigning, collecting application for trade union membership from workers and to prepare for the launching conference of grassroots trade union.

b. Upon getting enough workers who endorse the Charter of Vietnamese Trade Unions, voluntarily join trade union in accordance with the clause 1, Article 16 of these Charter, the campaigning committee shall hold the launching conference of grassroots trade union in accordance with the Charter of Vietnamese Trade Unions.

c. The launching conference of grassroots trade union has the duty to announce the list of workers applying for trade union membership, declare the establishment of grassroots trade union, election of the executive committee of grassroots trade union.

d. Within 15 days from the date of the launching conference of grassroots trade union, the executive committee of grassroots trade union has the responsibility to build up files and request the immediate upper level trade union to issue recognition document for membership and grassroots trade union.

dd. Operations of grassroots trade union and the executive committee of grassroots trade union shall become legal only after receiving recognition document from the immediate upper level trade union.

2. Responsibility of the immediate upper level trade union in establishing a grassroots trade union.

a. To send trade union officials to agencies, organizations, enterprises for educating, campaigning, guiding, helping workers to join trade unions; guiding, helping, assisting workers to set up the campaigning committee for grassroots trade union.

b. To examine and issue recognition document for membership and grassroots trade union within 15 days upon receiving the written request for recognition from the grassroots trade union as prescribed in provision d, clause 1 of this Article. In case, recognition conditions are not met, a written notice should be sent to the proponent concerned.

c. In case workers do not have capacity to set up the campaigning committee for grassroots trade union or ask the immediate upper level trade union for establishing a grassroots trade union, the immediate upper level trade union concerned has the responsibility to encourage workers to join trade union and comply with procedures of establishing a grassroots trade union such as: issuing decision for membership admission, establishment of grassroots trade union, designation of provisional executive committee, supervising committee and titles in the provisional executive committee, supervising committee.

Article 18. Duties, rights of grassroots trade unions in state agencies, organs of political organizations, socio-political organizations, professional socio-political organizations, professional social organizations, armed forces, public administrative establishments.

1. To propagate lines, policies of the Party, policies, laws of the State and tasks of the Trade Union organizations. To mobilize trade union members and workers

to improve political, cultural, legal, technical and scientific, professional qualifications and skills.

2. To cooperate with managers or head of agencies, establishments to realize the democratic regulations, organize cadres, civil servants' conference; nominate representative to participate in the councils dealing with examination and settlement of rights and interests of trade union members and workers. To guide and help workers to conclude labour contract, working contract. To join hand with managers or head of agencies, establishments to improve working conditions, care for living standards of trade union members and workers, organize cultural, sport, social activities among trade union members and workers.

3. To check, monitor the implementation of regimes, policies, laws, to ensure rights and interests of trade union members and workers. To fight, prevent negative manifestations, corruption and social evils, practice thrift, against wastage. To identify and participate in resolving complaints, denunciations, labour disputes and exercise rights of grassroots trade unions in accordance with regulations of laws.

4. To mobilize trade union members and workers in agencies and establishments to participate in patriotic emulation, comply with obligations of cadres, civil servants and public employees, workers to participate in managing workplaces, renovate working style and administrative procedures to improve work quality and efficiency.

5. To develop and manage membership; to build strong grassroots trade unions and participate in Party building.

6. To manage trade union finance, property in accordance with regulations of State laws and the Vietnam General Confederation of Labour.

Article 19. Duties and rights of grassroots trade unions in State owned enterprises.

1. To propagate, disseminate lines, policies of Party, policies, laws of the State and tasks of the Trade Union organizations and obligations of workers. To mobilize trade union members and workers to comply with policies and laws of the State, internal rules and regulations of the enterprise and well fulfill the assignments.

2. To cooperate with the employer to organize the implementation of democratic regulations at enterprises, organize forms of democratic exercises at work; to represent the labour collective to negotiate, conclude and monitor the implementation of the collective labour agreement; to participate in building working Charter, internal rules, regulations and production and business plans of the enterprise; to build and conclude the coordination rule with enterprise managers.

3. To collect legal and legitimate demands and aspirations of the trade union members and workers; to organize dialogue between workers and enterprise managers; to guide workers to conclude labour contract, working contract; to nominate representatives to take part in the councils dealing with examination and settlement of rights and interests of trade union members and workers; to participate with the management to solve employment needs, improve working conditions, take care of workers' health, improve income, living standard and welfare of trade union members, workers; to mobilize trade union members, workers to participate in culture, sports, social activities, to support each other at work, in difficulty, hardship and fight against corruption, wastage and prevent social evils.

4. To monitor the implementation of the laws related to rights and interests of trade union, trade union members, workers; to participate in handling labour disputes, to exercise the rights of grassroots trade unions, to organize and lead strike in accordance with regulations of laws; to organize and manage the network of safety activists and monitor occupational safety and health activities; to take care of workers' health in enterprises; to launch, coordinate the organization of emulation movement at enterprises.

5. To develop and manage the membership; to build strong grassroots trade union and participate in Party's building.

6. To manage trade union finance and property in accordance with regulations of laws and Trade Union organization.

Article 20. Duties, rights of grassroots trade unions in non-state enterprises

1. To propagate, disseminate and mobilize workers to comply with lines, policies of the Party, policies and laws of the State, tasks of the trade union organization and internal rules and regulations of enterprises.

2. To represent the labour collective to negotiate, conclude collective labour agreement and monitor its implementation; to coordinate with the employers or employers' representative to implement democratic regulations, to organize employees' conferences, to build and sign coordination rules; to guide workers to conclude labour contract, working contract. To represent the labour collective in joining the settlement of labour disputes, to exercise the rights of grassroots union to organize and lead strikes in accordance with laws.

3. To collect legal and legitimate demands and aspirations of the trade union members and workers; to organize dialogue between workers and enterprise managers; to cooperate with the employers to organize emulation movement, develop of production and business, take care of material and spiritual life of workers, mobilize workers to join cultural, sports and social activities and help each other at work, in life, fight against social evils.

4. To monitor the implementation of laws related to the rights and obligations of workers and trade unions; to participate in councils of enterprises in accordance with regulations of laws and enterprise Charter; to participate in building internal rules and regulations related to rights and interests of workers; to organize and manage the network of safety activists and monitor occupational safety and health activities; to take care of workers' health in enterprises.

5. To develop and manage the trade union membership; to build strong grassroots trade union and participate in Party's building.

6. To manage trade union finance and properties in accordance with regulations of laws and the Vietnam General Confederation of Labour.

Article 21. Duties and rights of the grassroots trade union in cooperatives and cooperative federations.

1. To propagate, disseminate and mobilize trade union members and workers to comply with lines, policies of the Party, policies and laws of the State, tasks of the trade union organization, resolutions of member's congresses and Charter of cooperatives.

2. To represent workers to negotiate, conclude collective labour agreement and monitor its implementation; to guide workers (not members) to conclude labour contract, working contract. To monitor the administrative council in implementation of regimes, policies, income and profit distribution for members.

3. To participate with the administrative council, managers (director general) to take measures aimed at improving working condition, taking care of workers' health, improving income living standards and welfares of members and workers; to participate in the settlement of labour dispute; exercise the rights of grassroots trade unions to organize and lead strikes; to

organize and manage the network of safety activists and monitor occupational safety and health activities; to take care of workers' health in cooperatives; to mobilize workers to join cultural, sports and social activities and help each other at work, in difficulty and hardship.

4. To develop and manage the membership; to build strong grassroots trade unions and participate in Party's building.

5. To manage trade union finance and property in accordance with regulations of laws and the Vietnam General Confederation of Labour.

Article 22. Duties and rights of the grassroots trade unions in non-state administrative establishments

1. To propagate, disseminate and mobilize trade union members and workers to comply with lines, policies of the Party, policies and laws of the State directly related to workers, internal rules and regulations of the establishment and obligations of workers.

2. To build and conclude coordination rules with the head of establishments; to nominate representatives to participate in establishment's councils dealing with rights and interests of workers; to cooperate with the head of the establishments to build and monitor the implementation of plan for training and upgrading professional skills and qualification, taking care of material and spiritual life and working condition and health of workers; to cooperate in organizing emulation movement; to mobilize workers to participate in cultural, sport and social activities, to prevent social evils and help each other at work and in difficulty.

3. To collect legal and legitimate demands and aspirations of the trade union members and workers; to organize dialogue between workers and the head of establishment to deal with issues related to rights and duties of workers. To cooperate with the head of establishment to organize the implementation of democratic regulations, employees' conference, to guide workers to conclude labour contract, working contract, to represent workers to negotiate and conclude collective labour agreements in accordance with regulations of the laws.

4. To participate in building and monitoring the implementation of internal rules, regulations, Charter of establishments, regimes, policies and laws related to rights and interests of workers.

5. To develop and manage the membership; to build strong grassroots trade union and participate in Party's building.

6. To manage trade union finance and property in accordance with regulations of laws and the Vietnam General Confederation of Labour.

Article 23. Duties and rights of the syndicates

1. To propagate, disseminate and mobilize trade union members and workers to comply with lines, policies of the Party, policies and laws of the State and tasks of trade union organization, to guide the implementation of regimes, policies and laws related to life and working conditions of workers. To provide education and improve the political and cultural qualifications.

2. To represent syndicate members in the relationship with local administrations and competent authorities to take care of and protect the legal and legitimate rights and interests of syndicate members.

3. To show solidarity and mutual help at work and in life. To actively participate in social activities, fight and prevent social evils.

4. To develop and manage the membership; to build strong syndicate.

5. To manage trade union finance and property in accordance with regulations of laws and the Vietnam General Confederation of Labour.

Chapter IV

Immediate upper level trade unions

Article 24. Educational trade union at district and municipal level

1. The educational union of districts or towns (referred collectively to as district education unions) shall be set up or dissolved by the district or town federation of labour upon the approval of provincial or municipal federation of labour.
2. Subjects of the district educational union are members and employees in educational offices, schools (public and non-public), units under district-level education divisions.
3. The district education unit is under the direct leadership of the district federation of labour and the coordination of the provincial and municipal federation of education.
4. Duties and rights of the district education union:
 - a. To propagate and disseminate guidelines and policies of the Party, laws of the government and duties of the Trade Union. To organize the implementation of the resolutions of upper level unions and resolutions of trade union congresses of their own level.
 - b. To engage with the same level management authorities on sector development orientation; to set up the contingent of cadres, teachers and educational and training targets and plans and issues related to the legitimate rights and interests of workers in the sector.
 - c. To direct the examination and supervision of the implementation of policies and emoluments related to the rights and interests of workers; to organize emulation movements, implement campaigns of the Party, the government and trade unions.
 - d. To coordinate with competent authorities at district level in examining and supervising the implementation of policies and emoluments and to represent to protect legitimate rights and interests of members and workers in the sector (including non-public units).
 - dd. To decide the establishment or dissolution of school unions under the management of the district education division; to develop membership and strong grassroots trade unions and contribute to strengthen the Party.

Article 25. Local industrial unions

1. The organizing target of the local industrial unions are members, employees and workers in agencies, organizations and enterprises in relevant sectors based in the provinces and cities.
2. The local industrial unions are established, dissolved and directly steered by provincial, city federations of labour; and placed under the coordinated guidance of national industrial unions concerned.
3. The local industrial unions shall make decision on establishing or dissolving grassroots trade unions in relevant sectors according to the assignment of the provincial, city federations of labour.
4. **Duties and rights of the local industrial unions**
 - a. To propagate, disseminate lines, policies of the Party, policies and laws of the State, tasks of trade unions; to organize the implementation of the guidelines, resolutions of the provincial, city federations of labour, national industrial unions and the resolutions of the trade union congress of its level; to organize patriotic emulation campaigns.
 - b. To join the management of the same level in the socio-economic development of the local industry, in matters related to the employment and life of workers in the industry's scope of management and guidance.

- c. To coordinate with the district federations of labour in guiding and supervising the implementation of regimes and policies for sectors, to protect legal and legitimate rights and benefits of members and workers in the sectors; to assist grassroots trade unions in negotiation and conclusion of collective labour agreements; to organize and lead strikes in accordance with regulations of laws; to represent grassroots trade unions or workers to take legal action or participate in labour and trade union court cases when they are authorized by the grassroots trade unions or workers. To represent workers in the sector in negotiating and concluding the collective bargaining agreements in accordance with regulations of law.
- d. To develop membership and organize grassroots trade unions in different economic sectors of the industry, implement the organizational and personnel work as authorized by the provincial, city federations of labour, develop strong grassroots trade unions and syndicates.
- dd. To manage trade unions' finance and properties in accordance with regulations of law and regulations of the Vietnam General Confederation of Labour.

Article 26. Labour federation at districts, cities affiliated to provinces (hereinafter referred to as district labour federation)

- 1. District labour federations shall be established (or dissolved) by, and placed under the direct guidance of, provincial or city labour federations.
- 2. The organizing target of district labour federations are members, employees and workers in in the district.
- 3. District labour federations shall decide on the establishment or dissolution of, and provide direct guidance for district education Trade unions; decide on the establishment or dissolution of, or recognize and provide direct guidance for grassroots trade unions or syndicates located in corresponding districts (except those directly subordinate to provincial or city labour federations or other immediate upper level trade unions).
- 4. Duties and competence of district labour federations:
 - a) Disseminate information on Party guidelines and decisions, State policies and laws, and tasks of the trade union organization.
 - b) Coordinate with district State functional agencies, local sectoral trade unions and corporation trade unions in monitoring and overseeing the implementation of stipulations and policies, and settling complaints, denunciations and labour disputes related to entities located in their respective districts; provide guidance and assistance to grassroots trade unions in negotiating and signing collective bargaining agreement, settling labour disputes, organizing dialogue with the employers, organizing and leading strikes as stipulated by the laws.
 - c) Represent and protect lawful and legitimate right and interest of workers in non-unionized upon request of the workers there; representing grassroots trade unions or the workers to make a lawsuit or participate in the lawsuit process as authorized by grassroots trade unions or the workers.
 - d) Organize the implementation of instructions, resolutions and decisions of provincial or city labour federations, instructions and resolutions of corresponding Party committees, and resolutions of their own congresses; join with corresponding Party committees and State agencies in socio-economic development decisions and other issues related to employment and the life of union members and workers.
 - dd) Motivate trade union members and workers for participation in social activities, provide guidance on forms and measures to cater for living standards, improve working conditions, eradicate hunger and alleviate poverty, cultivate a cultured lifestyle, and combat negative practices, corruption and social vices.

- e) Increase trade union membership, establish grassroots trade unions, and conduct organizational and personnel work in keeping with decentralization stipulations by provincial or city labour federations; and strengthen grassroots trade unions and labour unions.
- g) To manage trade unions' finance and properties in accordance with regulations of law and regulations of the Vietnam General Confederation of Labour.

Article 27. Trade unions of industrial zones, export-processing zones, hi-tech zones, economic zones (hereinafter referred to as trade union for industrial zones)

1. Trade unions for industrial zones are set up or dissolved by the provincial, city federations of labour and placed under their direct management.
2. The organizing target of the trade unions for industrial zones are trade union members, workers in industrial zones, export-processing zones, hi-tech zones, economic zones (hereinafter referred to as industrial zones).
3. The trade unions of industrial zones shall decide on the establishment or dissolution and guidance of grassroots trade unions of the establishments set up by the local authorities and operate in the industrial zones; to co-ordinate the guidance of grassroots trade unions under other upper-level trade unions located in the industrial zones.

4. Duties and rights of trade unions for industrial zones:

- a. To propagate and mobilize trade union members and workers to comply with lines, policies of the Party, policies and laws of the State and tasks of trade union organization , to organize patriotic emulation movements.
- b. To guide and steer grassroots trade unions to carry out their duties and rights in accordance with the Charter; to guide, assist the executive committee of grassroots trade unions in the negotiation and conclusion of collective labour agreement, in settlement of labour disputes, to hold social dialogue with employers, to organize and lead strikes in conformity with the laws.
- c. To represent, protect legal and legitimate rights and interests of workers in non-union agencies, organizations and enterprises upon workers' request .To represent grassroots trade unions or workers to take legal action or participate in labour and trade union in lawsuit cases when being authorized by the grassroots trade unions or workers.
- d. To coordinate with the management board of industrial zones, the local labour management agencies in supervising and checking up the implementation of regimes, policies and labour legislations; dealing with complaints of trade union members and workers in industrial zones.
- dd. To develop the membership, organizing and building strong grassroots trade unions; to carry out the management of trade union officials as assigned by the provincial/ city federations of labour.
- e. To guide and steer grassroots trade unions under other upper-level unions in the industrial zone to implement regulations in provision dd, Clause 4, Article 30 of this Charter.
- g. To manage the trade union's finance and properties in accordance with the law and regulations of the Vietnam General Confederation of Labour.

Article 28. Trade union of the corporation

1. Trade union of corporation (including state economic groups) gathers union members and workers in units under the corporation.
2. Trade union of corporation established by the People's Committee of the province or city directly under the Central Government shall be set up and directed by the provincial or city federation of labour.

3. Trade union of corporations established by central ministries shall be set up and directed by central-level industrial trade unions.

4. Trade union of corporations established by the Prime Minister shall be set up and directed by the Presidium of the Vietnam General Confederation of Labour or shall be decentralized managed.

5. Duties and rights of the corporation trade unions:

a. To propagate guidelines of the Party, policies and laws of the government and duties of trade unions. To implement the instructions, resolutions and policies of upper level trade union and the resolutions of trade union congresses of their own level.

b. To make recommendations to the board of directors, members' council and the general director on the corporation's planning, economic development planning and objectives, participate in developing and monitoring the implementation of regulations, salary and emolument policies and regulations related to legitimate rights and interests of the corporation's union members and workers.

c. To coordinate with the board of directors, members' councils and the general director in implementing the regulations on grassroots democracy, organizing labour conferences; to represent union members and workers to sign collective bargaining agreements with the general director in accordance with the law; to join the council of the corporations to deal with matters related to the union members and workers. To organize patriotic emulation movement.

d. To direct grassroots trade unions and their subordinates to participate in the management and implementation of duties and exercise the authorities in accordance with the law and the Charter of Vietnamese trade unions.

dd. To decide the establishment or dissolution of subordinate trade unions. Undertake personnel work in accordance with the decentralization of upper level trade union, direct the development of strong membership.

e. To coordinate with local federation of labour, trade union of industrial zones, trade union of member companies of corporations in the locality or industrial parks in undertaking duties as stipulated at Point e, Clause 4, Article 30 of this Charter.

g. To manage finance, assets and economic activities of trade unions in accordance with the law and as regulated by the Vietnam General Confederation of Labour.

Article 29. Trade union of central government agencies

1. Trade unions of central government agencies include: the unions of ministries, ministerial-level agencies and agencies attached to the Government, the National Assembly, the Party committees, mass organizations and organizations at the central level.

2. The central government agency's union is the grassroots trade union or the immediate upper level trade union, (when fully qualified), which is set up or dissolved and directed by the central-level industrial trade union.

3. The immediate upper level trade union of central government agencies shall decide the establishment, dissolution and direct their affiliated trade unions in performing their tasks and exercising their authorities according to Article 18 and Article 19 of this Charter.

4. Duties and rights of central government agencies' unions:

a. To propagate the Party's guidelines and the government's policies and laws. To implement directives, resolutions and policies of upper level trade unions; to give instructions on directives and resolutions of party committees and resolutions of trade union congresses of

their own level; to make recommendations to the party committees, management and leadership of the agency on issues related to the legitimate rights and interests of workers.

b. To coordinate with heads of agencies in implementing the democratic regulations, organize conferences of officials; to examine and supervise the implementation of policies and emoluments, settle complaints and denunciations about their subordinates.

c. To organize patriotic emulation movements, contributing to the fulfillment of the agencies' duties; to mobilize members and workers to participate in building a transparent and strong Party and government and participate in social activities; to give guidance on taking care of life, improving working conditions, developing agencies' culture, participating in administrative reform, fight against negative, corruption, waste and social evils.

d. To develop membership, establish and strengthen grassroots trade unions, undertake the organization of cadres according to the decentralization of national industrial trade unions.

dd. Manage the finance and union assets in accordance with the law and as regulated by the Vietnam General Confederation of Labour.

Chapter V

Provincial and municipal federation of labour, national industrial trade unions, Vietnam General Confederation of Labour

Article 30. Provincial and municipal Federation of Labour

1. Provincial and municipal federation of labour shall be organized in accordance with the provincial and municipal administrative units, which shall be set up or dissolved by the Presidium of the Vietnam General Confederation of Labour as prescribed by law.

2. Subjects of provincial and municipal federation of labour are members and workers in the localities.

3. Provincial and municipal federation of labour direct the district federation of labour, local industrial trade unions, corporations' unions (provincial and municipal), industrial park unions and grassroots trade unions (including grassroots trade unions of central government agencies without national industrial trade unions or other upper level trade unions).

4. Duties and rights of provincial and municipal federation of labour

a. To propagate the Party's guidelines and the government's policies and laws and duties of trade unions. To implement directives and resolutions of upper level trade unions and resolutions of provincial and municipal trade union congresses; directives and resolutions of the Party and policies of the government.

b. To represent and protect the legitimate rights and interests of union members and workers in their localities. To make recommendations to the Party committees, state agencies in provinces and cities on socio-economic development policies and plans and issues related to life, work and working conditions of the workers in the localities. To organize patriotic emulation movement and social activities.

c. To cooperate with functional government agencies and national industrial trade unions to inspect, examine and supervise the implementation of laws and policies directly related to union members and workers in agencies and enterprises; to give instruction and direct the settlement of labour disputes, participate the local labour arbitration councils, investigate labour accidents and occupational diseases in enterprises in the locality.

d. To direct local industrial trade unions, district federation of labour, trade unions of industrial parks, trade unions of the corporations (provincial or municipal) and other

immediate upper level trade unions to undertake duties as stipulated in Article 25, Article 26, Article 27 and Article 28 of this Statute. To coordinate with the national industrial trade unions in directing the grassroots trade unions attached to the national industrial trade unions in the locality.

dd. To guide and direct the grassroots trade unions attached to the immediate upper level trade unions located in the provinces or cities on the following contents:

- Implement the Party's resolutions, guidelines, plans for socio-economic development, security and defense.

- Cooperate with local government agencies to inspect, examine and supervise the implementation of policies and emolument towards workers; Investigate occupational accidents and diseases; Settlement of complaints, denunciations and labour disputes; To represent and protect workers in lawsuit cases when required by the workers.

e. To organize and mobilize members and workers to study and improve their professional qualifications; To manage and organize cultural, physical training and sport activities, workers' cultural units, centers providing vocational training, job counseling and legal consultancy of trade unions in accordance with the law and regulations of trade unions.

g. To implement the planning, management, training and retraining of cadres and implement policies towards decentralized officials.

h. To give guidance and direction on the congresses of lower-level unions; develop union membership, develop and strengthen grassroots trade unions.

i. To undertake external affairs activities in accordance with regulations of the Presidium of the Vietnam General Confederation of Labour.

k. Manage the financial, property and economic activities of trade unions in accordance with the law and as regulated of the Vietnam General Confederation of Labour.

Article 31. National Industrial Unions

1. The National Industrial Unions shall be established or dissolved by the Vietnam General Confederation of Labour's Presidium in conformity with particularities of each industry.

In case there are different national industrial unions and corporation unions directly under the Vietnam General Confederation of Labour within a ministry, it shall be subject to the regulations of the Presidium of the Vietnam General Confederation of Labour.

2. The organizing target of the national industrial unions are members and workers in agencies, organizations and enterprises of the industry.

The national industrial unions directly manage and steer trade unions of central e agencies, corporation unions and equivalents under the ministries, in accordance with regulations of the Vietnam General Confederation of Labour.

3. Duties and rights of National Industrial Unions

a. To propagate the Party's guidelines, the State's policies and legislations and the Trade Union's tasks.

b. To represent and protect the legal and legitimate rights and interests of trade union members and workers in the industry.

c. To study and participate in the State management, the socio-economic management of th industry.

- To study and participate with the ministries about the industry's socio-economic development strategies, in connection with the building, training and fostering of the workforce in the industry.
 - To study and participate in making labour legislation, regimes, policies, wages, occupational health and safety, social insurance, health insurance and other regimes, policies related to workers in the industry; to take part in the administrative reform, fight against corruption, negative manifestations and wastage.
 - To represent workers in negotiating sectoral collective agreements.
 - To coordinate in supervising and monitoring the implementation of regimes and policies of the industry; to participate in the industry's councils dealing with issues related to workers; to make recommendations and proposals to State authorities for supplementation, amendment and settlement of the sectoral policies and regimes to meet the growth requirements of the industry.
 - To coordinate in providing guidance and organizing patriotic emulation movements and social activities suitable with particularities of the industry.
- d. To study and make recommendation to the Presidium of the Vietnam General Confederation of Labour on the organizational structure, functions and duties of each lower levels of the national industrial union; to provide guidance and steering to the congress of lower-level unions; to conduct personnel planning, training and fostering trade union officials, implementing personnel policies as authorized.
- dd. To provide guidance and steer lower-level unions in:
- Implementing directives, resolutions of the upper-level unions, the resolutions of the national industrial union's congress.
 - Participating in the management and implementation of the democratic regulations at workplace; representing and protecting the legal and legitimate rights and interests of workers; negotiating and concluding collective labour agreements.
 - Propagating and disseminating legal policies related to members and workers, encouraging members and workers to improve their professional skills and qualifications. Organizing patriotic emulation movements and social activities suitable with particularities of the industry.
- e. To take initiative in coordinating with the provincial, municipal federations of labour to provide guidance and steer local industrial unions to: implement the sectoral labour policies and regimes; to propagate and disseminate information and carry out education of traditions of the industry, development orientations and tasks of the industry; organize non-state enterprises in the industry.
- g. To take initiative in coordinating with the provincial/ city federations of labour to develop co-ordination rules with regard to grassroots trade unions of the industry based in the provinces, cities.
- h. To carry out international cooperation in line with the regulations of the Vietnam General Confederation of Labour's Presidium.
- i. To manage finance, properties and economic activities of the trade unions in conformity with regulations of laws and the Vietnam General Confederation of Labour.

Article 32. Trade unions in the Vietnam People's Army

1. Trade unions in the Vietnam People's Army is a national industrial trade union within the organizational system of the Vietnam Trade Union.

2. Trade unions in the Vietnam People's Army shall gather defense cadres, officials and workers and wage earners working in enterprises and units in the Vietnam People's Army.
3. The organization and operation of trade unions in the Vietnam People's Army shall be stipulated by the Presidium of the Vietnam General Confederation of Labour upon agreement with the competent agency of the Ministry of Defense on the principle of ensuring compliance with the provisions of Trade Union Law and the Charter of Vietnam Trade Union.

Article 33. Trade unions in the Vietnam Public Security

1. Trade union of the Vietnam Public Security (hereinafter referred to as Public Security union) is a national industrial trade union within the organizational system of the Vietnam Trade Union, having its full position, role, functions and duties of the union.
2. The Public Security union shall gather cadres, officials and workers who are working and receiving salaries in enterprises, scientific and technical units, non-business units and agencies in the public security sector.
3. The organization and operation of the Public Security union shall be stipulated by the Presidium of the Vietnam General Confederation of Labour upon agreement with the competent authority of the Ministry of Public Security on the principle of ensuring compliance with the provisions of Trade Union Law and the Charter of Vietnam Trade Union.

Article 34. Duties and authorities of the Vietnam General Confederation of Labour

1. To decide on programs and f activities of trade unions in implementing the resolutions of the National Trade Union Congress and resolutions of the Communist Party of Vietnam; Direct and guide activities of trade union at all levels. To propagate the Party's guidelines and the government's policies and laws and duties of trade unions. Direct the theoretical research on trade unions, reviewing the status of working class and trade unions activities.
2. To participate in state management, socio-economic management; To participate in the formulation, inspection, examination and supervision of the implementation of socio-economic regimes, policies and laws, labour, employment, wages, social insurance, labour protection and other policies and laws related to trade union organizations, rights and obligations of workers according to the provisions of law; To organize and manage scientific and technical research on labour protection; to participate in national committees, national councils on labour-related issues.
3. To cooperate with the Party's and government agencies to strengthen of the cultural, political, professional and occupational qualifications for union members and workers to meet the requirements of industrialization and modernization of the country. Coordinate with the State, Vietnam Fatherland Front and central mass organizations to organize patriotic emulation movements and social activities among union members and workers.
4. To decide the directions and measures on organizing of personnel; to develop organizational structure and job titles of trade union officials; to undertake planning, training, retraining, management, utilization and staff policies; To carry out placement of union officials according to decentralized management.
5. To give direction on cultural, sport and tourism activities of trade unions at all levels.
6. To develop international cooperation with trade unions of all countries and international organizations in accordance with the guidelines and policies of the Party and the government.
7. To endorse the financial statements, annual budget estimates, decisions on measures to manage finance, property and economic activities of the trade union.

Chapter VI

Feminist work

Article 35. Feminist work

Feminist work is the duty of the executive committee at each level, to promote the role and ensure the legitimate rights and obligations of female workers in accordance with the law.

Article 36. Women's Union Committee

1. The women's union committee has the duty to advise the executive committee of the same level on the formulation and implementation of policies and laws relating to female workers, gender and gender equality for the development of women, female cadre work, population, reproductive health, family, children; to represent and involve in resolving issues directly related to female workers and children.
2. The General Confederation of Labour of Vietnam, provincial and municipal federation of labour, national industrial trade unions are allowed to establish and direct women's union committee (professional committee) and placement of officials in charge of feminist work according to the regulations of the Presidium of the Vietnam General Confederation of Labour.
3. The Executive Board of the immediate upper level trade union, grassroots trade union are allowed to establish and direct the activities of mass women's union committee.

Chapter VII

Trade Union finance and properties

Article 37. Trade union finance

1. Trade unions shall manage and use trade union finance in conformity with regulations of laws and the Vietnam General Confederation of Labour. Trade union finance consists of following income sources:

- a. Membership dues paid by trade union members monthly, equivalent to one percent (1%) of the salary.
 - b. Trade union funds paid by agencies, organizations and enterprises equivalent to 2% of salary funds for workers. The salary serves as the basis to pay premium to workers' social insurance.
- Trade union expenses paid by agencies, organizations and enterprises, equivalent to two percent (2%) of workers' salary funds serving as the basis to pay premium to workers' social insurance.
- c. Assistance from the State budget.
 - d. Other revenues from cultural, sport and economic activities of trade unions; from projects and programme funded by the State; from aid and financial support of domestic and foreign organizations and individuals.

2. Trade union finance is used for these purposes:

- a. Propagating, disseminating and educating Party's lines and policies and State laws and improving professional qualifications and skills for workers;

- b. Organizing activities to represent and protect legal and legitimate rights and interests of workers;
- c. Developing trade union membership, establishing grassroots unions and building strong grassroots unions;
- d. Organizing emulation movements launched by trade unions;
- dd. Training and fostering trade union officials; training and supporting outstanding workers as potential source of cadres for the Party, State and Trade Unions.
- e. Organizing cultural, sport and tourism activities for workers;
- g. Organizing activities on gender and gender equality;
- h. Making visits and providing allowances to trade union members and workers in case of sickness, maternity, hardship or misfortune; organizing other activities to care for workers;
- i. Encouraging and awarding workers and children of workers for excelling in study and work;
- k. Paying salary for full-time trade union officials and responsibility allowances for part-time trade union officials;
- l. Paying for operations of trade union machinery at different levels;
- m. Other expenses.

3. Management of trade union finance:

- a. Trade union finance is managed on the principle of democratic centralism, openness and transparency. The decentralization of financial management is made in close connection with rights and responsibilities of trade unions at different levels.
- b. Executive Committees, Presidium (Standing Committees) of trade unions at all levels have duty to manage trade union finance in conformity with regulations of laws and trade unions.

Article 38. Trade union property

- 1. Property obtained from contributions of trade union members or capital of trade unions; state assets transferred to become trade union ownership and other sources in accordance with laws shall be the property under trade union ownership.
- 2. The Vietnam General Confederation of Labour exercises rights and responsibilities of ownership over trade union property as prescribed by laws.
- 3. Trade unions at all levels are assigned by the Vietnam General Confederation of Labour to manage and use trade union properties and are responsible to the Vietnam General Confederation of Labour and to the laws for the management and usage of those properties.

Chapter VIII

Trade Union supervising activities and the trade union supervising committee at all levels

Article 39. Supervising activities

The trade union supervising activity is a duty of the Executive Committee at all levels to ensure the implementation of the Trade Union Charter, resolutions, instructions and regulations of trade unions. Trade unions of every levels should organize and carry out the supervising activity at that level and subject to the inspection of the upper-level unions.

Article 40. Trade union supervising committee

1. The supervising committee is a trade union supervising body set up at all trade union levels, elected by the trade union executive committee of relevant level and recognized by the upper-level trade unions.
2. The supervising committee is placed under the leadership of the executive committee at the relevant trade union level and the guidance of the supervising committee of the upper-level unions.
3. The number of members of the supervising committee is decided by the trade union executive committee of relevant trade union level, consisting of some executive committee's members and some non- executive committee members; the number of trade union executive committee members shall not exceed one third (1/3) of the total number of the supervising committee's members.
4. The election of the supervising committee, its head and deputy head is conducted by secret ballot. The elected should win over half (1/2) of the total number of votes.

The head of the supervising committee of each trade union level is elected by the trade union executive committee of that level, the deputy head is elected by the supervising committee concerned.

Grassroots trade unions with less than thirty members shall nominate a member of the executive committee to be in charge of the supervising work.

5. In case a trade union is newly established or separated or merged, the upper-level union shall directly designate the provisional supervising committee, its head and deputy head.
6. The term of a supervising committee is similar to that of the trade union executive committee of the same level.
7. A member of the supervising committee at all levels who is full-time trade union official will quit the supervising committee when he or she is no longer a full-time trade union official. A member of the supervising committee will quit the supervising committee of the industry, locality, establishment when he or she moves out of the area concerned or when he retires or resignation from job from the date of retirement or resignation noted in the decision.

Article 41. Duties of the supervising committee.

1. To assist the executive committees, standing committees in supervising the implementation of the Trade Union Charter of trade unions at the same and lower levels.
2. To check up trade unions at the same and lower levels upon identifying signs of violation of trade union Charter, resolutions, instructions and regulations by the organizations, their officials and members.
3. To supervise the collection, distribution, use and management of the trade union finance, property and economic activities of the trade union at same and lower levels in conformity with the regulations of laws and the Vietnam General Confederation of Labour.
4. To assist the executive committees, standing committees in: dealing with complaints and denunciations under trade union jurisdiction; participating with State authorities and employers to solve complaints and denunciations of trade union members and workers in accordance with regulations of laws.
5. To train members of the supervising committee of the same and lower levels and provide them with auditing skills.

Article 42. Rights of the Auditing Committee

1. Members of the supervising committee are entitled to attend meetings of the executive committees and congresses or trade union delegates' conferences of the same trade union level.
2. To report to the executive committee of the same trade union level on the auditing work and make proposals on agenda and programs of the supervising committee in periodical meetings of the trade union executive committee.
3. To request establishments subject to audit and their in-charge persons to report and provide documents as well as to answer questions raised by the auditing commission.
4. To send audit reports and recommendations on settlement forms to the standing office of the trade union executive committee of the same level. If those recommendations are not dealt with by the standing office, the supervising committee has the right to report to the executive committee of the same level and to the auditing committee of upper-level union.
5. Members of the supervising committee are entitled to training and fostering courses to improve their professional skills.

Chapter IX

Reward - Discipline

Article 43. Reward

Officials, union members, people who have the merit in developing trade unions, trade unions and syndicates with excellent performance are rewarded by trade unions in accordance with the law and regulations of the Vietnam General Confederation of Labour.

Article 44. Discipline

1. Trade union members, officials, organizations, the executive committee collective, the standing committee collective of all levels upon violating the Charter, resolutions and regulations of the Vietnam General Confederation of Labour shall be disciplined in an open, accurate and timely manner depending on the seriousness of violation.
2. Forms of disciplinary sanctions:
 - a. With regard to collectives of executive committee, standing committee of trade union at all levels: reprimand, warning, dissolution.
 - b. With regard to trade union members: reprimand, warning, expelling.
 - c. With regard to part-time trade union officials: reprimand, warning, removal (from trade union positions).
 - d. With regard to full-time trade union officials: reprimand, warning, wage reduction, demotion, dismissal.
3. Authority to take disciplinary sanctions:
 - a. The exclusion of a trade union member is proposed by the trade union group or the syndicate group to the executive committee of the grassroots trade unions or the syndicate for consideration and decision. In special case, the upper-level trade union will make decision. After being disciplined with the exclusion and after repairing faults, a trade union member can be accepted to re-join trade union if he or she wishes so.
 - b. The taking of disciplinary measure to a member of the executive committee of a trade union level shall be examined by the meeting of the executive committee of that level, which will request the upper-level union to make decision. The disciplinary sanction to a member of

Executive Committee of the Vietnam General Confederation of Labour shall be decided by the Executive Committee of the Vietnam General Confederation of Labour.

c. The disciplinary sanction to organizations, collectives of executive committee, standing committee shall be examined and decided by the executive committee of the immediate upper-level unions.

d. The disciplinary sanction to the supervising committee or its members is applied with the same measure as to the collective of executive committee and members of executive committee at the trade union same level.

Chapter X

Observe the Vietnam Charter of Trade union

Article 45. Observe the Charter

1. The Presidium of the Vietnam General Confederation of Labour has the duty to give guidance on the implementation of the Charter of the Vietnam Trade Union. Organizations, the executive committee (standing committee) of trade unions at all levels, the union officials and members must strictly abide by the regulations of the Charter of Vietnam Trade Union.

2. New emerging issues which are not specified in the Charter are assigned to the Executive Committee of the Vietnam General Confederation of Labour for consideration and give guidance to be appropriate with the situation.

3. The Charter of Vietnam Trade Union is adopted by the National Trade Union Congress. Only the National Trade Union Congress has the right to amend and supplement the Charter of Vietnam Trade Union./.

11th VIETNAM TRADE UNION CONGRESS