

PROJECT WORKPLAN

Development of industrial relations, wage determination mechanism, capacity and institutional enforcement of labor legislation in Vietnam 2013-2016 VIE12/01/USA

Sub-objectives	Activities	Timeline										Main implementing partners	Performance Indicators
		2013				2014				‘15	‘16		
		1	2	3	4	1	2	3	4				
Objective 1. Facilitate the drafting and adoption of guiding regulations, including Decrees, Circulars and other mechanism and instruments for the new Labor Code and Trade Union Law.													
SO_1.1 Implementation decrees and other regulatory guideline for the Labour Code and Trade Union Law (2012) are developed.	Act_1.1.1 Studies and workshops for the development of key additional implementation Decrees.											Legal Dept., Labour and Wage Dept., MoLISA	▪ 5 additional implementation Decrees and/or Circulars are adopted and brought into force, which are more effective in giving effect to international labour standards. ⇒ ILO technical review
SO_1.2 Regulatory instruments and institutions for effective implementation of the laws and regulations are improved in view of the Labour Code and Trade Union Law 2012	Act_1.2.1 Surveys, analysis, and evaluation of labour administration practices in industrial zones, where the function of labour administration is delegated to the “Industrial Zone Management Board”, to develop new circular.											Legal Dept, MoLISA	▪ Existing regulatory instruments are replaced with new texts. ▪ A medium-term road-map on recommendations for future legislative agenda for extension of related regulatory and policy outreach is adopted by the

	Act_1.2.2 Survey of the law enforcement and policy implementation performance monitoring system, including the collection and utilization of administrative data and information, to develop new legal instrument for improved performance.											Legal Dept, MoLISA	Social Affairs Committee of the National Assembly.
	Act_1.2.3 Expert studies and expert hearings of the SAC-NA on the coverage of protection, support, and development of industrial relations institutions in the informal sector (which currently lie outside the scope of the labour laws), to develop and publish a “White Paper” on policy challenges in extending the outreach of industrial relations in the informal sector.											SAC-NA	
SO_1.3 The laws, decrees, and other instruments better reflect the requirement of international core labour standards on forced labour and discrimination.	Act_1.3.1 Expert studies and workshops to review and survey the legislations, institutions, and practices to identify challenges, and to develop proposals for reforms to meet the requirement of [to give effect to] the Conventions 100&111 and 29&105.											Legal Dept, MoLISA	▪ A road-map for the ratification and/or the review of the application of the relevant ILO Convention is adopted. ⇒ ILO supervisory bodies identify improvements.
Objective 2. Increase the awareness of the Labor Code and Trade Union Law 2012 and their detailed regulations and guidelines.													

SO_2.1 The effectiveness of the implementation of the Labour Code and Trade Union Law 2012 is monitored and evaluated.	Act_2.1.1 Field surveys and public hearings of Social Affairs Committee of the National Assembly (SAC-NA) to monitor and evaluate the implementation of some of the new provisions in the Labour Code 2012.											SAC-NA (with support of relevant Ministry units)	▪ Social Affairs Committee of the National Assembly adopts an evaluation of the implementation of the Labour Code 2012 for discussion at the National Assembly sessions.
SO_2.2 Tripartite partners at different levels are informed of changes and able to operate effectively under the new regulations.	Act_2.2.1 Development of a “guide book” on the Labour Code 2012.											Legal Dept., MoLISA	▪ MoLISA produces and distributes an official “users guide book” for the Labour Code 2012. ▪ Guidelines on protection of trade union rights and prevention and remedy of “unfair labour practices” is produced and distributed among the local labour administration agencies. ▪ A “standard operating procedure” for dealing with trade union rights violation and unfair labour practices is adopted by labour administration agencies in at least two major industrial provinces. ▪ Social partners produce guidelines on the Labour Code and Trade Union Law for their respective constituents. ▪ Social partners produce
	Act_2.2.2 Development of guidelines on protection of trade union rights and prevention and remedy of “unfair labour practices”.											MoLISA, VCCI, VGCL	
	Act_2.2.3 Public awareness campaign for the Labour Code and Trade Union Law 2012, using different methods.											Legal Dept. MoLISA	
	Act_2.2.4 Labour Code guidelines for employers.											VCCI	
	Act_2.2.5 Development of Labour Code and Trade Union Law guidelines for cooperatives, focusing on compliance of labour standards.											VCA	
	Act_2.2.6 Trade Union “know your rights” campaign.											VGCL	

													guidelines on the Labour Code and Trade Union Law for their respective constituents.
SO_2.3 Application of the revised laws is informed by the requirement of various international agreements.	WP 2.3.1 Study and training on the labour-related issues and requirement of various international agreements, treaty arrangements.											MOLISA, VCCI, VCA, VGCL	▪ A gap analysis on the requirements of various international instruments on international labour standards is produced.
	WP 2.3.2 Review of Vietnam’s compliance with reporting obligations.											ICD MoLISA	
Objective 3. Improve trade union capacity of effectively and democratically representing workers, particularly at the enterprise level and coordinative role of national and upper level union organizations, per the implementation of the Trade Union law and Labor Code.													
SO_3.1 The work and operation of upper-level trade unions and their officials are improved, based on the new Labour Code and Trade Union Law and nation level policies and strategies.	Act_3.1.1 Development of a manual for trade union officials on supporting and dealing with individual disputes/grievances and unfair labour practices.											VGCL	▪ National-level strategy/policy platform on the work and operation of upper-level trade unions and trade union officials is adopted. ▪ Reports documenting the work and operation of upper-level trade unions dealing with individual disputes are produced by the national level organisation. ▪ Documentation of achievements in
	Act_3.1.2 Development of trade union guidelines on the work and operation of trade unions (with specific focus on upper-level trade unions) under the Labour Code, Trade Union Law 2012, and new national-level policy, focusing on promoting and supporting dialogue, collective bargaining, wage negotiations.											VGCL	

													establishing mandatory dialogue mechanisms at the workplace level, collective bargaining, and wage negotiations is produced by the national level organisation for wider dissemination and replication. ▪ 10 immediate upper-level trade unions in most industrialised provinces are included in a national level programme to strengthen the role of upper level unions.
SO_3.2 Representation capacity of trade unions is strengthened by improving workers' empowerment and the role of upper level trade unions.	Act_3.2.1 Pilot initiatives in new approaches and methods in union organizing, including establishment of “multi-enterprise” grassroots trade unions.											VGCL	▪ A national-level pilot implementation and coordination body is established. ▪ A number of industrial zones trade unions and Provincial FoLs are selected to carry out specific pilot initiatives. ▪ Reports documenting the
	Act_3.2.2 Pilot initiatives in strengthening the shop-floor-level work and structure of grassroots trade unions through active support and coordination of upper-level trade unions.											VGCL	

	Act_3.2.3 Pilot initiative to rebuild grassroots trade unions and collective bargaining process at enterprises affected by wild-cat strikes or non-functioning trade union structure.											VGCL	progress of the pilot initiatives are produced and submitted to the official decision-making body of the national-level organisation (VGCL).
	Act_3.2.4 Study of corporate restructuring process, and capacity building workshops, to improve trade union capacity for engagement in corporate restructuring process to better protect the rights and interests of workers.											VGCL	▪ 5 – 10 “multi-enterprise” grassroots trade unions are established. ▪ 5 – 10 non-performing grassroots trade unions are re-organised through new approaches. ▪ Monthly plans of action and work-reports on the implementation pilot initiatives produced by each pilot implementing units. ▪ A special report documenting the effects of corporate restructuring and the intervention of trade unions is produced.
SO_3.3 Good practices of trade union work are disseminated and institutionalized by	Act_3.3.1 Development of a trade union action plan to implement dialogue and democratic regulation at the workplace level.											VGCL	▪ A national-level action plan to establish mandatory dialogue mechanisms at the

development and implementation of national-level policies, strategies, and actions.	Act_3.3.2 Launching and operation of a special collective bargaining campaign “100 real Collective Bargaining Campaign” and the appropriate execution and coordination unit the national level.											VGCL	enterprise level is adopted. ▪ A national-level collective bargaining coordination body (or taskforce) is established. ▪ Report(s) documenting activities carried out by national-level organisation, upper-level trade unions, and grassroots trade unions to organise collective bargaining is produced, is published in news media. ▪ Substantial collective bargaining process and outcomes are achieved in 30 enterprises.
SO_3.4 Wage negotiation practices are developed and implemented.	Act_3.4.1 Expert studies and workshops on wage composition, wage form for a better understanding of wage practice, to develop wage negotiation strategy.											VGCL	▪ Wage agreements as a result of coordinated wage negotiations are achieved in 100 enterprises.
	WP 3.4.2 Pilot initiative in local-sectorial coordinated wage negotiations.											VGCL	
Objective 4. Facilitate development of minimum wage fixing and determination system.													

SO_4.1 Technical capacity of minimum wage deliberation and determination is improved.	Act_4.1.1 Wage related studies in preparation for the deliberations at the National Wage Council: • Wage survey • Study on the criteria for minimum wage determination • Impact of minimum wage.											Labour and Wage Dept, MoLISA	▪ A number of technical reports are submitted to / published by the National Wage Council for consideration during the deliberation on minimum wage adjustment.
	Act_4.1.2 Expert study on the coverage and exclusion of minimum wage for its extension											Labour and Wage Dept. MoLISA	
SO_4.2 Minimum wage fixing and enforcement mechanism is reformed and established.	Act_4.2.1 Studies and expert workshops to develop the rules of operation of the National Wage Council, on the basis of study of similar bodies in other countries.											Labour and Wage Dept. MoLISA; NWC	▪ Official operational regulations and plan of work are adopted by the NWC. ▪ Fact-finding reports are published by the NWC. ▪ Official recommendations for minimum wage adjustment are produced. ▪ A communication plan on MW enforcement is developed.
	Act_4.2.2 Training on the operation of the National Wage Council, including study tour.											NWC MoLISA	
	Act_4.2.3 Consultation and fact-finding work of NWC to assist its deliberation on the new minimum wage.											NWC MoLISA	
	Act_4.2.4 Development of minimum wage enforcement mechanism, including communications strategy											NWC MoLISA	
SO_4.3 Social partners are able to participate effectively in the	Act_4.3.1 Development of minimum wage proposals for NWC.											VCCI; VGCL	▪ Social partners produce and submit minimum wage adjustment proposals for

SO_5.1 Government is more active and effective in promoting collective bargaining and dialogue at the enterprise level based on the Labour Code and Trade Union Law 2012.	Act_5.1.1 Expert studies and social partner expert consultation to develop MoLISA guidelines on collective bargaining.											CIRD, Labour and Wage Dept. MoLISA	- MoLISA guidelines on collective bargaining and sectorial and multi-employer collective bargaining are adopted. - Tripartite joint-guidelines on mandatory dialogue and democratic regulation at the enterprise level are adopted.
	Act_5.1.2 Development of guideline (possible development of a decree) on sectorial collective bargaining and other forms of multi-employer collective bargaining, through a pilot initiative in sectorial collective bargaining in the rubber sector, and expert review of other initiatives, and stakeholder workshops.											Labour and Wage Dept, MoLISA	
	Act_5.1.3 Expert study and stakeholder workshops to develop guidelines on dialogue and democratic regulation at the enterprise level.											CIRD, Labour and Wage Dept. MoLISA	
	Act_5.1.4 Tripartite meetings (conference, special National Industrial Relations Commission session) to adopt tripartite joint communique or resolution on collective bargaining and social dialogue.											CIRD, Labour and Wage Department, VGCL, VCCI	
SO_5.2 Social dialogue at the enterprise level is	Act_5.2.1 Development of a Government action plan to											Labour and Wage Dept.,	Action plan for the enforcement and

promoted through active government and tripartite support and participation.	enforce and promote bi-partite dialogue at the workplace level.											MoLISA, CIRD	promotion of bi-partite dialogue at the workplace level is adopted. ▪ A special initiative to promote and establish mandatory dialogue mechanism is developed. ▪ 1 industrial zone in 1 or 2 selected provinces is targeted for concentrated campaign, with an aim of establishing the dialogue mechanisms at most of the enterprises within the selected area. ▪ Effective dialogue mechanism is established and operational in at least ¼ of the enterprises in the targeted industrial zone.
	Act_5.2.2 Government initiative to promote and support the establishment and operation of bi-partite dialogue mechanism at the enterprise level: concentrated and integrated enforcement, promotion, and support effort.											Labour and Wage Dept. MoLISA, CIRD, VGCL, VCCI	
SO_5.3 Social dialogue practices at different levels, focusing on consultation structure and process at enterprise level are established and operated.	Act_5.3.1 Thematic workshops of National Industrial Relations Commission on selected topics/issues in industrial relations trends, to strengthen the understanding of the tripartite partners.											NIRC, Labour and Wage Dept, MoLISA, CIRD	▪ National Industrial Relations Commission produces tripartite recommendations, join reports, etc. on important industrial relations issues. ▪ Province-level tripartite consultation mechanisms are established and are
	Act_5.3.2 Establishment and strengthening of official											Labour and Wage Dept,	

	regional/province-level tripartite/bipartite social dialogue and consultation bodies and processes: HCMC, Hanoi, etc.										MoLISA	operational in at least 3 provinces.
	Act_5.3.3 Pilot initiatives in voluntary industrial zone level or local-sectorial tripartite/bi-partite consultation process, in selected provinces and sectors, including the Better Work sector.										VCCI HCMC VGCL	Local-sectorial level tripartite consultations are held regularly in at least 3 localities/sectors, and produce important recommendations on collective bargaining and other industrial relations matters for their respective constituents.
SO_5.4 Capacity of employers' organizations are improved to engage effectively in (and/or to support their members to engage in) collective bargaining and social dialogue at various levels.	Act_5.4.1 Pilot initiative to strengthen representative capacity and coordination of employers' organisations: "Employers IR Roundtable".										VCCI	- Employers' organisations at different levels (in at least 3 provinces) produce collective bargaining and/or wage negotiations guidelines or advisory statement ahead of collective bargaining or wage negotiations at the member enterprises. - Employers' organisations produce joint position papers/statements on key industrial relations issues, for example, on minimum wage determination. - Guideline on the Labour
	Act_5.4.2 Pilot initiative to strengthen coordinated action of employers: "Local employers IR coordination".										VCCI	
	Act_5.4.3 Establishment of province level employer organizations in Binh Duong and Dong Nai, effective partners to trade union.										VCCI	
	Act_5.4.4 Survey study of Labour Code compliance in various new types of cooperatives.										VCCI, VCA	

	Act_5.4.5 Development of employers guidelines on trade union rights, collective bargaining, and dialogue mechanism at the enterprise level										VCCI	Code implementation in cooperatives is developed, and collective bargaining is piloted in selected cooperatives. ▪ Collective bargaining and dialogue mechanisms are established in at least 10 cooperatives.
	Act_5.4.6 Pilot initiatives to promote collective bargaining, dialogue, and relationship with trade unions in cooperatives (in those cooperatives which employ sizeable number of “non-member workers”).										VCA	
	Act_5.4.7 Development of employers’ code of conduct on issues of discrimination and sexual harassment.										VCCI	
SO_5.5 Legislations, institutions, and practices are reviewed with a view to identifying challenges in giving effect to C.98	Act_5.5.1 Review/surveys/studies of legislation, institutions and practice, identification of challenges, and development of proposals for reforms to meet the requirement of [to give effect to] the conventions C.98										Legal Dept, MoLISA	▪ A review report on the status of collective bargaining, in terms of regulatory framework, institutional capacity, and selected outcomes, and support to representational capacity of social partners is produced.
SO_5.6 Effective infrastructure for government services to promote collective bargaining, dialogue, and industrial relations	Act_5.6.1 Consolidation of “IR Database” to monitor and analyse industrial relations development and trends, and publication of regular “IR Bulletin” and “annual IR report”.										CIRD	▪ Regular “IR Bulletin” (every 2 months) and “Annual IR report” are produced. ▪ Regular (1 per month)

in general, is established.	Act_5.6.2 Regular expert seminars on industrial relations issues and challenges (IR Network).											CIRD	expert seminars on industrial relations are conducted. ▪ A “base-line” survey report of industrial relations situation in 7 provinces is carried out. ▪ IR Development Master Plan for selected (at least 4) provinces developed and implemented. ▪ Study paper on the overall structure of Government administration of industrial relations, identifying reform agenda is produced.
	Act_5.6.3 Development of a programme to support Province-level governments (People’s Committees) and labour administration agencies to develop and adopt comprehensive/thematic industrial relations development plan: “IR Development Master Plan” for selected provinces.											CIRD	
	Act_5.6.4 Preliminary needs/gap analysis and feasibility study for the improvement of the overall structure of Government administration of industrial relations.											Labour and Wage Dept, MoLISA, CIRD	
	Act_5.6.5 Comparative studies and exchanges with neighbouring countries (especially ASEAN countries) on selected issues in collective bargaining, dialogue, labour law enforcement.											ICD, MOLISA	
SO_5.7 Industrial relation mediation, conciliation and arbitration services, and individual dispute	Act_5.7.1 Pilot initiative in mediation work in HCMC: establishment of a management and coordination mechanism for mediation work; development of											DoLISA-HCMC, CIRD	▪ Management and coordination mechanism for mediation work in HCMC established in HCMC-DoLISA.

SO_5.8 Industrial relations research capacity is improved, to support the capacity building of actors engaged in collective bargaining, social dialogue, and dispute resolution.	Act_5.8.1 Support to regular research seminars and sharing/cross-cultivation of researchers and practitioners with a view to promoting IR research community.												Project Office	▪ Establishment of an “Industrial Relations Association”, making membership application to ILERA. ▪ Publication of books, academic research paper (published in recognised journals). ▪ Media exposure on Project supported activities of tripartite partners.
	Act_5.8.2 Expert research and expert seminars on selected industrial relations issues.												Project Office	
	Act_5.8.3 Publication and dissemination of research and studies to promote better understanding of industrial relations issues, especially among the wider policy-making circles and media.												Project Office	