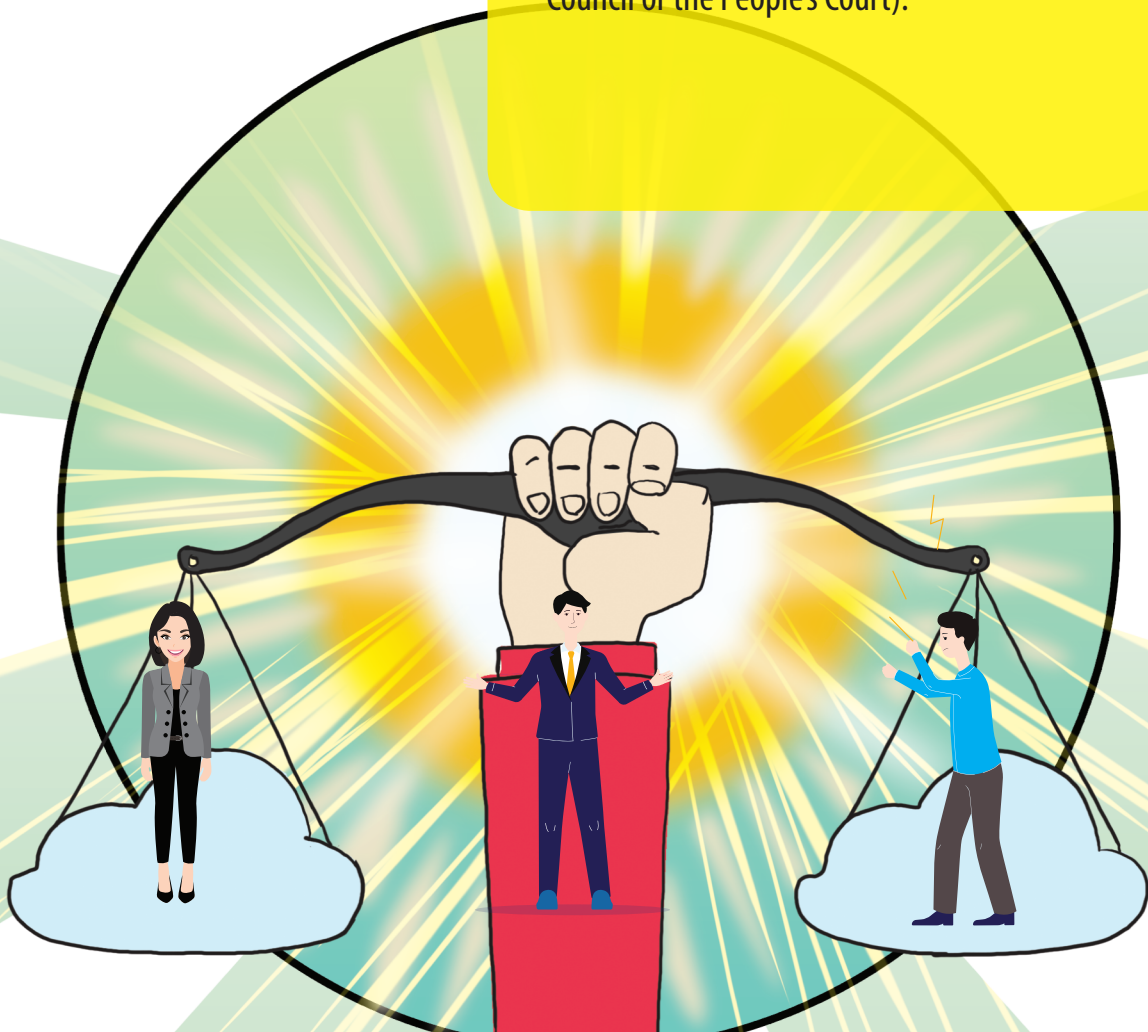


RESOLUTION OF LABOUR DISPUTES

The Labour Code 2019 promotes the settlement of labour disputes via negotiation between the parties through mediation and arbitration. It promotes principles of lawfulness, transparency, objectivity, timeliness, and the common good and recognizes the rights of parties to representation during the dispute resolution process. To this aim, it also provides that a party cannot take unilateral action against another party during the period in which the labour dispute is being resolved by any of the competent bodies (Mediators, a Labour Arbitration Council or the People's Court).



Labour disputes are disputes concerning the rights, obligations or interests that arise among the parties in the process of establishing, implementing or terminating labour relations, disputes among workers’ representative organizations, or disputes arising from relations that are directly related to labour relations.

Regulation on resolution process of 03 types of labour disputes

Individual labour disputes Between a worker and an employer; a worker and an enterprise or organization sending the worker to work overseas under contract; dispatched workers and the hiring party. 01	Rights-based collective labour disputes Differences in the understanding and implementation of the terms and conditions in collective bargaining agreements, internal work regulations or other lawful regulations and agreements. Differences in the understanding and implementation of labour laws. When employers discriminate against workers or members of the leadership committee of a workers’ representative organizations on the grounds of establishing, joining or undertaking activities of the workers’ representative organization, intervene in or manipulate a workers’ representative organization, or fail to comply with the obligation to negotiate in good faith. 02	Interest-based collective labour disputes a) Labour disputes that arise during collective bargaining processes. b) When either party rejects collective bargaining or does not undertake bargaining within the time stipulated by the law. 03
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Resolving individual labour disputes



Responsibilities of agencies and organizations in resolving labour disputes:



Relevant and competent state agencies

The labour mediator

Individual labour disputes must go through mediation with labour mediators before any request is made for resolution by the Labour Arbitration Council or the Court.



The People’s Court

The disputing parties have the right to request the Court for resolution.

The Labour Arbitration Council

Upon consensus, the disputing parties may request labour dispute resolution by the Labour Arbitration Council.

In accordance to Article 181 of the Labour Code 2019, the Ministry of Labour, Invalids and Social Affairs shall organize training to improve the professional capacity of labour mediators and arbitrators in labour dispute resolution.



Resolving rights-based collective labour disputes



The labour mediator

Right-based collective labour disputes must be resolved through mediation procedures with a labour mediator prior to requesting resolution by the Labour Arbitration Council or People's Court.

The Labour Arbitration Council

Upon consensus, the disputing parties have the right to request dispute resolution by the Labour Arbitration Council for cases where mediation is unsuccessful or where the labour mediator fails to conduct the mediation within the time limits or either party fails to execute the agreement recorded in the successful mediation record.

The People's Court

The disputing parties may request resolution by the Court.

Resolving interest-based collective labour disputes



The labour mediator

Interest-based collective labour disputes must be settled through mediation by a labour mediator prior to requesting resolution by the Labour Arbitration Council or going on strike.

The Labour Arbitration Council

Upon consensus, the disputing parties have the right to request dispute resolution by the Labour Arbitration Council in cases where mediation is unsuccessful or where the labour mediator fails to conduct the mediation within the time limits or either party fails to execute the agreement recorded in the successful mediation record.

Strikes

Rights of the parties prior to and during a strike

- 01** To continue to reach an agreement to resolve the concerned collective labour dispute, or to jointly request a labour mediator or a Labour Arbitration Council for mediation and resolution.



- 02** The workers' representative organization that is entitled to organise and lead the strike as stipulated in Article 198 of this Code has the following rights:

To withdraw the decision to go on strike if the strike has not yet taken place or to end the strike if it is taking place.

To request the Court to declare the strike lawful.

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- 03** Employers have the following rights:

To accept all or part of the demands, and announce this in writing to the workers' representative organization that is organizing and leading the strike.

To temporarily close the workplace during the strike due to insufficient conditions to maintain normal operations or to protect the employer's assets.

To request the Court to declare the strike illegal.

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