



ILO EVALUATION

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This evaluation has been conducted according to ILO's evaluation policies and procedures. It has not been professionally edited, but has undergone quality control by the ILO Evaluation Unit.

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Acronyms

BA	Business Association
BWV	Better Work Vietnam
CA	Cooperative Agreement
CB	Collective Bargaining
CIRD	Centre for Industrial Relations Development
CLA/NA	Committee on Legal Affairs of the National Assembly
CO	Country Office
CP	Country Programme
CPR	Country Programme Review
CTA	Chief Technical Advisor
DFID	Department for International Development
DO	Development Objective
DOLISA	Department of Labour, Invalids and Social Affairs
DWCP	Decent Work Country Programme
EU	European Union
EPZs	Export Processing Zones
EZU	Economic Zone Union
EZ TUs	Economic Zone Trade Unions
FDI	Foreign Direct Investment
FE	Final Evaluation
FoA	Freedom of Association
FoL	Federation of Labour
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GoV	Government of Vietnam
GSO	General Statistics Office
GTU	Grassroots Trade Union
GUF	Global Union Federations
HCMC	Ho Chi Minh City
HIZA	Hanoi Industrial Zone Authority
ICD	International Cooperation Department, MOLISA
ILO	International Labour Organisation
ILO DWT-EAP	ILO Decent Work Team for East Asia and the Pacific
ILS	International Labour Standards
IO	Immediate Objective
SO	Sub-Objective
IR	Industrial Relations
IZTU	Industrial Zone Trade Union
MDGs	Millennium Development Goals
MTE	Mid-term Evaluation
MOLISA	Ministry of Labour, Invalids and Social Affairs
NA	National Assembly
NPC	National Project Coordinator
NPSC	National Project Steering Committee
NWC	National Wage Council

PFoL	Provincial Federation of Labour
PPIU	Project Pilot Implementing Unit
PMP	Performance Monitoring Plan
ProDoc	Project Document
RBM	Results-Based Monitoring
RBSA	Regular Budget Supplementary Account
RBTC	Regular Budget Technical Cooperation
RCEP	Regional Comprehensive Economic Partnership
RMG	Ready-Made Garment Sector
ROAP	Regional Office for Asia and the Pacific
SAC/NA	Social Affairs Committee of the National Assembly
SD	Social Dialogue
SOs	Expected Results
SOE	State-Owned Enterprises
ToR	Terms of Reference
TPP	Trans-Pacific Partnership
TPR	Technical Progress Report
TU	Trade Union
TUL	Trade Union Law
TUSSO	Trade Union Solidarity Support Organizations
USDOL	US Department of Labour
VCA	Vietnam Cooperatives Alliance
VCCI	Vietnam Chamber of Commerce and Industry
VGCL	Vietnam General Confederation of Labour

I. Executive Summary

The project “Vietnam Labour Law Implementation Project” (ILO-IR project Phase II) seeks to develop regulations for the new labour legislation consistent with the ILS, educate the tripartite partners on the provisions of the laws and regulations, and build their capacity to promote good

industrial relations with the new provisions’ application in practice. Phase II was designed as a follow up to the One UN Fund supported project ‘Support to Industrial Relations and Labour Code Reform in Vietnam’ (ILO Reform Project) implemented by the ILO Hanoi during September 2009-October 2012. The immediate objectives of the Phase II are:

- (1) Support to development of implementation decrees for the new LC and TUL.
- (2) Promote education and awareness of the new LC and TUL and their regulations and guidelines.
- (3) Improve TU capacity to effectively and democratically represent workers, particularly at the enterprise level and in coordination with national union organizations, per new TUL and LC.
- (4) Facilitate development of an effective and sustainable system of MW fixing and determination.
- (5) Promote the use of CB resulting in signed CBAs per the provisions of the new LC.

Present Situation of the Project

The ILO-IR project Phase II was implemented within the framework of the originally envisaged duration (48 months) from October 2012 to September 2016. Nevertheless, there were some delays with implementation of planned activities within the set timeframe (under IO2, IO3 and IO5) as well as some activities were cancelled (under IO1 and IO5) due to limited resources. The project budget utilization rate constitutes 99 per cent as of August 18, 2016.

Purpose, scope and clients of the evaluation

Purpose: The final project evaluation focused on relevance and validity of the project design, achievements related to the immediate objectives, emerging impact of the key activities implemented, assess the potential for the sustainability of project interventions and lessons learned.

Scope: The final evaluation covers the ILO-IR project phase II implementation starting from October 2012 to September 2016.

Clients: The principle audiences for this evaluation are

the ILO (project management, ILO Hanoi Office, DWT-Bangkok, ILO EVAL Unit and PARDEV department), the Government of Vietnam, the Vietnamese social partners, and the donor.

Methodology of evaluation

The evaluation had a participatory character and was based on a mixed-method approach. Data collection procedures included:

- a) desk review of relevant documents related to the Project and other sources (more than 100 documents have been reviewed).
- b) field visit to Vietnam (Hanoi, Dong Nai, HMC, Danang, Hai Phong, Hai Duong) during 25 July-5 August 2016.

- c) interviews with key informants from the executing agency, the Government, employers and workers' organizations at national and local level, and the donor agency (in total, 33 interviews (22-m/11-f) were conducted).
- d) case studies of 5 pilot programs (in total, 25 interviews (17-m/8-f) with representatives of DoLISA and pilot implementing units and 5 focus groups with 37 participants (22-m/15-f) of pilot programs were carried out).
- e) surveys among project's tripartite constituents at national and local levels, and beneficiaries of pilot programs (in total, 8 members of National Project Steering Committee took part in the project satisfaction survey, 10 tripartite constituents participated in the organizational self-assessment survey and 30 participants of VGCL and VCCI pilot programs took part in beneficiary survey).

The major limitations to the methodological approach identified by the evaluator are three-fold:

(1) difference between the project documents included into the cooperative agreement (CA) with the project donor and project document signed between the Government of Vietnam. It required evaluator to choose as a benchmark the Workplan 2013-2016 which is based on the CA and incorporates differences between two project documents.

(2) time constraints for consultations with relevant stakeholders during the field mission. The project has 5 components and more than 150 deliverables, during the short timeframe (10 working days) available for the field work to Vietnam, it was not possible to contact all project beneficiaries and stakeholders and make in-depth analysis of each project deliverable, which inevitably limited the quantity of data collected and the depth of analysis;

(3) timing of conduction of the final evaluation, i.e. just two months prior to the project's completion and during a period when internal lessons learned studies due to long lead time of contracting as well as a number of activities were under way. It made difficult for the evaluator to obtain all data prior or during the field mission and make it difficult for some stakeholders to allocate the time for meetings due to conflicting schedule.

Main Findings & Conclusions

Relevance and strategic fit: The overall directions laid out in the project document are entirely consistent with the priorities affirmed in by the Governments of Vietnam and US, ILO and UN programming documents, which aim to strengthen compliance of Vietnam with the ILS through promotion of sound IR, SD and CB. The project is very timely and its relevance has been reinforced during project's implementation phase due to negotiations and signature by Vietnam of various trade agreements (TPP, EU and AEC) which require further substantial law and institutional reform in the field of industrial relations. The project was able to respond timely to the newly emerged needs of the partner country with regard to revision of the Labour Code within very short timeline (i.e. by October 2016) by means of securing additional funding from the ILO Geneva and making corresponding revisions of 2016 Annual Workplan.

Validity of project design: The ILO-IR Project Phase II was an all-embracing intervention; this is clearly its main point of strength, but it conversely represents also its main design weakness. Its components are not well interconnected and have fixed design in spite of rapidly changing country context, immediate objectives define a gigantic scope of action and constitute a major organizational, logistic and technical challenge. Despite project's comprehensive and ambitious

scope, it is fully supported and owned by the project partners and other IR stakeholders. Gender mainstreaming and social dialogue have been embedded in the project design as a cross-cutting issues. Gender equality approaches were integrated into project's capacity building and awareness raising activities, policy work, management practices and deliverables, while tri-, and bi-partite social dialogue was promoted through VGCL and VCCI pilots aimed to strengthen the capacity of employers' and trade unions in resolving disputes that might lead to wild-cat strikes.

Project progress and effectiveness: In general, the ILO-IR project Phase II was effective. The projects' greatest effects in respect to its scope were under IO 4 'Minimum wage fixing', IO 3 'Union restructuring' and IO 1 'Implementation decrees'; to a lesser extent under IO 2 'Promote awareness of LC and TUL' and IO 5 'Collective bargaining'. The project faced a number of challenges including limited project budget, staff turnover among ILO project management team and implementing partners, low practical experience of project's partners in CB and SD and different level of institutional development of implementing partners. In all, while not being able to meet all its intended outputs, the available data (qualitative and quantitative) strongly suggest the project's progress towards meeting its objective.

Efficiency of resource use: The project resources were allocated strategically and for the most part effectively to achieve outcomes; however, the chosen implementation modality was quite complicated and required allocation of a number of administrative resources both by the ILO-IR project team and the implementing partners. In addition, Phase II faced financial constraints within the whole period of implementation due to lack of specification in the Cooperative Agreement of funding availability and timing of funds release, which made project implementation and planning more difficult and subject to variation.

Effectiveness of management arrangements: Planned project management structure was only partly effective as lacked project staff both technical (with in-depth knowledge of IR across all fields and available in Vietnam at short notice) and administrative (necessary for effective financial management of a big group of implementing partners). Human resources at various levels of the ILO were engaged in project implementation and contributed towards achieving most of intended outputs. Project governance structure was only partly efficient as the National Steering Project Committee was represented by senior high-level officials from all tripartite constituents which make it quite difficult to hold meetings more often than on annual and/or bi-annual basis. The project established strong collaboration with all tripartite constituents which is evident from the level of involvement of partners in project implementation. The project established gradually a robust M&E system that produced reliable and up-to-date data; though the sequence for conduction of evaluations (both external and internal) could have been better planned by ILO project team.

Impact orientation: The ILO-IR project Phase II - supported an increase in awareness and knowledge regarding the international labour standards and the importance of industrial relations, social dialogue and collective bargaining in Vietnam's transition to a market economy. The project has succeeded in reaching some key development milestones, namely supporting the establishment and work of the National Wage Council and the new minimum wage fixing and determination system which for the first time involves all tripartite partners in deliberation and consideration of minimum wage adjustment recommendations; inclusion of bottom-up union organization in VGCL Charter; piloting innovative tools for improved representational role for trade unions and employers; strengthening of regulatory and legal framework for IR by supporting the development of Decrees and other regulations under the new labour laws; and strengthening IR network. The project's pilots

in particular have a number of observable short-to-medium term positive effects including increases in unionization rate, change in structure and representation capacity of GTUs, increase in the level of participation and role of workers in new GTUs, increase in the level of activeness of GTUs at the workplace level, improvement of industrial relations in enterprises, the practical demonstration of new forms of collective bargaining (multi-enterprise in FDI and tourism sectors) and collaborative relations among enterprises and between employers' organizations and their members. This in its turn contributed to the increase in workers' satisfaction with employers, decrease in staff turnover, increase in productivity and decrease in wild-cat strikes. The project's support with development of implementing decrees led to higher compliance of national legal framework of industrial relations with ILS as 11 out of 14 decrees have incorporated ILO comments, while introduction of minimum wage fixing and determination system led to increase of minimum wages by 1.75 times since 2012, which in turn resulted in 1.35 times increase of average monthly salaries for paid workers and contributed to decrease in wild-cat strikes nationwide by 3 times since 2011.

Sustainability: The ILO undertook all necessary steps, which were under its control and within its mandate to promote sustainable project's outcomes by strengthening institutional and management capacity of tripartite constituents and fostering partnerships among implementing partners at national and provincial levels for policy reform and practical implementation of industrial relations, leveraging political support from tripartite partners and ensuring funding stability necessary for smooth continuation of IR reform process. The project has a clear sustainability plan, which was elaborated, communicated and agreed by ILO with all tripartite partners, although at later stage of project implementation. Institutional and management capacity were safeguarded by strengthening organizational and technical capacities of tripartite constituents in such areas as law drafting, minimum wage calculations, union organization, collective bargaining and social dialogue. Political support has been reconfirmed and/or secured at the high political level, national and local levels through making commitments by the Government and tripartite partners to ratify 10 ILO conventions by 2020, scaling-up of pilots by VGCL on the bottom-up for union organization and multi-enterprise collective bargaining and pilot of VCCI on capacity building of business associations for provision of better IR services to their members as well as commitments for further usage of developed regulations, tools, methodologies, studies, reports by constituents in labour law reform process. Financial sustainability of the project was ensured through securing funding in the amount of US\$ 5.15 million for January 2017-December 2019 from a Multi-Donor Support Facility composed of US, Japan, Canada and the EU.

Conclusions

The USDOL funding was important as allowed the ILO through the ILO-IR Project Phase II to continue the work on strengthening the emerging industrial relations system in Vietnam. Phase II was implemented in historic time due to conclusion of FTAs by the Government of Vietnam during project's lifetime that include the necessity to align the labour reforms to the 1998 Declaration on fundamental principles. The ILO-IR Project Phase II was instrumental in forming a basis for further reforms of laws, institutions and mechanisms in the country and future continuation of the work on IR on more advanced level.

Overall, the ILO-IR project Phase II has attained significant progress in meeting objectives and has contributed to putting in practice the revised Labour Code and Trade Union Law by reforming of the Vietnam's minimum wage system, improving industrial relations institutions and mechanisms for collective bargaining and social dialogue and strengthening capacity of stakeholders to bring the regulations and practices into closer compliance with international labour standards. However, due to complexity of reform process more work still needs to be done to meet the local IR needs and

ensure compliance with the Labour Code, especially in such areas as collective bargaining, dialogue and disputes and strikes.

The main recommendations are summarized as follows:

Critical recommendations

1. Design of the subsequent Phase of the IR project should be in line with the labour commitments in TPP in general and Vietnam-US Plan for enhancement of trade/labour relations in particular.
2. The stability of the funding for the next Phase of the IR project should be ensured by including into the agreements with donors' specification of instalments amounts and timing of their release.
3. As Vietnam, industrial relations system is at an early stage of development, the subsequent phase of the project would benefit from more flexible and light design which could allow to respond better and timely towards the needs of tripartite constituents.
4. The donors should consider the possibility of tagging a certain amount of budget (10 or 20%) for "non-labeled" activities, to be decided/agreed with local stakeholders during the first year of program implementation. This would provide greater flexibility and responsiveness to local needs in terms of IR reform process.
5. During signature of future agreements with the donors and approval of the ProDoc of the next phase with the Government of Vietnam make sure that the project documents correspond to each other. It will allow to avoid any misinterpretation of intended project's objectives and outcomes.
6. ILO Geneva needs to consider the setting up of a mechanism for quick allocation of funds that would allow country offices to address better the urgent needs of the Member States.

Important recommendations

7. When designing the next phase of IR project, ILO Hanoi should make better linkages with other projects and programmes implemented in Vietnam for ensuring complementarity of efforts for better response to the needs of the Government of Vietnam in the context of TPP.
8. In the follow-up phase of IR project, define risks and mitigation plans separately for each component
9. For better assessment of efficiency of resources use and ensuring consistency with the concepts of RBM, it is recommended to use the Output-Based Budgeting method in preparing budget of the follow up phase of the IR project.
10. In the follow up phase, continue conducting of pilots, but focusing more on their quality rather than quantity and making more clear distinction in terms of pilot purpose (demonstration or scale up).
11. In the design of future phase of the project, ILO Hanoi should start to focus more on strategic strengthening of institutional capacity of Constituents and their internal governance structures to ensure their sustainability in the long-run. When undertaking organizational development, carry out initial baseline assessments of supported social partners and the government institutions and establish measurable indicators of capacity development.

12. For ensuring more systematic approach towards institutional strengthening of tripartite constituents consider the development of a Training and Capacity Building Strategy for each partner and consider the efficiency gains of engaging a full time Institutional Building Advisor/M&E Specialist for the project to oversee the development/implementation of those plans by tripartite constituents and ensure proper measurement of impact.
13. In the design of future project, the ILO should plan support for social partners to develop public awareness and communication strategies and activities to inform the public and stimulate debate. The Media and Advocacy Strategy should be developed at the outset of implementation of subsequent phase of the project (inception phase). It should specify the type of messages, advocacy campaigns and strategies to be used in order for the main messages to be mainstreamed.
14. In the follow-up phase of IR project, consider organization of PAC meetings on more regular basis (at least half a year) and improving the project's oversight through establishing of Technical Advisory Committee from representatives of the tripartite partners and Project Office.
15. In the follow up phase of IR project, mainstream gender in the situation analysis, the project goals, outputs, indicators, and monitoring and evaluation framework on the stage of project design.
16. Before the Phase II closes, project management should make sure that all appropriate reports of Phase II and resources are available online, either on the ILO website or relevant partners' websites.
17. Taking into consideration the scope and complexity of the ILO-IR projects, during conduction of independent evaluations of the follow-up phases it is recommended to (1) invite an evaluation team composed of two consultants (international and national) and (2) allocate more time for evaluation conduction in order for the evaluation team to be able to collect properly all relevant data.

II. Background and Project Description

This report documents the main findings and conclusions of an independent final evaluation of the International Labour Organization (ILO) project "Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam" (ILO-IR Phase II project), which was carried out between July and September 2016.

2.1. Project context

Vietnam's current labour market policies have evolved in the context of its long and ongoing transition from a mainly planned to a modern, market-led economy with a fast-growing middle class. This transition started in the mid-1980s with the *doi moi* ("renovation") reforms. Over the last 30 years, it has led to significant shifts of employment away from agriculture toward manufacturing and services; away from household enterprises toward registered and regulated businesses; and away from state owned enterprises (SOEs) toward private domestic and foreign-owned firms.

During this period, Vietnam has also experienced unprecedented levels of industrial action. The per-capita poverty ratio in Vietnam fell from nearly 60 per cent in the early 1990s to 17.2 per cent in 2012

and life expectancy at birth rose to 76 years in 2013¹. In 2008, Vietnam became ‘officially’ a ‘middle-income country’, following the World Bank classification of Gross Domestic Product (GDP) per capita, though it is obviously still poor according to European standards. The country has also made remarkable progress in education. At the same time, Vietnam has suffered substantial price increases for basic foods since 2007–2008². The extensive foreign direct investment (FDI) flows mostly into the construction of low technology-intensive ‘extended workbenches’ and subcontractors or even into scarcely growth-related real estate and tourism projects. Corruption is a persistently virulent problem.

The high dynamics of economic change places considerable demands on an institutional adjustment process that the comparatively stable political system thus far has only partly been able to address. Government agencies, employers and workers and their respective organizations have experienced an institutional and capacity lag in adapting the IR system to a market-oriented economic framework. Thus, a labour code was created in 1995 and has been reformed several times since 2002³. There is a fairly sophisticated system of state minimum wages. A social security system is being gradually built up. In Vietnam, all trade unions fall under the umbrella of the Vietnam General Confederation of Labour⁴. The confederation and its affiliated unions are tasked with a number of different roles which are not well aligned, thus resulting in conflicts of interest. Enterprise-level unions are traditionally close to management. Even in the foreign-owned sector, senior executives and managers are often union members and hold top union positions. Unions are tasked with representing the workers’ interests vis-à-vis the firms’ management and providing welfare services to workers. This last function is at times subsidiary to other duties of union representatives. The Vietnam Chamber of Commerce and Industry (VCCI) and Vietnam Cooperatives Alliance (VCA) are recognized by the government as representative organizations of employers in labour and employment policy. Currently, VCCI headquarter office is located in Hanoi and there are 8 other branch offices and representative offices in Hai Phong, Thanh Hoa, Nghe An, Da Nang, Khanh Hoa, Vung Tau, Can Tho, and Ho Chi Minh City. In order to reach out to nation-wide coverage, VCCI establishes its network by authorizing province-level “business associations” in 30 provinces to work as “employers’ organizations” with functional employers’ representative units. These VCCI periphery local employers’ organizations will represent employers to work together with trade union and government in tripartite consultation mechanism to protect and promote employers’ interests in labour-related matters. According to this model, an employer’s committee including representatives from the largest local labour intensive enterprises and business associations in a particular province is set up under the management and technical support from VCCI. These committees will have the following functions and tasks: 1) Employers representation: to participate as employers representative in tripartite working group in the province with Department of Labour, Invalids and Socials Affairs and local trade union to deal with labour related matters including labour disputes and strikes; 2) Lobby and advocacy: to collect and study the views and suggestions of employers for reflections, recommendations to the local government on labor-related legal matters and policies for the improvement of the business environment; and 3) Service provider to employers: legal support, training and consultation on labour issues.

In reality, VCCI local employers’ organizations are coping with several challenges that prevent them from working effectively as local employer’s representatives. While the VCCI branch offices (and representative offices) and the province-level Business Associations (BA) which are authorized to work as “employers’ organizations” are established, the level and range of their activity are varied and in most cases not well developed. Their capacity to support the member employers/enterprises in developing sound industrial relations and human resource management policies and practices – in particular, in engaging with workers and trade unions in collective bargaining, wage negotiations,

¹ <http://data.worldbank.org/country/vietnam>

² http://reliefweb.int/sites/reliefweb.int/files/resources/86621C732533B252492574F8001E353F-Full_Report.pdf

³ http://www.ilo.org/dyn/natlex/natlex4.listResults?p_lang=en&p_country=VNM&p_classification=01.02

⁴ <http://www.eastasiaforum.org/2015/04/10/vietnam-strikes-out-at-labour-disputes/>

dialogue, and productivity improvement measures is limited. Furthermore, the branch organizations and business associations are still not very developed as a focal point where employers come together to share their experiences, support each other in their initiatives, and organize joint and coordinated industrial relations activities. Another key challenge for provincial employers' organizations operation is that they are not officially/ legally recognized by local authorities and trade union to be employers' representatives in tripartite mechanism at provincial level. In this context, it is vital to develop and work with a core group of members with a view to establishing a pattern of activities and work of province-level employer's organizations.

A sign of the weaknesses in Vietnam's system of industrial relations is the country's high number of spontaneous strikes. Such strikes have increased notably since the mid-2000s in Vietnam, though with considerable volatility from year to year and with the bulk of strikes in the FDI sector.

The number of strikes has increased significantly in the 2000s, reaching a peak of over 900 in 2011, though almost no strikes occurred at State-owned enterprises (SOEs)⁵. Today, strikes have an economic motivation and demonstrate a transition of collective action from passive means to more active means to advance economic interests. These strikes demand better meals, higher salaries, and less overtime. In the absence of real collective bargaining, cultural differences are merely a trigger for disputes over interests. There are several unique aspects of strikes in Vietnam. First, all strikes are wildcat, outside the legal framework and without trade union involvement. Second, strikes occur prior to collective bargaining, not after it. Third, strikes are highly organized with significant solidarity among workers. Fourth, the strikes do not have predetermined demands to settle the case, but rather an accumulation of grievances and perceived unfairness. Next, none of the strikes went through the process of conciliation or mediation before the cessation of work. The government provided ad hoc mediators, but after the strike had started. Finally, it is less common for the workers to play a part in resolving the dispute; rather, the negotiations occur in private between the employer and government officials, with the trade union providing a mediation or observer role. Finally, workers always receive back pay and are never penalized for their actions. A strike ends as either a victory or a draw due to the lack of effective representative unions and effective dispute resolution mechanism.

The International Labour Organization (ILO) has continuously provided support to the Government of Vietnam in the area of Labour Code reform and IR development, namely:

- One UN Fund supported a Project on "Support to Industrial Relations and Labour Code Reform in Vietnam" (Phase I), conducted from 30 September 2009 to 30 June 2012;
- One UN Fund (DFID) supported a Project on "Support to Implementation of the Revised Labour Code Focusing on Industrial Relations and Gender-Related Issues", conducted from 1 July 2012 to 31 December 2012;
- "Immediate Objective 3: Strengthened capacity of the Vietnamese union through piloting initiatives for innovation of union organization in an expanded number of BWV participating factories", undertaken as a part of the ILO Project "Better Work Vietnam: Union Capacity Development";
- Activities under a number of RBSA awards were also coordinated by the IR Project Independent Mid-Term Evaluation: The Vietnam Labour Law Implementation Project.

Those interventions aimed at providing support to policy decision-making and capacity building were designed to strengthen the ability of institutions to implement possible changes in the IR and labour law systems.

⁵ <http://english.thesaigontimes.vn/42054/WB-Vietnam-needs-to-improve-labor-market.html>

2.2. Project description

The USDOL-funded ILO-IR project Phase II was designed as follow-up to the project “Support to Industrial Relations and Labour Code Reform in Vietnam” (Phase I) and aims to put into practice the new Labour Code and Trade Union Law to ensure that, by 2016, Vietnam’s minimum wage system will be reformed and the industrial relations institutions and mechanisms for collective bargaining and social dialogue will be perfected and the capacity of all stakeholders will be strengthened so as to bring the regulations and practices into closer compliance with international labour standards.

Per the Cooperative Agreement, the project set five immediate objectives (IOs):

- Immediate Objective 1: To support the development of implementation decrees for the new Labour Code and Trade Union Law
- Immediate Objective 2: To promote education and awareness of the new Labour Code and Trade Union Law and their regulations and guidelines
- Immediate Objective 3: To improve the trade unions’ capacity to effectively and democratically represent workers, particularly at the enterprise level and in coordination with national union organizations, as per the new Trade Union Law and Labour Code
- Immediate Objective 4: To facilitate the development of an effective and sustainable system of minimum wage fixing and determination
- Immediate Objective 5: To promote the use of collective bargaining, resulting in signed collective bargaining agreements as per the provisions of the new Labour Code

The primary focus of Phase II is immediate objective one, with the new labour laws and regulations framing the capacity building activities in immediate objectives three to five.

The ProDoc has identified five important ‘key themes’ or principles which together summarize a project approach and strategy that enables execution of activities in parallel for optimal efficiency and synergistic results:

- a) Activities locally embedded: The Key Outcome will be improved partners, meaning that the Project is designed to support the implementing partners to become capable and effective industrial relations actors in an improved industrial relations environment;
- b) Policy support at highest level: The project activities are intended to inform decision making at the highest levels (MOLISA, NA, VCCI, VGCL, VCA, reflected in particular through Immediate Objectives 1 and 4;
- c) Targeted capacity building at decentralized level: 3 types of Pilots are identified in the ProDoc;
- d) Horizontal spread of innovations, especially through maintaining and expanding the Network for Industrial Relations Development, NIRD; and
- e) Bottom-up policy recommendations: key findings and lessons from the project activities, including targeted intervention, are summed up as non-binding policy recommendations by CIRD, and other relevant national level organisations, which submit to lawmakers, top tripartite policy-makers, their respective decision-making bodies, and other relevant IR actors for their consideration.

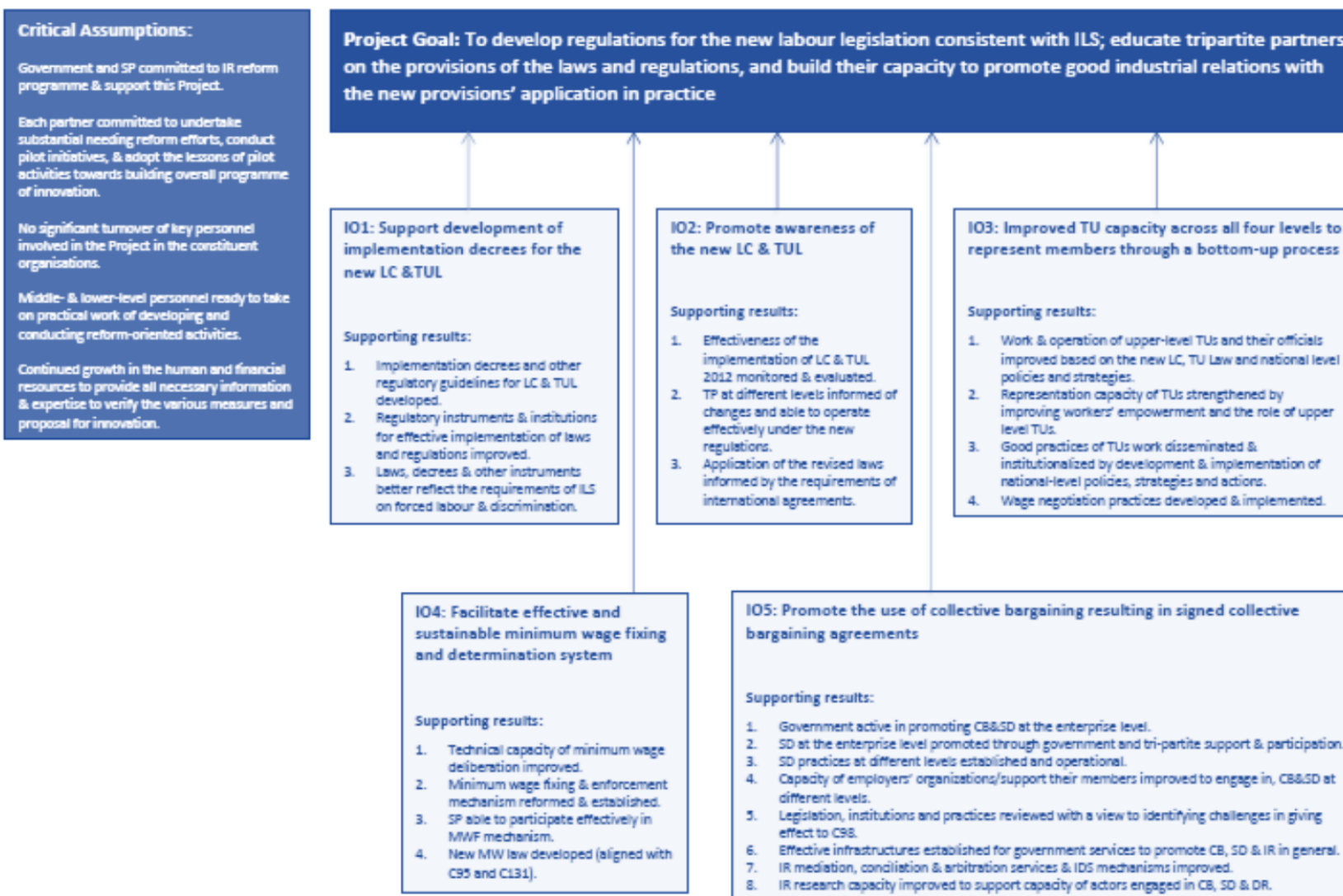
The ILO project management team planned the project activities so as to: (a) facilitate the drafting and adopting of regulations as well as decrees, ordinances and other instruments, and of guidelines for the new Labour Code and Trade Union Law; (b) promote education and awareness of the new Labour Code and Trade Union law and their regulations and guidelines; (c) improve the trade unions’ capacity to effectively and democratically represent workers, particularly at the enterprise level and in coordination with national union organizations, as per the new Trade Union law and Labour Code; (d) facilitate the development of an effective and sustainable system of minimum wage fixing and determination; (e) promote the use of collective bargaining, resulting in signed collective bargaining agreements as per the provisions of the new Labour Code.

The direct target groups for the project were: representatives of workers' and employers' organizations, managers and workers, government officials and National Assembly members and officials involved in labour matters, research communities, legal experts, and labour dispute settlement authorities.

The project was implemented in Vietnam: Hanoi, Hai Phong, Hai Duong, Da Nang, Dong Nai, Binh duong and Ho Chi Minh City.

The project underwent the Midterm independent evaluation in mid-2015 and the external evaluation by the USDOL in late 2015.

Results Framework of IR Project (2012-2016)



III. Evaluation Objectives and Methodology

This section defines the main objectives of the final independent evaluation and describes the evaluation methodology that was employed to carry out this assessment, explains the methods of data analysis and lists the main limitations of the evaluation.

3.1. Purpose and Scope of the Evaluation

The main objectives of the evaluation were to identify the project’s primary achievements in ILO-IR project, to describe how it was implemented, to analyze the appropriateness of its design and the adequacy of its management structure and to assess the potential for the sustainability of project interventions.

The final evaluation covers the ILO-IR Phase II project implementation which took place from September 2012 to September 2016.

The final evaluation was initiated by the ILO in line with the ILO policies and procedures for results-based evaluations⁶ and ProDoc.

The evaluation was carried out by an independent Evaluation Consultant, Ms. Katerina Stolyarenko, between July and September 2016. The entire evaluation process adhered to the ILO and UNEG evaluation standards and guidelines and was overseen by the ILO Evaluation Manager based in the ILO Bangladesh, Mr. Alexius Chicham. The ILO Hanoi staff was also actively involved in briefing and debriefing activities and was provided opportunities to provide inputs and guidance.

The evaluation findings, good practices, lessons learned, conclusions and recommendations are primarily intended for ILO (project management, ILO Hanoi Office, DWT-Bangkok, ILO EVAL Unit and PARDEV department), USDOL, MoLISA and all project implementing partners and constituents (trade unions and employers) to use, as appropriate, in the design and implementation of subsequent projects in the area of industrial relations in Vietnam, as well as elsewhere, if relevant.

3.2. Evaluation Criteria and Questions

As specified in the Terms of Reference (Annex 5.1), the final evaluation of the ILO-IR Phase II project is based on the analysis of the OECD-DAC⁷ established evaluation criteria: (a) relevance and strategic fit, (b) validity of project design, (c) effectiveness, (d) efficiency of resource use, (e) effectiveness of management arrangements, (f) impact orientation, and (g) sustainability.

The final evaluation seeks to answer the following seven groups of questions:

Table 1. Evaluation Questions as per Inception Report for Final Evaluation of ILO-IR Project Phase II

Evaluation criteria	Key questions
Relevance and strategic fit	1. Does the IR project continue to address a relevant need and identified decent work deficits in Vietnam in terms of the new labour legislation consistent with ILS? Have new and/or more relevant needs emerged that the project should address?

⁶ http://www.ilo.org/eval/Evaluationguidance/WCMS_176814/lang--en/index.htm

⁷ OECD DAC: Organization for Economic Cooperation and Development’s Development Assistance Committee

	<ol style="list-style-type: none"> 2. How does the project align with and support national development plans/ strategic priorities of key partners? 3. How well does the project complement and fit with other programmes of the USDOL in the area of labour law reform, compliance with International Labour Standards, and promotion of sound industrial relations? 4. How well does the programme complement and fit with another ILO programmes and align with DWCP in Vietnam? 5. How well does the programme complement and link to activities of UN and non-UN development partners at the national level?
Validity of design	<ol style="list-style-type: none"> 6. Is the intervention’s logic coherent and realistic? To what extent have the recommendations of the midterm evaluation been taken into consideration? 7. Which risks and assumptions were identified and to what extent have they affected the project? Do these need to be re-assessed? 8. How appropriate and useful is the PMP (including indicators) in assessing the project’s progress? 9. To what extent have gender-specific means of action been included? To what extent has social dialogue been included as a means of action?
Project Progress and Effectiveness	<ol style="list-style-type: none"> 10. Is the project on the track of achieving the indicator targets according to schedule? If not, what have been the obstacles to the achievement both in terms of factors that the project is able to influence and external factors beyond its control? Has the project achieved its planned objectives? What factors influenced the effectiveness of the project’s capacity building and other activities? 11. How have stakeholders been involved in project implementation? Has the project effectively and efficiently succeeded in mainstreaming gender equality in its areas of work (outputs) and its processes? 12. To what extent has the project been effective in increasing in implementation partners: i) organizational capacity; ii) technical capacity; iii) greater involvement of the social partners in project implementation; and iv) mobilization and diversifying funding sources for partners to enable them to be fully self-sustaining by the end of this phase of the partnership?
Efficiency of resources use	<ol style="list-style-type: none"> 13. Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outcomes? What level of the project activities (individual; institutional; systematic) provided the most cost-effective benefits? Have the project’s funds and activities been delivered in a timely manner? 14. Is the budget execution progressing as expected (i.e. expenditure rates)? <ul style="list-style-type: none"> • Is the level of budget execution for each component consistent with the level of achievement of targets? Do currently achieved outputs justify the level of expenditure?
Effectiveness of management arrangements	<ol style="list-style-type: none"> 15. The extent to which management capacities and arrangements put in place to support the achievement of results? 16. How effectively does the IR project management monitor the project’s performance and results? Have appropriate means of verification for tracking progress, performance and achievement of indicator values been defined? Do the implementing partners provide for the effective project implementation? 17. Is relevant information and data systematically being collected and collated with support from national partners? Is the data disaggregated by sex (and by other characteristics, if relevant)? Is the information regularly analyzed to feed into management decisions?
Impact orientation	<ol style="list-style-type: none"> 18. To what extent has result-based management been implemented in the project? 19. What is the likely contribution of the project initiatives, including; (1) The innovative approaches and methodologies piloted? (2) To broader development changes in the area of intervention (including those laid out in the ILO Decent Work Agenda, the Decent Work Country Programmes, Country

	<p>objectives within the ILO Programme and Budget and national development programmes, and envisioned in relevant ILO standards?)</p> <p>20. In how far is the project making a significant contribution to broader and longer-term development impact?</p> <p>21. How effective and realistic is the exit strategy of the project? Is the project gradually being handed over to the national partners?</p>
<p>Sustainability</p>	<p>22. Can observed changes (in attitudes, capacities, institutions, etc.) be causally linked to the IR project's interventions? Has the project successfully built or strengthened an enabling environment (laws, policies, peoples attitudes, etc.)?</p> <p>23. What results have been achieved, including through tools and research papers developed, to assist implementing partners in securing and sustaining on-going operations?</p> <p>24. What are the key project achievements thus far that could be sustained beyond the life and the context of the project? Does the project have a strategy in place to sustain these elements?</p>

3.3. Evaluation Methodology

The evaluation methodology was carefully designed to respond to the seven groups of main evaluation questions listed above and was based on a mixed-method approach combining quantitative and qualitative elements. The final project evaluation used several interconnected methods: (1) document review, (2) field visit to Vietnam, (3) interviews with key informants, (4) case studies and (5) surveys among the project's tripartite constituents at national and local levels and beneficiaries of pilot programmes.

1. Document review

The evaluator reviewed more than 100 documents from four categories:

- **Various ILO-IR project documents**, such as ProDoc, Performance Management Plans (PMP), annual work plans, quarterly progress reports, agenda and minutes of PSC meetings, external and internal evaluations of the project, including external evaluation of previous phase of the project, documents on pilot programmes, developed products by the project, sustainability plan, etc.
- **IR-related legislation** and government's strategy documents.
- **ILO strategic documents** in the country and labour standards.
- **Non-project literature** and documents related to the IR in Vietnam relevant to this evaluation.

For more detail on documents reviewed, please see Annex 5.2.

2. Field mission to Vietnam during 25 July-5 August 2016.

Official Map of Vietnam (including the two administrative districts made up of the Spratly and Paracel island groups)



Source: <http://www.chinhphu.vn/portal/page/portal/English>

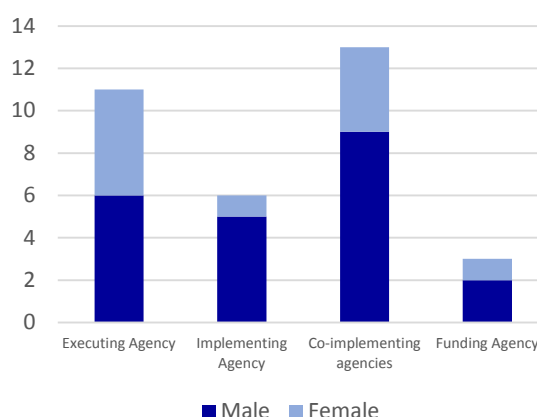
Place	Date(s)
Hanoi	July 25-28/August 3-5, 2016
Hai Phong	July 27, 2016
Ho Chi Minh	July 29-31, 2016
Dong Nai	August 1, 2016
Danang	August 2, 2016
Hung Yen	August 4, 2016

In total, the evaluator was able to visit 6 out of 8 project’s active provinces, i.e. Hai Phong, Ho Chi Minh, Dong Nai, Danang and Hung Yen.

3. Key Informant Interviews (KIIs)

For in-depth information and insights on issues relevant to the final evaluation Annex 5.4 presents the full list of respondents interviewed. A total of **33 interviews** (22-m/11/f) were conducted in person or via skype with the following four categories of respondents:

- (i) Executing Agency: ILO Hanoi, ILO Bangkok and ILO Geneva;
- (ii) Implementing Agency: MoLISA (CIRD, Legal Department, Labour and Wage Department, ICD);
- (iii) Co-Implementing Agencies: Vietnamese General Confederation of Labour (VGCL), Vietnam Chambers of Commerce and Industry (VCCI), Vietnam Cooperatives Alliance (VCA) and Social Affairs Committee of the National Assembly of the Socialist Republic of Vietnam (SAC/NA);
- (iv) Funding Agency: USDOL and US Embassy in Hanoi.

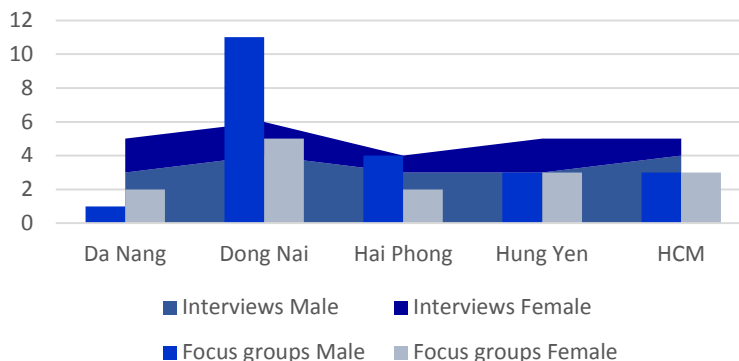


To conduct KIIs, the evaluator developed semi-structured questionnaires that followed a generic interview guide, with adaptations to each major category of KIIs. The objective of the guide was to ensure focus, objectivity, consistency, and comparability of responses.

4. Case studies

To ensure the depth of the research, the evaluator also conducted five case studies, which were designed to provide a representative sample of pilot programme participants. These case studies included semi-structured interviews and focus group discussions, as well as further document review, as necessary.

In total, **25 interviews** (individual or group) (17-m/8-f) with representatives of DoLISA and pilot implementing units (Federation of Labours (FOLs), Economic Zone Trade Unions (EZ TUs), Business Associations (BAs) in target provinces and 5 focus groups were conducted with **37 participants of pilot programs** (22-m/15-f) (see Annex 5.3).

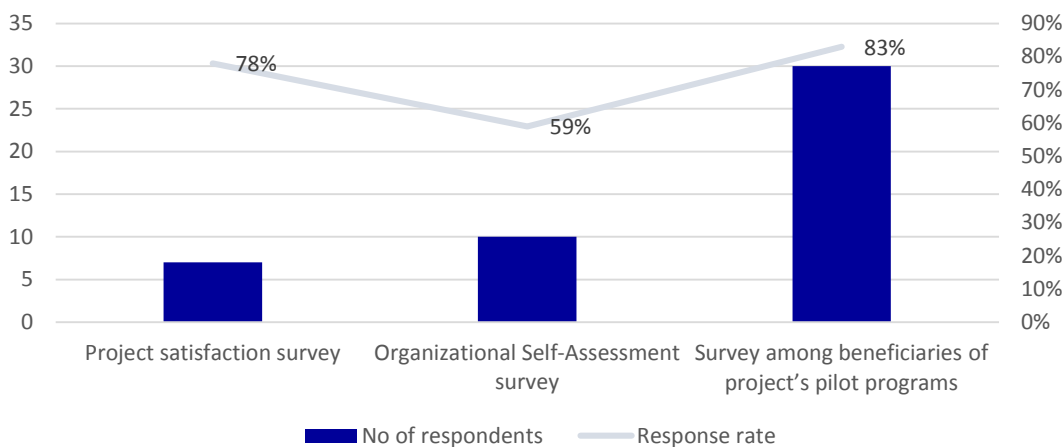


5. Surveys

All tripartite constituents and beneficiaries of pilot programs were invited to participate in surveys.

In the course of final evaluation, three types of surveys were organized:

1. *Project Satisfaction Survey among members of the National Project Steering Committee (NPSC)* to determine the level of partners’ satisfaction with the project’s implementation, communication and results. The questionnaire consisted of 10 close-ended and 9 open-ended questions. It was distributed via e-mail.
2. *Self-Assessment Organizational Capacity Survey among project’s implementing partners* on national and regional levels to identify the project’s effectiveness in strengthening the constituents’ institutional capacities (organizational and technical). It was distributed via e-mail.
3. *Survey among beneficiaries of project’s pilot programs* using most-significant story approach to determine the results of the pilot programs at individual, TU and enterprise levels. The questionnaire contained 7 open-ended questions and was distributed during focus groups.



The evaluator also facilitated a national level stakeholder workshop on 5 August, 2016 with stakeholder representatives (tripartite constituents and ILO) in attendance. The evaluator

presented her initial findings and invited feedback from the participants. The workshop list of participants is included in Annex 5.6.

3.4. Data Analysis

The scope of this evaluation required that the analysis consider perceptions, as well as concrete data, across a range of environments at the national and provincial levels. It thus demanded a variety of methodological approaches, including data collection from interviews, focus groups and surveys to gather the more subjective and perception-based data, as well as extensive document reviews and the observations of the evaluator. Elements of all of these approaches were incorporated into the data collection methodology, thus ensuring that findings were based upon a wide array of carefully chosen and well-balanced information.

The data analysis involved triangulation between different data sources. The various evaluation tools asked similar questions of different stakeholders and different types of documents, which allowed for assessing the performance against the overarching evaluation criteria. Qualitative responses and quantitative data were reviewed and compared to answer the overarching evaluation questions. The main forms of analysis were content and narrative analysis, as well as comparative analysis.

For comparability purposes, a scoring rubric on a scale of 1 to 5 for making judgments about different levels of performance and the relative success of the different project’s components was adopted and is disclosed in Table 2 below.

Table 2: Scoring Rubric for Performance

Rating Scale	Relevance and Design	Effectiveness	Efficiency	Impact	Sustainability
5- Highly Satisfactory	Needs and policy linkages were appropriately identified and were very high priority; and the design was clearly right to meet them	Outputs and outcomes were exceeded	Value for money exceeded normal standards	Impact exceeded the hoped impact, including positive unexpected impacts	Positive benefits satisfactory. There are no risks that affect sustainability
4- Satisfactory	Needs and policy linkages for relevant beneficiaries/ stakeholders appropriately identified; and the design was basically right to meet them	Outputs and outcomes were achieved	Good practice procurement; timely outputs; Value for money comparable to elsewhere	Net positive impact equivalent to planned impact	Positive benefits will be sustained. Issues such as asset maintenance and recurrent costs were dealt with. There are negligible risks that affect sustainability.
3- Moderately Satisfactory	Needs and policy linkages appropriately identified, but perhaps not highest priority; and the design was basically right to meet them, but could have been improved	Outputs and outcomes were largely achieved	Generally good practice procurement, timeliness; some scope for improvement in value for money	Net positive impact in most areas	Positive benefits are likely to be sustained with realistic expectations of possible extra inputs. There are moderate risks that affect sustainability.

<p>2- Unsatisfactory</p>	<p>Needs and policy linkages are there and the design would/did address them; however, there is/was something wrong with the design or setting (e.g. resources, institutional setting, timing, political will)</p>	<p>Some outputs and outcomes were achieved</p>	<p>Issues with procurement, timeliness; scope for improvement in value for money</p>	<p>Some positive impact, but less than planned in some areas, or some significant negative impacts as well</p>	<p>Positive benefits might be sustained with modest changes in the environment or additional inputs. There are significant risks that affect sustainability.</p>
<p>1-Highly Unsatisfactory</p>	<p>Needs and policy linkages were low priority; the design was flawed; the setting was not right for an intervention at the time</p>	<p>Little or no outputs and outcomes were achieved</p>	<p>Money wasted; big savings could have been made for similar results</p>	<p>Little or no positive impact only just outweighs negative impact</p>	<p>Most positive benefits are unlikely to be sustained (e.g. significant changes would be required in institutional environment). There are severe risks that affect sustainability.</p>

3.5. Evaluation Limitations

There are a few limitations to this evaluation that deserve mentioning.

Some differences in description of intervention logic in the Cooperative Agreement signed between USDOL and ILO and the ProDoc signed between MOLISA and ILO: For example, in terms of finance, the total CA funding is US\$ 3 million while it is US\$ 4 million for the ProDoc. Another example is that the indicators specified differed somewhat between these two documents (which will be further discussed in the next chapter). This required additional efforts to formulate accurately the relationships between these two documents.

Mitigation: As a benchmark the Workplan 2013-2016 which is based on the CA and incorporates the differences between the two project documents has been chosen and used during the evaluation of project's effectiveness.

Timing of the final evaluation: The final evaluation was conducted just two months prior to the project's completion and during a period when internal lessons learned studies were under way, therefore, it was difficult for the evaluator to obtain all data prior or during a field mission and for some stakeholders to allocate the time for the meetings due to conflicting schedule.

Mitigation: The deadline for submission of the draft evaluation report was postponed for the end of August 2016 so that the evaluator is able to have all necessary data for the objective assessment of the project's progress achievements.

Time allocated for the final evaluation: The project has 5 components and more than 150 deliverables, and during the short timeframe (10 working days) available for the field work in Vietnam it was not possible to contact all project beneficiaries and stakeholders and make in-depth analysis of each project deliverable, which inevitably limited the quantity of data collected and the depth of the analysis.

Mitigation: The field mission program was composed in such a way as to include all relevant project stakeholders and beneficiaries for each component in different locations. In addition, different surveys were launched to give an opportunity to all partners to share their point of view with regard to the project's performance and results achieved.

Memory Bias: Because people were asked to recall events taken place up to 48 months earlier, there may have been a degree of memory bias. Situation and monitoring reports and other documents were cross-checked by the evaluator in order to confirm dates and information.

Potential lack of willingness of respondents to provide honest responses.

Mitigation: In order to encourage honest responses, the evaluator informed the participants in the interviews, focus groups and surveys that all information they provide would be treated as confidential, and opinions collected during the interviews and focus groups discussions would be analyzed and presented in the evaluation report in an aggregate form.

While important, the above limitations did not affect the overall quality of the report, as a representative sample of the overall groups of beneficiaries was reached.

IV. Evaluation Findings

The following findings were arrived at following the document review and the collation and analysis of the feedback from the interviews and focus groups. The evaluation findings are organized along the following sub-sections: a) relevance and strategic fit, b) validity of the project design, c) effectiveness, d) efficiency of resource use, (e) effectiveness of management arrangements, (f) impact orientation, and (g) sustainability.

4.1. Relevance and Strategic Fit

Finding 1. The overall directions laid out in the project document are entirely consistent with the priorities affirmed by the Government of Vietnam, the US Government, the ILO and UN programming documents, aimed at strengthening the compliance of Vietnam with ILS through promotion of sound industrial relations, social dialogue and collective bargaining. The project is very timely and its relevance has been reinforced during the project's implementation phase due to negotiations by Vietnam of various trade agreements (TPP, EU and AEC). The project was able to respond in a timely manner to the newly emerged needs of the partner country.

3.1.1. Relevance for partner country

The project is fully in line with the national priorities of Vietnam with regard to integrated market economy reforms. The project is in support of the Vietnam Socio-Economic Development Plan 2011-2015⁸, which identifies the country's priorities for engaging in international integration, in particular (a) "Strengthening the State management and supervision over activities in the labour market"; (b) "Improving the effect and performance of the Labour Court to settle disputes and ensure employees' and employers' rights"; (c) "Finalizing the legal system, creating a proper environment for developing the labour market" and (d) "Developing a sustainable economy at a high growth rate; improve competitiveness of the economy and be active in global integration". The project has direct relevance to the Viet Nam Sustainable Development Strategy for 2011-2020⁹ and its priority b) 'To accelerate poverty reduction toward sustainability; create sustainable employment; implement social progress and equality and corresponding targets on labour productivity, poverty rate and unemployment rate.

The relevance of the project was further cemented by the Approval of the Industrial Development Strategy through 2025¹⁰, Vision toward 2035¹¹ and Overall Strategy for International Integration through 2020¹², Vision to 2030¹³, which focus on fostering the effectiveness of the international economic integration of Vietnam by realizing 15 signed free trade agreements (FTAs) and the Regional Comprehensive Economic Partnership (RCEP) through the development of Vietnamese people to meet the requirements of the process of industrialization, modernization and international integration.

The activities of Phase II were clearly in direct support of the Labour Law Reform process initiated by the National Assembly (NA) and the Government of Vietnam (GoV) to modernize the legal framework governing employment relations and aspects of IR through the adoption of the Trade Union Law and Labour Code in June 2012. The two new laws came into effect from January 2013 and May 2013 respectively and required the development of secondary legislation important for ensuring their implementation.

⁸ <http://www.chinhphu.vn/portal/page/portal/English/strategies/strategiesdetails?categoryId=30&articleId=10057591>

⁹ <http://www.chinhphu.vn/portal/page/portal/English/strategies/strategiesdetails?categoryId=30&articleId=10050825>

¹⁰ Approved by Prime Minister Nguyen Tan Dung on 9 June, 2014 (Decision No. 879/QĐ-TTg)

¹¹ <http://www.chinhphu.vn/portal/page/portal/English/strategies/strategiesdetails?categoryId=30&articleId=10054959>

¹² Approved by Prime Minister Nguyen Tan Dung on 7 January, 2016

¹³ <http://www.chinhphu.vn/portal/page/portal/English/strategies/strategiesdetails?categoryId=30&articleId=10056863>

3.1.2. Relevance for tripartite constituents

The project is in line with the MoLISA sectoral plan on labour, persons rendering services for the country and social affairs for 2011-2015, in particular its Objective 2.1 to “Improve the material and non-material life of the working people; improve the working conditions, reduce work-related accidents, occupational diseases and labour disputes”. The project is highly relevant for the CIRDC, the Wage and Labour Department and the Legal Department of MoLISA which are responsible for strengthening the government’s IR policy, service capacity and drafting the laws and corresponding implementation decrees, while the Committee on Legal Affairs of the National Assembly (CLA/NA) is responsible for policy review and the revision of the Labour Code. Similarly, the project is consistent with the VGCL’s 10th National Congress resolution (2008), which emphasizes the trade unions’ primary role of protecting workers’ rights and interests through organizing and collective bargaining. VGCL is also responsible for the policy review and law drafting for the Trade Union Law. The ILO-IR project Phase II was also highly relevant to the needs and objectives of both VCCI and VCA in terms of necessity to deepen the contacts with the sector-based business associations or nationality-based employer/business associations in order to form the consolidated employers’ position on labour law revision.

3.1.3. Relevance for USDOL and US Government

The project’s main donor is the United States Department of Labor (USDOL). Through the strategy of the donor it is clear how this project was of direct support; a view that was further stressed during the interviews that this evaluation held with the donor representatives. Vietnam is a strategic partner to the United States, as reported by the former Secretary of State Hillary Clinton. The project is in direct support of the U.S. foreign assistance long-standing objectives on assisting Vietnam’s integration into the global economy and in continuing its path of economic reforms by meeting the four principles included in the International Labor Organization’s 1998 Declaration on Fundamental Principles and Rights at Work. One of the principles is the right of workers to “freely associate” and to bargain collectively (form their own labor union). These are the prerequisites for granting Vietnam a market economy status so that tariffs could be lowered on imports to the United States.

3.1.4. Relevance to the ILO Programming

The project document and its objectives constitute the implementation modality of the ILO Decent Work Country Programme (DWCP) for Viet Nam 2012-2016¹⁴ relating to Priority 3 “Contributing to Viet Nam’s aim to become a “modern-oriented industrialized nation” through strengthening labour market institutions and governance”, specifically for its Outcome 5: Effective employers’ and workers’ organizations and social dialogue institutions and mechanisms to strengthen the industrial relations and Outcome 6: Tripartite constituents have strengthened the capacity to apply international labour standards, including through strengthened labour administration, and to meet the challenges of international integration. The DWCP points out that among the main reasons for mismatching Vietnam’s quality of growth with the rate of growth are a) weak labour market governance, and b) limited representation of workers and employers in social dialogue and collective bargaining and weak industrial relations institutions. It is these two areas that are directly supported through Phase II. The Project alignment with the overall ILO country program strategy also facilitated the creation of synergies with other ILO initiatives, in particular the ILO Better Work program in Vietnam and its Union Capacity Development project Phase II (2014-2016), Immediate Objective 3: The trade unions will have strengthened their capacity to represent workers/union members’ interests in collective dialogue and bargaining, and in applying innovative pilots for union organization in an expanded number of BWV factories.

¹⁴ <http://www.ilo.org/public/english/bureau/program/dwcp/download/vietnam.pdf>

3.1.5. Relevance to the UN and Non-UN development partners

The project falls under Focus Area 3 “Governance and participation” (Outcome 3.2¹⁵ and Outcome 3.4¹⁶) of the One UN Plan 2012-2016¹⁷, which sets the common programmatic framework for participating UN system agencies in Viet Nam and is designed to help accelerate Viet Nam’s progress to reach unmet MDGs with UN support. The ILO-IR project Phase II is part of a set of responses to strengthen the ability of Vietnamese institutions to implement changes in the IR and labour law systems. Moreover, the project corresponds with the Vietnam TUSO/GUF Solidarity Partnerships Plans, which outline the Trade Union Development Cooperation Projects of non-UN development partners with the VGCL.

The relevance of the project was further reinforced during the project’s lifetime. Vietnam has entered into a free trade agreement (FTA) with the European Union, which obliges the country to ratify the remaining fundamental ILO conventions. At the same time, the ASEAN Economic Community was established on December 31, 2015, and is likely to create more opportunities for the country to integrate into regional and global economies. Furthermore, after five years of negotiations, Viet Nam and 11 other Asian-Pacific countries on October 5, 2015 announced the successful conclusion of the Trans Pacific Partnership (TPPA). The signature of 12 countries concluding negotiation of the TPP took place on 4 February, 2016. TPP is the first trade agreement to subject Vietnam to enforceable labour commitments such as freedom of association, collective bargaining, and minimum work conditions. Additionally, Vietnam signed a labour implementation side agreement with the United States that identifies specific actions needed to comply with TPP and which is subject to an additional layer of enforcement. Failure to implement this plan may disqualify Vietnam from using the agreement’s tariff privileges or lead to trade sanctions against the country. However, the signature of TPP shortened the timeframes for Labour Law reform significantly and required Vietnam to make a revision of the Labour Code by October 2016 in order to send it for consideration to the National Assembly in early 2017.

In line with the request received from MoLISA and MTE recommendation, the project made modification in the 2016 Workplan so as to be able to address the new needs of the GoV by securing additional funding from the ILO. The interviewed partners highlighted the importance of the ILO support in the revision of the Labour Code and highly appreciated the ILO-IR project responsiveness to the emerging needs of the country.

¹⁵ By 2016, all citizens, particularly the most vulnerable and disadvantaged groups, benefit from strengthened legal and judicial reform and increased access to justice, enhanced capacity of legal and judicial professionals, and strengthened national legal frameworks to support the implementation of the international conventions ratified by Viet Nam.

¹⁶ By 2016, political, social, professional and mass organizations (PSPMOs) participate effectively in policy discussion and decision-making processes for the benefit of the most vulnerable and disadvantaged groups.

¹⁷ http://www.un.org.vn/en/publications/doc_details/278-the-one-plan-2012-2016-between-the-government-of-the-socialist-republic-of-viet-nam-and-the-united-nations-in-viet-nam.html

4.2. Validity of the Project Design

Finding 2. The ILO-IR Project Phase II was an all-embracing intervention; this is clearly its main point of strength, but it conversely represents also its main design weakness. Its components are not well interconnected and have fixed design in spite of the rapidly changing country context, the immediate objectives define a gigantic scope of action and constitute a major organizational, logistic and technical challenge. The project would benefit from a more flexible design, which could allow it to respond better and in a timely way towards the needs of tripartites due to Vietnam's rapid transition in industrial relations. The project follows the logic model set forth in the MPG. The MTE recommendations pertaining to the PMP and gender were for the most part addressed by the project.

The ILO-IR project Phase II builds on the continued support provided by the ILO Hanoi to the Government of Vietnam (GoV) and social partners in the area of Labour Code reform and industrial relations development starting from 2002. Phase II was designed as a follow-up to the One UN Fund supported project 'Support to Industrial Relations and Labour Code Reform in Vietnam' (ILO Reform Project) implemented by the ILO Hanoi from September 2009 to October 2012¹⁸.

The original design of Phase II is contained in a document called Project Document (ProDoc), which reflects a standard UN template which was consistent with MPG. Initially, Phase II was planned with an overall budget of US\$ 4million with funding support from the One UN Fund; however, due to unavailability of funding, the USDOL was approached by the ILO. On the stage of negotiation of the agreement, the project proposal was slightly modified so as to reflect the USDOL priorities and objectives and the budget allocations were agreed in a slightly lower amount, i.e. the initial US\$1 million and possibly US\$ 3 million within a 48-month period. As a result, most outputs appeared in the USDOL-ILO Cooperative Agreement signed in September 2012, although not all activities within the outputs from the original ProDoc which was approved by the GoV in May 2013.

In overall, ProDoc of Phase II contains a strong analysis of both the national and legal context in which the project intends to operate. It provides clear arguments for the justification of the intervention. In addition, the design of Phase II was based on recommendations of the final independent evaluation of ILO Reform Project and in particular made adjustments in the implementation modality (i.e. inclusion of a decentralized approach for targeting the middle level and enterprises in addition to the national level). Interviews with interlocutors demonstrated further that the ILO Hanoi held consultations with tripartite constituents in order to ensure the project's alignment with the context and the identified needs and priorities of stakeholders, as well as with the international principles and protocols. The ILO Hanoi in future projects should ensure consistency between the ProDoc and Cooperative Agreement in order to avoid any misinterpretation of the intervention logic.

In overall, Phase II was designed with the intention to put into practice the new Labour Code and Trade Union Law to ensure that, by 2016, Vietnam's minimum wage system will be reformed and industrial relations institutions and mechanisms for collective bargaining and social dialogue will be improved and the capacity of all stakeholders will be strengthened so as to bring the regulations and practices into closer compliance with the international Labour standards.

The ILO-IR Project Phase II tackled its **Development Objective (DO)** by selecting five **Purposes (Immediate Objectives)**:

¹⁸ Source: Cooperative Agreement between ILO and USDOL

- IO 1 – Implementation decrees
- IO 2 – Promote awareness of LC and TUL
- IO 3 – Union restructuring
- IO 4 – Minimum wage fixing
- IO 5 – Collective bargaining

The five areas of work are consistent with the DO of the ILO-IR Project Phase II, and the overall intervention –as designed- is logical and intrinsically coherent.

The logic of intervention of Phase II can be schematized, as follows:

- **5 Immediate Objectives (Purposes)**, each of them made up of:
 - 1 to 5 **Sub-Objectives (Expected Results)**, each of them made up of:
 - 2 to 7 **Outputs**, each of them made up of:
 - 1 to 5 **Inputs (Activities)**

All levels of intervention were defined with a sufficient level of detail; inputs were just mentioned (with no redundant or useless detail), choice which is coherent with the purpose to ensure the comprehension of the logic of intervention and its transparency and accountability.

Target groups were defined for the intervention as a whole, and the different typologies of intervention (modalities for delivering the Output) were clearly and synthetically spelled out.

Assumptions and Risks (Conditionalities) were defined for the whole project rather than at the level of each Immediate Objective, which have not allowed for the identification of conditionalities that were sufficiently specific. Assumptions are the conditions necessary in order to ensure that the project activities will produce results, while risks are the possibility that they may not occur. Risks need to be recognized and prevented from happening to the extent possible, and contingency plans must be put in place to deal with them, should they happen. The main conditionalities identified were quite generic and were centered on partner commitment, turnover of key personnel, support for middle- to lower level staff, and continued availability of human and financial resources. At the same time, the project document does not include such important assumption as potential changes in the country context during the project's lifespan, which could lead to funding shortfall in order to be able to address the arising demands of the partners. The positive aspect is that generic assumptions, risks and mitigating measures have been reviewed and updated on a quarterly basis within the progress reporting cycle. Risks and assumptions are in general held true.

Table 1. The ILO-IR Project Phase II Project Structure

IO 1. Support development of implementation decrees for the new Labour Code and Trade Union Law
SO 1.1: Implementation decrees and other regulatory guidelines for the Labour Code and TU Law are developed
Output 1.1.1 Review of collective bargaining practice at higher level produced to inform development of planned collective bargaining decree
SO 1.2. Regulatory instruments and institutions for effective implementation of the laws and regulations are improved in view of the LC and TU law
SO 1.3. Laws, decrees and other instruments better reflect the requirements of international Labour standards on forced Labour and discrimination
Output 1.3.1: Expert studies and Workshops to review legislation, institutions and practices to identify challenges and proposals for reform to meet requirement of fundamental conventions produced
Output 1.3.2: Law makers drafting skills improved
IO 2. Promote awareness of the new Labour Code and Trade Union Law
SO 2.1 Effectiveness of the implementation of the Labour Code and Trade Union Law 2012 is monitored and evaluated
Output 2.1.1 Field Surveys and public hearings of the SAC-NA conducted to monitor and evaluate the new provisions of the Labour Code
SO 2.2 Tripartite partners at different levels are informed of changes and are able to operate effectively under the new regulations
Output 2.2.1 Labour Code Guidebook produced
Output 2.2.2 Handbook on trade union rights and unfair Labour practices produced and distributed among labour agencies
Output 2.2.3 Campaign/awareness communications conducted with workers, public, journalists
SO 2.3 The application of the revised laws is informed by the requirements of international agreements
Output 2.3.1 Gaps analysis on laws and status against International Labour Standards completed
IO 3: Improved trade union capacity across all four levels to represent members through a bottom-up process
SO 3.1 Work and operation of upper-level trade unions and their officials improved based on the new Labour Code, TU Law and national level policies and strategies
Output 3.1.1. Trade union manual and guidelines produced focusing on role of ULTUs
SO 3.2 Representation capacity of trade unions is strengthened by improving workers' empowerment and the role of upper level trade unions.
Output 3.2.1 Pilot 1: New GTUs established by VGCL in non-unionized enterprises through bottom-up method
Output 3.2.2 Pilot 2: 50 weak unions re-structured
Output 3.2.3 VGCL Pilot 3: Multi-enterprise Collective Bargaining processes achieved in 5 FOL/IZ among targeted enterprises
SO 3.3 Good practices of trade union work are disseminated and institutionalized by development and implementation of national-level policies, strategies and actions.
Output 3.3.1 Trade Union action plan produced (completed)
Output 3.3.2 Collective bargaining campaign conducted
SO 3.4 Wage negotiation practices are developed and implemented
Output 3.4.1 Wage negotiation strategy developed
IO 4: Facilitate effective and sustainable minimum wage fixing and determination system (National Wage Council)
SO 4.1 Technical capacity of minimum wage deliberation is improved
Output 4.1.1 Wage surveys conducted by MOLISA in collaboration with GSO
SO 4.2 Minimum wage fixing and enforcement mechanism is reformed and established
Output 4.2.1 Studies and Workshops to develop rules of operation and improved operation of the NWC including study of other countries
SO 4.3 Social partners are able to participate effectively in the minimum wage fixing mechanism
Output 4.3.1 Minimum wage proposals developed
Output 4.3.2 VCCI and VGCL trained for effective participation in the NWC
SO 4.4 New minimum wage law is developed (aligned with C.95 and C.131)
Output 4.4.1 Comparative studies conducted
IO 5: Promote the use of collective bargaining resulting in signed collective bargaining agreements
SO 5.1 Government is active in promoting collective bargaining and dialogue at the enterprise level
SO 5.2 Social dialogue at the enterprise level is promoted through government and tri-partite support and participation
SO 5.3 Social dialogue practices at different levels (consultation structure and process at enterprise level) are established and operational
Output 5.3.3 Pilot 4: Pilot initiatives in tri-partite/bi-partite social dialogue and consultation completed
SO 5.4 Capacity of employers' organizations improved to engage in , or support their members to engage in, collective bargaining and social dialogue at different levels
Output 5.4.1 Employers' organisations at different levels (in at least 3 provinces) produce collective bargaining and/or wage negotiations or dialogue guidelines or advisory statement ahead of collective bargaining or wage negotiations at the member enterprises.
SO 5.5 Legislation, institutions and practices are reviewed with a view to identifying challenges in giving effect to C 98.
SO 5.6 Effective infrastructure established for government services to promote collective bargaining, dialogue and industrial relations in general
Output 5.6.1 Periodic IR Bulletins and IR report for 2015 published
SO 5.7 Industrial relations mediation, conciliation and arbitration services and individual dispute settlement mechanisms are improved.
SO 5.8 Industrial relations research capacity improved to support capacity of actors engaged in collective bargaining, social dialogue and dispute resolution
Output 5.8.2 IR scholarships/prizes provided
Output 5.8.3 Research studies disseminated among academic circles and the media

The project is structured of 5 immediate objectives (IOs), 22 expected results (SOs), 25 outputs, and about 46 activities to be accomplished both on the national and provincial level in the course of its implementation.

The structure of the ILO-IR Project phase II presented above allows for appreciating some key elements that represent both the strength and the weakness of the intervention:

- Its **comprehensiveness**: the five key elements that –once addressed- can contribute to the achievement of the DO are adequately identified; they are appropriately spelled down into discrete lower-level objectives, and then addressed by relevant activities through a combination of different approaches, including locally embedded activities, provision of policy support at the highest level, targeting capacity building at decentralized level, horizontal spreading of innovations and provision of bottom-up policy recommendations. In spite of that, the project paid insufficient attention to the involvement of employers (i.e. just mainly under IO5). Another area which was overlooked is the interlinkage among the different project components.
- The **wide scope of action** of the ILO-IR project Phase II in comparison with the project’s timeframe and budget allocations: the twenty-two Expected Results of the project are major pieces of work because of their ambitious and diverse objectives, requiring the mobilization of the expertise of several different professional profiles (labour law, wage, trade union work, collective bargaining and social dialogue). Moreover, some of these Expected Results are made up of smaller and challenging different ‘building sites’ requiring remarkable project management, coordination and logistic skills, and yet in diverse fields of action.
- Its **fixed design**: Vietnam’s integration into the global economy makes establishing of industrial relations system in the country a constantly evolving process with frequent and rapid changes. As a result, a ‘lighter’ design with a higher degree of flexibility would be more appropriate in order to be able to address the emerging needs of the partner country. For example, the GoV after approval of the new LC 2012 has to develop secondary legislation. Out of 30 decrees prepared by the GoV, the project was able to provide support only for the development of 14 decrees due to the limited budget deserved for this component.

The initial Logframe elaborated as part of the ProDoc contains indicators, means of verification, baselines and targets. Overall, the ProDoc’s indicators fail to pass the SMART-test (specific, measurable, achievable, realistic, time-bound), as they are all stated as targets or results rather than present the measurement of results against project goals; moreover, impact indicators have not been developed.

As the whole, the MTE provided two main recommendations with regard to the PMP and the project addressed all of them, but with varying degree of success.

MTE recommendation	Status of implementation
Make the PMP more outcome-based (instead of activity-based), and modify the annual Work Plans accordingly.	Completed. The PMP developed, consulted with USDOL and approved by NPSC.
a) Sharpen the Results-Based Monitoring system and its PMP, and harmonize indicators and outputs in the annual Work Plans, while narrowing it where possible, and include one indicator for each Immediate Objective; b) Update the means of verification for tracking the progress, performance and achievement of the indicator values defined in the PRODOC, and include them in the annual Work Plans; and c) Provide advice on how to maintain strict adherence to the Monitoring and Evaluation arrangements in place in the project, in particular the regular reporting from all implementing partners.	Completed. Annual work plan modified, indicators harmonized and means of verification updated.

The project management updated its project Logframe in 2015 with the development of the Performance Monitoring Plan (PMP) which was approved in January 2016 by the NPSC. This is commendable, albeit rather late in the implementation. The PMP was developed in line with the USDOL Management Procedures & Guidelines (MPG 2013) by an external consultant. In total, PMP contains 23 outcome indicators and 37 output indicators. Impact indicators for the measurement of Development Objective are absent. The strength of the PMP is that it has both quantitative and

qualitative indicators, includes definitions of indicators, unit of their measurement, targets, data sources, reporting frequency, responsible persons and data analysis approaches. However, one of the major weaknesses of the developed PMP is that some of selected indicators do not reflect to the full extent the project performance/achievements under each Result area.

The examples of that are, as follows:

- *some outcome indicators are output indicators* (e.g. with reference to SO 1.1, OTC 2: Number of new decrees/circulars that come into effect with project support to give effect to the Labour Code or the TU Law or SO 2.1, OTC 6: SAC-NA and/or MOLISA present an evaluation report on the implementation of the Labour Code for discussion at the National Assembly),
- *some indicators are not always easy to measure* (e.g. with reference to SO 2.3, OTC 8. Recognition of gaps in ILS in Vietnam labour law, as documented in policy papers published by VCCI and MOLISA for law reform agenda),
- *some indicators are not enough* (e.g. with reference to SO 3.2, OTC 10. Evidence of scale-up implementation or plans for each of the new pilot approaches),
- *some indicators are repetitive* (e.g. with reference to SO5.6, OTC 21: Research and consensus building on institutional reform required to give effect to C87 and C 98 or SO 5.5, OTP 5.5 Position papers / studies among tripartite partners to C 98 and C 87 and implications for each of the tripartite partners in terms of structure and functional challenges),
- *some immediate objectives and/or expected results have neither outcome nor output indicators* (e.g. with reference to IO3, SO3.3, O3.3.2, SO 4.4, O4.1.1, O4.3.1).

In addition, the PMP does not contain gender-sensitive indicators. At the same time, the ILO collected sex-disaggregated data and presented it systematically in the Technical Progress Reports (TPRs). After the approval of the PMP, the ILO modified the annual Work Plan accordingly and used it during the progress reporting in 2016.

Whilst the Project did not specifically deal with gender and the advancement of women issues, it promoted and took into account gender mainstreaming aspects, wherever applicable. In spite of the fact that the ProDoc of Phase II does not contain a separate sub-section on gender, it has included an explicit gender strategy and integrated gender equality approaches into its capacity-building and awareness-raising activities, policy work, management practices and deliverables. The examples of that are, as follows: the project supported the development of the Female Workers Decree, the Decree on outstanding issues with regard to female workers, the voluntary code of conduct and the Decree 27-2014 on Domestic Workers or included gender analysis in Gaps Analysis report, in reports on minimum wages, etc. When it comes to staffing, the IR Project Office team was female-dominated (this relates both to project staff and international and national short-term experts). As evident from the desk review, the MTE provided several recommendations with regard to gender and the project addressed most of them, as follows:

MTE recommendation	Status of implementation
Maintain the current level of attention for gender issues, and where possible increase it through additional budgetary allocations for specific gendered activities related to Industrial Relations at national, but surely also at local levels.	Completed fully. Level maintained.
Maintain and update the gendered entries in the templates for reporting by the implementing partners.	Completed fully. Gender entries in templates updated, included in internal evaluation TOR.
Include gendered criteria in the ToR for the consultant to sharpen the RBM system and its PMP, and harmonize indicators and outputs in the annual Work Plans.	Partly completed. Gender data updated for VGCL Pilots indicators and outputs in 2016 Workplan.

Social dialogue was also included as means of action in the ProDoc by strengthening the capacity of employers' and trade unions in resolving disputes that might lead to wild-cat strikes through procedures provided by the laws (Decree 60) and through pilot programs for strengthening trade union activities, nascent tri-, and bi-partite social dialogue at the local level. The project has planned a number of activities under IO5 with regard to social dialogue, namely the adoption of a government plan to promote and establish mandatory dialogue, development and approval by VCCI of Employer guideline on social dialogue and/or collective bargaining, holding of social dialogues by VGCL/VCCI pilot program broadly in compliance with decree 60 and preparation of position papers by VGCL/VCCI with regard to changes required in decree 60 with a view to increase the implementation of social dialogue mandated by law.

As such, the present Project design is found to be generally in line with and responsive to the immediate priorities, in particular the piloting of approaches which can influence policy and regulatory reform. Furthermore, there is need for recognition that the development of sound IR system in Vietnam is a substantial task and the need for ongoing and sustained technical and programming support beyond the life of the current Project phase is clearly evident. It will, however, be important that any subsequent Phase of the Project be in line with the labour commitments in TPP in general and Vietnam-US Plan for enhancement of trade/labour relations in particular.

4.3. Project Progress and Effectiveness

Finding 3. The ILO-IR project Phase II was effective, in that the planned activities were implemented, in some cases beyond what was envisioned in the project document. However – due in part to the design weaknesses identified in the previous section – the degree of achievement of the project's expected outcomes as per the ProDoc and PMP was relatively high.

The analysis of the effectiveness relating to the capacity of the ILO-IR Project Phase II to achieve its Expected Effects is mapped over to the Expected Effects as described in the project's Workplans¹⁹ and the Performance Monitoring Plan which contains project's performance indicators and their respective targets.

The findings from this analysis are reported in the following tables (Figure 2):

¹⁹ Workplan for 2013-2016, Annual Workplan for 2014, Annual Workplan for 2015, Annual Workplan for 2016

Figure 2: Mapping the effectiveness of the ILO-IR Project Phase II

In support of IO 1 ‘Facilitate the drafting and adoption of guiding regulations, including Decrees, Circulars and other mechanisms and instruments for the new Labour Code and Trade Union Law’, the following has been delivered:

Objective 1 - Facilitate the drafting and adoption of guiding regulations, including Decrees, Circulars and other mechanisms and instruments for the new Labour Code and Trade Union Law	Expected Results	Results Achieved
SO 1.1 - Implementation decrees and other regulatory guidelines for the LC and TU Law (2012) developed		
<ul style="list-style-type: none"> Studies and workshops for the development of key additional implementation Decrees 	<p>Additional implementation Decrees and/or Circulars (5) adopted and brought into force, which are more effective in giving effect to ILS.</p> <p>Administrative sanction decree adopted, which includes sanctions for unfair labour practices</p> <p>ILO Technical review completed of AS Decree TUL</p> <p>Review of CB practice at higher level (non-enterprise level) to assist development of planned CB decree</p>	<p>Effectiveness: satisfactory</p> <p>Phase II delivered under SO1 more Outputs than were originally planned (14 decrees and 1 circular (actual) vs 5 decrees and 1 circular (planned), with the notable exception of review of CB practice at a higher level produced to inform the development of planned CB decree due to delay with the preparation of the CB Decree beyond the project timeline.</p> <p>The technical support to the development of Decrees was a significant part of the overall project, particularly in its first 18 months. However, in the point of view of the interviewed representatives of MoLISA, Phase II could have provided more support with the development of all decrees as ILO technical inputs were substantial only for the development of 8 decrees, i.e. assisting with development of the draft including surveys, reports, provision of technical advice and workshops with stakeholders, while the support for other 6 decrees was limited and included only commenting on existing drafts and supporting the validation or feedback workshops for MoLISA with stakeholders on the drafts.</p>
SO 1.2 - Regulatory instruments and institutions for effective implementation of the laws and regulations improved in view of the LC and TU Law		
<ul style="list-style-type: none"> Surveys of labour administration practices, legal instruments Expert studies and expert hearings of the SAC-NA Development of the roadmap 	<p>Existing regulatory instruments are replaced or supplemented with new texts.</p> <p>Medium-term road map on policy challenges and future legislative</p>	<p>Effectiveness: moderately satisfactory</p> <p>The roadmap outline on policy challenges and legislative reform was produced by MoLISA and submitted to the Prime Minister and SAC/NA in June 2016, but are awaiting National Assembly approval of TPP, which will take place beyond the project lifetime.</p> <p>As evident from the interviews with SAC/NA and project reports, the law maker’s drafting skills have in general improved due to the participation in Phase II activities. The average knowledge</p>

	reform produced by MOLISA and adopted by SAC/NA	increase constitutes 11 per cent (i.e. from 80 per cent before the training compared to 91 per cent after the training).
SO 1.3 - Laws, decrees, and other instruments better reflect the requirement of international core labour standards on forced labour and discrimination		
<ul style="list-style-type: none"> Expert studies and workshops 	Training from ILO HQ/ Turin on law drafting, for lawyers and law drafters from MOLISA, NA (VGCL, VCCI) held	<p>Effectiveness: highly satisfactory</p> <p>A roadmap for ratification of ILO Conventions 2016-2020 was approved by the Prime Minister’s decision (2528/QD-TTg) in December 2015. The project exceeded the set target, as the roadmap includes plans for study and possible ratification of a total of 10 (actual) versus 8 (planned) ILO conventions by the end of 2020. The approval of the roadmap is highly important, as it shows the Government of Vietnam’s intention to ratify the three remaining fundamental conventions, including Convention 87 Freedom of Association and Protection of the Right to Organize, Convention 98 Right to Organize and Collective Bargaining and Convention 105 Abolition of Forced Labour.</p> <p>The project also conducted a number of additional activities during 2016 to assist the tripartite partners’ consideration of ratification of C87 and C98 at the request of the GoV, namely preparatory research of MoLISA on possible ratification of C87 and C98, 4 training workshops for VCGL and VCCI leaders for improving the understanding of business leaders and trade union on principles of C87 and C98, preparation of position paper of VCCI on C87 and C98. In interviews with SAC/NAC it was mentioned that the project provided important support with the organization of 2 regional consultations workshops on IR and in the context of the commitments under TPP; however, further support is needed for organization of the third workshop in the South.</p>
	Road-map for future ratification of C87 and C98 and review of the application of relevant ILO conventions produced	

In support of IO 2 ‘Promote awareness of the new Labour Code and Trade Union Law 2012 and associated regulations and guidelines’, the following has been delivered:

Objective 2 - Promote awareness of the new Labour Code and Trade Union Law 2012 and associated regulations and guidelines	Expected Results	Results Achieved
SO 2.1 - The effectiveness of the implementation of the Labour Code and Trade Union Law 2012 is monitored and evaluated		
<ul style="list-style-type: none"> Field surveys and public hearings of SAC-NA 	<p>SAC-NA adopted an evaluation of the implementation of the LC 2012 for discussion at the National Assembly sessions.</p> <p>Report on field surveys conducted by MOLISA reviewed, surveys by VCA, and review by SAC-NA to monitor and evaluate the implementation of Labour Code provisions</p>	<p>Effectiveness: satisfactory/ unsatisfactory</p> <p>As planned, the project prepared a Survey report on the two-year implementation of LC 2012 in November 2015. A consultation workshop on findings of the survey report was organized jointly by NA and MOLISA in December 2015. However, it is only planned to be presented in September 2016. VCA was supported to examine the implementation of LC 2012 in new types of cooperatives which employ a large number of non-member workers. The findings of the survey were expected to serve as inputs for the development of policies aimed at improving the compliance in cooperatives and next round of labour law revision and are due at the end of June 2016. Nevertheless, VCA was not able to complete this research within the agreed timeframe due to other commitments of VCA and, in the end, this activity was cancelled by agreement between the Project Office team and VCA in June 2016.</p>
SO 2.2 - Tripartite partners at different levels are informed of changes and able to operate effectively under the new regulations		
<ul style="list-style-type: none"> Guide book development Training for journalists Guidelines development Public awareness campaign for the LC and TU Law 2012 TU “Know Your Rights” campaign 	<p>Official “Users Guide Book” for LC 2012 produced and distributed by MoLISA</p> <p>Guidelines on the protection of TU rights and prevention and remedy of “unfair labour practices” produced and distributed among the local labour administration agencies</p> <p>SOP for dealing with TU rights violation and unfair labour practices adopted by labour administration agencies in at least two major industrial provinces</p>	<p>Effectiveness: moderately satisfactory</p> <p>The development of the ‘Users Guidebook on the revised LC and TUL 2012’ targeted at workers has been substantially delayed (initially, it was planned to be completed in 2014) due to the delay at first in the approval of the related decrees by the government and afterwards due to the long process of development and approval of the guidebook content among the tripartite partners. This guidebook was originally planned to be printed, but because of the expected on-going related law revision (OSH Law and next round of IR Law reform), it was published in electronic version on the MoLISA website. In the point of view of the interviewed interlocutors, in spite of being developed in participatory way, it does not have a user-friendly format, as it contains 90 pages, which makes it quite difficult to absorb by intended users (workers).</p> <p>The project developed more leaflets than was initially planned (i.e. 5-actual vs. 4-planned). The leaflets were developed based on the Guidebook on labour contract, wage, working conditions, SD</p>

Social partners produced guidelines on the LC and TU Law for their respective constituents	and CB. The additional leaflet issued is on unfair labour practices. In total, 10,000 leaflets (actual) vs. 8,000 (planned) were printed and disseminated among factories participating in VGCL and VCCI pilot programmes. The produced leaflets and 7-minute video clip were used for a 'Know your rights' campaign, which was first piloted through VGCL pilot at Hai Phong Economic Zone in the 2 quarter of 2016. The scale of the campaign was quite limited and in the point of view of the interviewed tripartite partners, the awareness-raising campaigns organized by the project should have a much bigger scale in order to produce meaningful results. Additionally, leaflets were produced by MOLISA in close consultation with ILO; however, the workers' organizations were not involved. Training on ILS, workplace compliance and labour inspection for 29 journalists of major media was conducted in the 3rd quarter 2015. It was an additional activity, not initially planned. It was done in collaboration with ILO Inspection Project and could be perceived as a suitable way to raise the public awareness on key issues and changes of the new laws through print, broadcast and online newspapers and publications. However, the interviewed tripartite partners consider that in overall the PR component of the project has quite limited scope and needs much more focus in the subsequent phase of the project due to its high relevance.
Campaign/awareness communications conducted with workers by VGCL	

SO 2.3 - Application of the revised laws is informed by the requirement of various international agreements

<ul style="list-style-type: none"> Study and training on the labour-related issues and requirement of various international agreements, treaty arrangements. 	A gap analysis on the requirements of various international instruments on ILS produced	<p>Effectiveness: satisfactory</p> <p>The project prepared 2 Gap analysis reports (1-comprehensive 120-page report and 1 summary report with a focus on the 3 unratified core conventions- C87, C98 and C105 at the request of SAC/NA) instead of 1 initially planned. The gaps analysis reports are highly useful, as they helped to clarify the current situation and contributed to the improvement in understanding and incorporation among policy makers and tripartite partners of ILS relating to non-ratified fundamental conventions. The papers were done at a highly significant time when the government considered the new round of Labour Law reform linked to various trade agreements being negotiated. Despite the high level of importance, they have been just presented at high-level closed meetings, but not yet published as planned. The printing was delayed until National Assembly considers TPP Agreement, which is scheduled for October 2016, i.e. after project completion.</p>
<ul style="list-style-type: none"> Review of Vietnam's compliance with reporting obligations 	An updated gap analysis on the requirements of various international instruments on ILS produced and published	
<ul style="list-style-type: none"> Workshop with ICD MOLISA on reporting requirements 	Report on Vietnam's compliance with reporting obligations prepared.	
<ul style="list-style-type: none"> Workshop on ILS 	Workshop completed on ILS compliance including recommendations	

In support of IO 3 ‘Improved trade union capacity across all four levels to represent workers through a bottom-up process’, the following has been delivered:

Objective 3 - Improved trade union capacity across all four levels to represent workers through a bottom-up process	Expected Results	Results Achieved
SO 3.1 - The work and operation of upper level TUs and their officials improved based on the new LC and TU Law and national level policies and strategies		Effectiveness: satisfactory Phase II under USDOL support covered a period from January 2014 to September 2016. Phase II of VGCL pilot programmes was initiated by the project to support new areas of work that arose from the resolutions of 2013 VGCL Congress, and the development of TU strategies addressing the changes made in the LC and TUL regarding TU rights, CB, and mandatory dialogue mechanism. Phase I of VGCL pilot covered 5 provinces (Hai Phong, Da Nang, Ho Chi Minh City, Dong Nai and Binh Duong) and 9 enterprises with focus on 3 themes (development of TU membership in a bottom-up approach, improving the linkage between UTUs and GTUs and workers and MECB), meanwhile phase II had bigger coverage of both enterprises and themes, i.e. 4 themes (new approaches and methods in union organizing, including establishment of “multi-enterprise” GTUs, strengthening the shop-floor-level work and structure of GTUs, local-sectoral coordinated CB and wage negotiations for either multi-employer bargaining or single-enterprise bargaining, voluntary bi-partite consultation/dialogue processes) and 82 enterprises from garment, footwear, wood processing, mechanics, electronics, tourism sectors in 5 provinces/cities (Hai Phong EZU, Da Nang FOL, Binh Duong IZU, and Bien Hoa IZU, HCM FOL/District 12).
<ul style="list-style-type: none"> Development of a manual for TU officials on supporting and dealing with individual disputes/grievances and unfair labour practices 	<p>National-level strategy/policy platform on the work and operation of upper-level TUs and TU officials adopted</p> <p>TU manual and guidelines produced focusing on the role of ULTUs and 10 pilot participating enterprise unions provided feedback on the handbook’s usefulness and applicability</p>	
<ul style="list-style-type: none"> Development of TU guidelines on the work and operation of TUs under the LC, TU Law 2012, and new national-level policy 	<p>Reports documenting the work and operation of upper-level TUs dealing with individual disputes produced by the national level organisation.</p> <p>Documentation of achievements in establishing mandatory dialogue mechanisms at the workplace level, CB, and WN produced by the national level organisation for wider dissemination and replication</p> <p>10 immediate ULTUs in most industrialised provinces included in a national level programme to strengthen the role of upper level unions</p>	<p>4 pilots included:</p> <ul style="list-style-type: none"> Pilot 1: 27 enterprises with 2,301 workers Pilot 2: 50 GTUs with over 50,000 workers Pilot 3: 56 GTUs with over 45,000 workers Pilot 4: 32 GTUs with 44,461 workers
SO 3.2 - Representation capacity of TUs strengthened by improving workers’ empowerment and the role of upper level TUs		The set targets under IO3 were either ‘partly achieved’ or ‘fully achieved’ or ‘exceeded’ the set targets.
<ul style="list-style-type: none"> Pilot initiatives in new approaches and methods in union organizing 	A national-level pilot implementation and coordination body established and operates effectively	As planned, 4 guidelines on the operation of ULTUs and TU officials in IR and in regard to GTUs were adopted in 2014; a National Action Plan to establish mandatory dialogue mechanisms was produced (i.e. VGCL Guideline No1755); two checklists on bottom-up

<ul style="list-style-type: none"> Pilot initiatives in strengthening the shop-floor-level work and structure of GTUs 	<p>4-6 IZ TUs and Provincial FOLs carried out specific pilot 3 initiatives (including HCM supported through BW UCB Project). Lessons learnt and impact report documented and published to promote scale up.</p>
<ul style="list-style-type: none"> Pilot 3 to rebuild TU and CB process at enterprise MECB 	<p>Pilot 3: Multi-enterprise CB processes and models concluded and documented in 5 IZ's /FOL pilots</p>
<ul style="list-style-type: none"> Pilot initiative to rebuild GTUs and CB process at enterprises affected by wild-cat strikes or non-functioning TU structure. 	<p>Reports documenting the progress of the pilot initiatives produced and submitted to the official decision-making body of the national-level organisation (VGCL)</p>
<ul style="list-style-type: none"> Study of corporate restructuring process, and capacity building workshops 	<p>5 – 10 “multi-enterprise” GTUs established</p>
	<p>6-8 GTUs established in a ‘bottom-up’ way</p>
	<p>At least 10 non-performing GTUs re-organised through new approaches</p>
	<p>Monthly plans of action and work-reports on the implementation pilot initiatives produced by each pilot implementing units</p>
	<p>A special report documenting the effects of corporate restructuring and the intervention of TUs produced. 1 handbook on how dialogue and PICC processes can strengthen trade unions (from BWUCB project)</p>
<p>SO 3.3 - Good practices of TU work disseminated and institutionalized by the development and implementation of national-level policies, strategies, and actions</p>	
<ul style="list-style-type: none"> Development of a trade union action plan to 	<p>A national-level action plan to establish mandatory dialogue mechanisms at the enterprise level adopted</p>

union organizing and operation and coordinated-multi-employer CB have been developed as tools for pilot implementing units (PIUs) to self-evaluate their work under pilot programs, each PIU conducted in-depth baseline surveys on workers, GTUs, and IR in companies selected for pilot initiatives to identify possible gaps and shortcomings to be addressed; the handbook on “Unfair Labour Practices to trade union and workers” was prepared in English and Vietnamese and was used for “Know your right campaign” in Hai Phong to raise the awareness of workers on their rights under the Labour Code; 200 copies of the report on unfair labour practices were distributed during IR Forum and 300 copies to tripartite partners in August 2016.

Pilot 1 exceeded the set targets in terms of scale-up, the innovative approach and level of participation and role of workers in new GTUs. A total of 109 GTUs have been formed in new methods within the pilot IZ's (including 22 targeted in the pilot itself) and a total of 497 GTU's nationwide, i.e. 10,131 workers were recruited in a bottom-up manner within the pilot IZ's and 41,161 nationwide. In spite of impressive numbers, it is difficult to assess to what extent the unions are becoming more democratic/consultative and are achieving tangible gains for workers as the project did not hold any separate baseline and endline survey.

The results of independent evaluation of the VGCL pilot programs indicate that the bottom-up unions are generally performing well despite certain changes of leadership (the managerial union leaders have been replaced by rank-and-file workers in a few cases) and, in the point of view of pilot implementing teams, the bottom-up unions are more effective than the traditional unions.

Effectiveness of bottom-up unions vs. Traditional unions

	Bottom-up unions are better	Traditional unions are better
Raising workers' awareness of the law and policy	100%	0%
Collecting workers' opinions and convey to the employer	100%	0%
Representing workers in dialogues with the employer	75%	25%
Representing workers in negotiations with the employer	100%	0%
Representing workers in individual and collective disputes	100%	0%
Collaboration from the employer	75%	25%

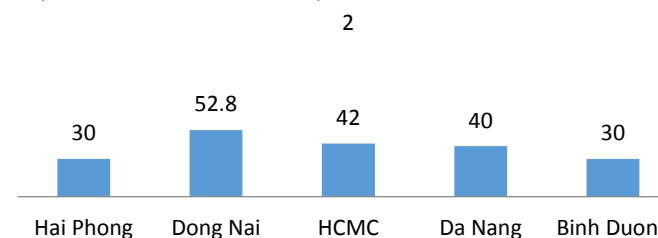
implement dialogue and democratic regulation at the workplace level	A national-level CB coordination body (or taskforce) established
<ul style="list-style-type: none"> • Launching and operation of a special collective bargaining campaign “100 real Collective Bargaining Campaign” and the appropriate execution and coordination unit the national level. 	Report(s) documenting activities carried out by national-level organisation, upper-level trade unions, and GTUs to organise CB is produced, published in news media
	Substantial CB process and outcomes are achieved in 30 enterprises
SO 3.4 - Wage negotiation practices are developed and implemented	
<ul style="list-style-type: none"> • Expert studies and workshops 	Wage agreements as a result of coordinated wage negotiations achieved in 175 enterprises
<ul style="list-style-type: none"> • Pilot initiative 	Wage negotiation strategy report within Pilot 3 developed

Source: Questionnaire survey of the pilot teams, July 2016

In overall, the VGCL Instruction 238 is applicable and needs few changes. Bottom-up organising has already been included in Article 17 of the 2013 Statute of Union; however, bottom-up organising has been far from becoming the mainstream strategy of unions in Vietnam. The Pilot 1 has served as a test to the possibility of extending bottom-up organising strategy by enshrining the limitations of the current union system.

Pilot 2 achieved the set target in terms of restructuring weak unions (50 weak unions were restructured as planned); however, the quality of restructuring was different in the different pilot companies. Pilot 2 is highly important in the reform of the VGCL system, as it tried to promote two important aspects: (1) complete the union structure within the enterprise union and (2) improve the quality of union work. As evident from the results of independent evaluation of VGCL pilot programs, the restructuring and re-election of union representatives within Pilot 2 have shown positive impacts on the performance of quite a few pilot companies²⁰. Shop stewards were elected democratically and trained by the immediate UTUs. However, the team supervisors and technical staff (not rank-and-file workers) accounted for about 39 per cent of the shop stewards in the 50 companies participating in Pilot 2 in 5 provinces and the workers referred to them as team leaders rather than as the union representatives. This rate was the highest in Dong Nai and lowest in Hai Phong and Binh Duong.

Percentage of shop stewards who are team supervisors and technical staff in 50 enterprises in Pilot 2



Source: Questionnaire survey of the pilot teams, July 2016

²⁰ For more details please refer to the Evaluation report of ILO-VGCL Pilots, Phase 2 (2014-2016), chapter Pilot 2: Renovating internally organizational structure and activities of GTUs through the support and coordination of immediate UTUs

Additionally, the level of awareness among workers about the shop stewards varied depending on the size of the union unit. Moreover, the number of trainings for shop stewards was much smaller than their expectations due to their shortage of personnel (trainers from the UTUs) and limited budget.

The targets under Pilot 3 were partly achieved, although this pilot was quite innovative, as the signature of MECBAs was done for the first time in Vietnam and should be seen as a significant accomplishment of the ILO-IR Project Phase II. In total, 3 out of 5 pilot teams have successfully concluded multi-employer bargaining agreements (MECBAs) and 31 single enterprise CBA's with provisions greater than the law were concluded. 3 MECBAs covering 22 enterprises with 19,519 workers (76 per cent female workers) were negotiated and concluded in Da Nang, Hai Phong, and HCMC (District 12), while 2 MECBA are still in progress of negotiating in Binh Duong and Dong Nai.

Summary of multi-employer bargaining in Pilot 3²¹

Province	No. of companies	No. of workers covered	Company attributes	Key provisions in the MEAs
Da Nang	04	971	Tourism/ Vietnamese	- Basic salary: 3.3% higher than MW - Wage step disparity: min. 6% - Shift meal: VND 20,000/person
Hai Phong	05	2,477	Electric appliances/Korean	- Lowest basic salary: VND 3,745,000/person/month - Shift meal: VND 19,000/person
HCMC (District 12)	04	3,352	Garment/Vietnamese and Korean	- Attendance allowance: VND 500,000/person/month - Shift meal: VND 13,000/person
Binh Duong (pending)	04	3,823	Wooden furniture/Taiwanese and Malaysian	- Shift meal: VND 17,000/person - In-kind allowance for workers in heavy and toxic working conditions
Dong Nai (pending)	05	10,862	Electronics/Japanese	not yet concluded

There are plans for scale up MECBAs in Danang, HCM and Hai Phong and it is planned that MECBA will be included into the Labour Code reform. In overall, Pilot 3 opened up a new strategy for the VGCL to protect and advance the interests of workers and unions in smaller companies with similar employment conditions.

²¹ Source: Do Quynh Chi and Nguyen Ngoc Trung, Evaluation of ILO-VGCL Pilots Phase 2 (2014-2016), August 2016

In support of IO 4 ‘Facilitate the development of a minimum wage fixing and determination system’, the following has been delivered:

Objective 4 - Facilitate the development of a minimum wage fixing and determination system	Expected Results	Results Achieved
SO 4.1 - Technical capacity of minimum wage deliberation and determination improved		
<ul style="list-style-type: none"> Wage-related studies in preparation for the deliberations at the NWC 	<p>Three studies conducted for NWC published as Working Papers.</p> <p>Minimum living needs study finalised for the NWC consideration during the deliberation on MW adjustment.</p> <p>Study supported on impacts of wage costs on competitiveness prepared.</p>	<p>Effectiveness: satisfactory</p> <p>Phase II contributed to improving the minimum wage fixing and determination system through conduction of wage-related studies and researches. The project ‘exceeded’ the set targets with notable exception of conduction of the study on impacts of wage costs on competitiveness, which was not carried out in 2016 due to time and funding constraint. In total, 10 studies and 1 research have been carried out instead of 3 studies initially planned on minimum wage determination, impact of minimum wages and minimum cost of living. Wage-related studies (like minimum living needs of Vietnamese workers, impacts of minimum wage adjustments on firms and workers’ income and others) were used in preparation for the deliberations on regional wages at the NWC during 2014-2016. In overall, wage-related studies were very useful, e.g. the suggestions of 2015 study ‘Review of methods for determining minimum living needs of workers in Vietnam for ILO and National Wage Council’ and note on ‘Suggested road map for improving estimate of minimum living needs in Viet Nam’ were used by the Technical Committee of the NWC to review current minimum living needs estimates (one criterion used in minimum wage fixing). All studies were prepared both in English and Vietnamese. Phase II also provided access for the Technical Committee of NWC to GSO Labour Force Surveys micro data sets (2007-2013).</p>
<ul style="list-style-type: none"> Expert study on the coverage and exclusion of minimum wage for its extension 		<p>Evaluation interviews revealed high appreciation of ILO technical support, as before minimum wages were decided by the government only, but it was also highlighted that NWC requires further support, as stakeholders are still not convinced of the minimum wage rate. In addition, all tripartite partners interviewed pointed out that there is still a need to strengthen the technical expertise of NWC through expert support, study tours and mentoring.</p>

SO 4.2 - Minimum wage fixing and enforcement mechanism reformed and established		
<ul style="list-style-type: none"> • Studies and expert workshops • Training on the operation of the NWC, including study tour • Consultation and fact-finding work of NWC 	Official operational regulations and plan of work adopted by the NWC.	<p>Effectiveness: highly satisfactory</p> <p>All set targets were ‘fully achieved’. As per 2012 Labour Code, new institutions were introduced, including National Wage Council (Decree No. 49/2013/ND-CP dd 14 May, 2013 of the Government on the implementation of some Articles of the Labour Code regarding wage issues, including specific provisions on National Wage Council and Prime Minister Decision No. 1055/QĐ-TTQHLD dd. 3 July, 2013). This is the advisory body to the Government on the adjustment, announcement of the minimum wages and the wages level on the labour market. The Council is responsible for: analysing socio-economical situations and living standards to identify and forecast the subsistence needs of workers and their families; evaluating the implementation of the minimum wages and wage levels on the labour market and the affordability of the enterprises; developing and recommending to the Government the plans for the minimum wages each year and each period. It consists of 15 members representing the Government, Workers, and Employers, where the trade union and employers’ organisations are obliged to nominate persons who are in position to represent the voice of different groups within their area. NWC became the key example of a well-functioning national tripartite body with a strong record of recommendations accepted by the GoV. It was officially launched and operated from the beginning of August 2013. Phase II provided a considerable number of technical support for the operation of the newly established institution through studies and expert workshops for the development of the rules of NWC’s operation during 2013-2014. As such, the operational rules of the NWC and its Technical Committee have been issued based on studies and examination of similar bodies in other countries such as Korea, Japan, Malaysia, the Philippines and the UK.</p>
	Fact-finding reports are published by NWC.	
	Official recommendations for MW adjustment produced.	
<ul style="list-style-type: none"> • Development of MW enforcement mechanism 	A communication plan on MW enforcement developed	
SO 4.3 - Social partners are able to participate effectively in the minimum wage fixing mechanism		
<ul style="list-style-type: none"> • Development of minimum wage proposals for NWC • Training for effective participation in the NWC • Studies on the impact of MW for the respective constituents 	Social partners produce MW adjustment proposals for deliberation of the NWC.	<p>Effectiveness: highly satisfactory</p> <p>The set targets were either ‘fully achieved’ or ‘exceeded the target’. NWC was operated according to regulation with plan of work. In total, 9 sittings of NWC were conducted (2 in 2013, 2 in 2014, 3 in 2015 and 2 in 2016). A number of international study tours were organized as planned, i.e. 2 study tours (1 to Korea in 2013 and 1 to Singapore in 2014), and Vietnam hosted a study tour of Bangladesh Minimum Wage Board in Garment Sector in 2013. The study tours were highly effective, as they fostered information sharing on experiences of Wages Councils in other countries, including the model of tripartite cooperation in recommending necessary wage adjustments and protecting low wage workers. In addition, Vietnam used the Korean</p>
	TUs and employers’ organisations established respective coordination bodies for effective intervention in the MW deliberation.	
	VCCI and VGCL members trained for effective participation in the NWC	

model in establishing the NWC. Meanwhile, the number of capacity-building activities significantly exceeded the initial target (12 workshops/roundtables/technical committee meetings (actual) vs. 4 (planned)).

Technical support was provided not only to the Government partners, but also to trade unions and employers' organizations to participate more effectively in minimum wage fixing. For example, workshops were carried out on minimum wage fixing for trade union officials at national and provincial level to improve their understanding on MWs and the work of the NWC and how TUs can play a more active role in MW setting and workshop on minimum wage fixing: experiences of Australian Council of Trade Unions, while VCCI was supported to conduct studies on selected minimum wage fixing institutions from employers' point of view and impacts of minimum wage on employers and businesses, as well as roundtable discussions focusing on minimum wage adjustment proposals of employers' organizations participating in the NWC.

In overall, the deliberation process was improved significantly, as trade union and employers' organizations organized their own respective deliberation process, carrying out survey, consensus building through workshops and media campaigns.

NWC decisions were made public, so that there would not be any guessing game or new proposals during the time between NWC decision and the Prime Minister decision (Decree). Furthermore, the first National Conference on Wage was organized in November 2014 (additional activity). One of important results of the conference was commitment of Vietnam to study the ratification of C98, as well as continuation of studying for ratification of C95, C131 and C173. As planned, the representatives of TUs and employers have submitted MW adjustment proposals for the deliberation of the NWC every year (in July or August) since 2014. The adjustment of the minimum wages is based on the macroeconomic situation, the ability of the enterprises, the CPI index, the minimum standard of living of workers and the productivity estimates. In fact, Vietnam is conducting minimum wage adjustments according to 2 factors: on the one hand, it tries to gradually raise the ground up to meet the minimum needs; on the other hand, it tries to ensure real wages.

		The roadmap to adjust the minimum wage is first to gradually raise minimum wages to meet essential living needs of the employees and, once minimum living needs level is reached, to then recommend on the basis of factors such as CPI index (CPI) and productivity. As of 2016, MW in Vietnam increased 2 times in comparison with the GDP growth since 2012 and is 3 times higher than the CPI index.
SO 4.4 - New minimum wage law developed		
<ul style="list-style-type: none"> Review/surveys/studies of legislation, institutions and practice 	Comparative studies of different min wage systems by ILO translated and made available to Labour and Wage Dept.	Effectiveness: moderately satisfactory The set targets were only 'partly achieved', as some planned outputs have not been completed. 2014 ILO's report on MWS was translated in the 3rd quarter 2016 and shared with Labour and Wage Department of MOLISA, while draft minimum wage law was not developed as planned, as the timeline for the law was changed to 2016-2020.
	Draft "Minimum Wage Law" prepared and presented for stakeholder consultations	

In support of IO 4 'Promote the use of collective bargaining resulting in signed collective bargaining agreements per the provisions of the Labour Code 2012', the following has been delivered:

Objective 5 - Promote the use of collective bargaining resulting in signed collective bargaining agreements per the provisions of the Labour Code 2012	Expected Results	Results Achieved
SO 5.1 – The government is more active and effective in promoting CB and dialogue at the enterprise level based on the LC and TU Law 2012		Effectiveness: satisfactory The IR Project Phase II provided support to the MoLISA's special Centre for Industrial Relations Development (CIRD) to develop the government capacity to support and facilitate collective bargaining and mediation and dispute resolution. CIRD has completed a systematic content and process analysis of 1,000 collective bargaining agreements, and its findings have been shared with a broad range of stakeholders. A Master Plan for Industrial Relations Development was initiated based on the Prime Minister's direction at document no. 4690/VPCP-KGVX dated 11/6/2013 of the Government Office and Resolution no. 97/NQ-CP dated 26/12/2014 of the
<ul style="list-style-type: none"> Expert studies and social partner expert consultation to develop MoLISA guidelines on CB 	MoLISA guidelines on CB and sectorial and multi-employer collective bargaining adopted	
<ul style="list-style-type: none"> Development of guideline on sectorial CB and other forms of multi-employer CB 	Tripartite joint-guidelines on mandatory dialogue and democratic regulation at the enterprise level adopted	

<ul style="list-style-type: none"> Expert study and stakeholder workshops at the enterprise level Tripartite meetings to adopt tripartite joint communique or resolution 		<p>Government. A government plan to promote and establish mandatory dialogue adopted in 2013.</p> <p>In terms of dialogue at IZ/EZ level, only Hai Phong EZTU has carried out dialogue at EZ level, while Binh Duong has also carried out training courses and a workshop on social dialogue at IZ level.</p>
<p>SO 5.2 - SD at the enterprise level promoted through active government and tripartite support and participation</p>		
<ul style="list-style-type: none"> Thematic workshops of National Industrial Relations Commission on selected topics/issues in industrial relations trends 	<p>Action plan for the enforcement and promotion of bipartite dialogue at the workplace level adopted</p>	
<ul style="list-style-type: none"> Government initiative to promote and support the establishment and operation of bi-partite dialogue mechanism at the enterprise level 	<p>A special initiative to promote and establish mandatory dialogue mechanism developed</p> <p>1 IZ in 1 or 2 selected provinces targeted for concentrated campaign, with an aim of establishing the dialogue mechanisms at most of the enterprises within the selected area.</p> <p>Effective dialogue mechanism established and operational in at least ¼ of the enterprises in the targeted IZ</p>	
<p>SO 5.3 - SD practices at different levels focusing on the consultation structure and process at the enterprise level established and monitored</p>		
<ul style="list-style-type: none"> Establishment and strengthening of official regional/province-level tripartite/bipartite social dialogue and consultation bodies and processes: HCMC, Hanoi, etc. 	<p>Provincial or District/IZ tripartite consultation mechanisms established in at least 1 province</p> <p>Recommendations on CB and IR issues for constituents produced</p>	<p>Effectiveness: moderately satisfactory</p> <p>VGCL Pilot 4 achieved ‘partly’ the set targets. With the support of upper level unions in PIUs in 3 cities and provinces, by the end of the pilot as reported in VGCL end of pilot report:</p> <ul style="list-style-type: none"> - 27/28 enterprises were organizing regular dialogue between monthly and quarterly (96%); however, not necessarily all compliant with Decree 60; nevertheless, a good result in promoting SD; - 18/28 enterprises organized workers’ conferences, sponsored by employers (64%); - 18/28 enterprises issued democratic regulations, periodical dialogue regulations and regulation to organise workers’ conference (64%). The content of dialogue includes all
	<p>4-6 IZ TUs and Provincial FoLs carried out specific pilot initiatives in dialogue/ consultation (pilot 4).</p>	

<ul style="list-style-type: none"> Pilot initiatives in IZ level or local-sectorial tripartite/bipartite consultation process in selected provinces and sectors, including the Better Work sector. 	<p>Reports documenting the progress of the pilot initiatives produced and submitted to the official decision-making body of the national-level organisation (VGCL) (pilot 4)</p> <p>At least 25 enterprises active in pilot 4</p>	<p>issues related to workers through information collecting and consulting process with workers; The dialogue at workplace play important role in timely solving the arising issues among workers and employers, so that avoid collective labour disputes. As evident from independent evaluation, the project has assisted enterprises to understand and practice social dialogues in enterprises, helping them to understand the order, procedures and models of good practices to build democratic regulations, dialogue mechanism as well as organizing the Conference for Employees in enterprises successfully. Via the training activities, information sharing, enterprises have had chances to exchange knowledge and experiences with each other in the process of realizing the democratic regulations; at the same time, sharing difficulties and obstacles for seeking effective solutions.</p> <p>Nevertheless, as evident from independent evaluation, PIUs within VGCL pilots were generally confused about the directions of Pilot 4. The mechanisms of Decree 60/2013/ND-CP were promoted vigorously, but were too complex and met with the resistance of the employers. The upper-level tripartite dialogues have not addressed IR issues; instead, they were policy discussions between employers and the governmental agencies.</p>
<p>SO 5.4 - Capacity of employers' organizations to engage effectively in (and/or to support their members to engage in) collective bargaining and social dialogue at various levels is improved.</p>		
<ul style="list-style-type: none"> Pilot initiative to strengthen representative capacity and coordination of employers' organisations Roundtable for VCCI and Sectorial BA's 	<p>Employers' organisations at different levels (in at least 3 provinces) produced CB/WN/SD guidelines/Advisory statement ahead of CB/WN at the member enterprises.</p>	<p>Effectiveness: satisfactory</p> <p>The number of enterprises participated in VCCI pilot exceeded the set target, i.e. 30 (planned) vs. 43 (actual). In total, VCCI covered 43 enterprises from Hung Yen, Vinh Phuc and Dong Nai Dong Nai with about 80,000 workers with the aim of strengthening the coordinated action of employers.</p> <p>Within the VCCI pilot in 3 Provinces:</p> <ul style="list-style-type: none"> Democratic regulation developed in 30% of the pilot enterprises (13/43); Workers conference organized in 65% of the pilot enterprises (28/43). <p>Periodic dialogue commenced in 67% of the pilot enterprises (29/43) (Note: 28 enterprises in pilot was initially but Vinh Phuc scaled up the number of enterprises in pilot by 15)</p>
<ul style="list-style-type: none"> Pilot initiative to strengthen coordinated action of employers Survey study of Labour Code compliance in various new types of cooperatives 	<p>Employers' organisations produced joint position papers/statements on key IR issues.</p> <p>Guideline on the Labour Code implementation in cooperatives developed</p>	<p>The results of the independent evaluation of VCCI pilot indicate that the pilot was quite effective, as employer organizations (VCCI and sectoral BAs) improved networking and</p>

<ul style="list-style-type: none"> • Development of employers' guidelines on TU rights, CB, and dialogue mechanism at the enterprise level 	<p>An employer's guideline (SD) developed and approved by VCCI</p>	<p>dialogue. The pilot also helped to raise awareness of the staff of enterprises' associations and their members, created a collaborative framework between VCCI and employers' organizations and among employers' associations in the pilot locations; raised their voices and improved the roles, established and sustained two clubs on HR management in two provinces. The project assisted the development of reference materials and tools such as survey tools, reporting templates, quarterly meeting agenda samples, lectures, procedures for visiting/monitoring enterprises, procedures for the operation of the HR management clubs, which can be shared with other localities and enterprises. The groups of experienced trainers and trainees were prepared and could become key resources for the replication of the project in the future. Several outcomes and lessons learnt drawn from the project were reflected in the contributions for the amendment of the Labour Code. There were also a number of challenges during pilot implementation, but the main one is that social dialogue is not very attractive for some enterprises, as it requires time, and a limited number of requests for conduction of SD came from TUs. In overall, 18 enterprises out of 43 enterprises have all 3 regulations on CB/WN/SD and Workers congress. A bipartite (VCCI and VCGL) social dialogue manual was developed and approved by VCCI and VCGL in the 3rd quarter 2016.</p> <p>As planned, VCCI developed a plan to strengthen the representative capacity and the coordination of employers' organizations: "Employers IR Roundtable Discussions". In total, 5 employer round-table meetings improved the coordination among employers. Cooperatives Law translated and printed.</p>
<ul style="list-style-type: none"> • Pilot initiative to promote dialogue and relationship with TUs in cooperatives 	<p>Dialogue mechanisms established in at least 10 cooperatives</p>	
<ul style="list-style-type: none"> • Development of employers' code of conduct on issues of discrimination and sexual harassment 		
<p>SO 5.5 - Legislation, institutions, and practices are reviewed with a view to identify challenges in giving effect to C98</p>		
<ul style="list-style-type: none"> • Review/surveys/studies of legislation 	<p>A review report on the status of collective bargaining Position Papers VGCL and VCCI on impacts of C87 and C 98 supported</p>	<p>Effectiveness: satisfactory The review report on status of CB and representational capacity of social partners was discontinued due to resource limitation, while VCCI and VGCL prepared position papers on C87 and C98 in the 3rd quarter 2016. A number of additional activities were organized, such as study tour for tripartite partners to Indonesia (ILO funded), international comparative study on 'International experience on role of state institutions in IR in countries that have a market economy – Recommendations for Vietnam' and national study 'Role of Government in IR in context of FOA and Market economy' National Study and recommendations'.</p>
<p>SO 5.6 - Effective infrastructure for government services to promote CB, dialogue, and IR in general, established</p>		
<ul style="list-style-type: none"> • Consolidation of "IR Database", publication 	<p>Regular "IR Bulletin" (every 2 months) and "Annual IR report" produced</p>	<p>Effectiveness: satisfactory</p>

<p>of “IR Bulletin” and “annual IR report”</p>		
<ul style="list-style-type: none"> • Expert seminars on IR Network 	<p>11 expert seminars on industrial relations conducted</p>	
<ul style="list-style-type: none"> • Preparation of IR development plans 	<p>A “baseline” survey report of industrial relations situation in 5-7 provinces carried out</p> <p>IR Development Master Plan for 5-7 selected provinces developed</p> <p>Enterprise IR Profiles produced by 3-5 provinces within their IR master plans</p> <p>Study paper on the overall structure of Government administration of IR produced</p>	<p>The objectives were either ‘fully achieved’ or ‘exceeded’ the set targets. MOLISA (CIRD) coordinated IR network of IR practitioners and expanded it through the provision of information and promotion of debate and learning on contemporary IR issues. The project was successful in strengthening the operation of the IR database through publication of bimonthly IR Bulletins and annual IR reports. In total, 18 IR Bulletins were published by CIRD between 2014 and 2016. Annual IR report was not possible, so additional focus put on 1 comprehensive report on IR changes during Doi Moi (renovation) started. Regular (monthly) discussions on IR-related issues has been initiated and led by CIRD and 21 IR seminars (roundtables) have been conducted since August 2014.</p> <p>In total, 6 provincial IR Master Plans for the period of 2013 – 2020 in Ha Noi, HCMC, Hai Phong, Dong Nai, Binh Duong and Binh Phuoc were developed and adopted (1 in 2013, 4 in 2014 and 2 in 2015²²) vs. 5 (planned). The IR Master Plans was developed in line with the Prime Minister’s direction at document no. 4690/VPCP-KGVX dated 11/6/2013 of the Government Office and Resolution no. 97/NQ-CP dated 26/12/2014 of the Government, which require provinces and cities which have a large number of enterprises and industrial zones to develop their Master Plans for IR development until 2020. All Master Plans set the overall objective which is: striving until 2020, the provincial IR system is to be basically developed synchronously and operated in accordance with the market mechanisms and State management, ensuring the legitimate rights and interests of the parties to IR, creating the basis for maintaining and developing harmonious, stable and progressive IR in the coming years. All Masterplans divide its implementation progress into 2 phases. The phase I is carried out in the period 2013 or 2014 to 2016 or 2017; phase II from 2016 or 2017 to 2020. In each phase, depending on the function and obligation of each agency, all Masterplans contain a delegation of leadership and collaboration responsibilities among related agencies at the city/provincial level and the district level; DOLISA mainly takes charge of the first and fourth groups of solution, Federation of Labour of the second and third groups, while the fifth group is carried out thanks to the close collaboration of all agencies at the city and district levels. The funding for Masterplan activities is</p>

²² (1) Binh Duong: the Master Plan was official issued on 27 November 2013 under Decision no. 3047/QĐ-UBND of People’s Committee of Binh Duong province; (2) HCMC: the Master Plan was official issued on 23 April 2014 under Decision no. 1993/QĐ-UBND of People’s Committee of HCMC; (3) Dong Nai: the Master Plan was official issued on 03 June 2014 under Decision no. 1617/QĐ-UBND People’s Committee of Dong Nai province; (4) Ha Noi: the Master Plan was official issued on 14 October 2014 under Decision no. 5261/QĐ-UBND of People’s Committee of Hanoi city; (5) Hai Phong: the Master Plan was official issued on 16 June 2015 under Decision no. 1309/QĐ-UBND of People’s Committee of Hai Phong city; (6) Binh Phuoc: the Master Plan was official issued on 17 August 2015 under Decision no. 1786/QĐ-UBND of People’s Committee of Binh Phuoc province.

guaranteed by the budget of the city/province based on the annual implementation plans and other legal sources. In some cities/provinces such as Hanoi and Binh Duong, the funding is secured for the whole phase of the Masterplan which further facilitates its implementation.

The IR Master Plans have both a number of positive results and challenges. On the one hand, the development and implementation of the Masterplan have demonstrated an interest in IR issues by the leadership. Immediately after the approval of the Prime Minister, the People's Committees of cities/provinces assigned to develop the Masterplan developed and created an implementation plan under the guidance from and collaboration with professional agencies; in Hochiminh City, the Party Committee also directly led the development and implementation of the Masterplan which provided a legal basis for professional agencies of the cities/provinces in their collaboration. The development, propagation and implementation of the Masterplan also contribute to an improved understanding of related agencies and individuals on industrial relations. This improvement has been further enhanced through information contents laid out in the industrial relations system as established in the Masterplan; through the propagation activities, professional training and guidance related to contents of the Masterplan; and during the direct implementation by related agencies and individuals. This holds an important meaning and serves as a basis for the advancement of appropriate IR development solutions in each area. The implementation of the Masterplan has provided an important legal basis for the synchronized implementation of solutions on industrial relations in each area. In practice, prior to the Masterplan, activities were fragmented and contingent upon general legal requirements and practice in each area. After the Masterplan, solutions in each group were implemented as guided by the city/province and under their direct leadership, evaluation and guaranteed resources. Therefore, the Masterplan is the specific basis for the evaluation of the transformation on IR in each province in each specific period.

On the other hand, the effective implementation of IR Master Plans has been hampered by a number challenges, including (1) lack of focus, consistency, frequency and continuity, (2) limited collaboration of professional agencies at the national and local levels, and (3) limitations in resources of each province (in terms of organizational structure, human resources and funding).

As planned, IR baseline surveys at 30 selected companies participating in the provincial employers' organization capacity-building programme were undertaken. In overall, the pilot on IR Profile with HCM DOLISA has completed 54 IR profiles in 52 enterprises, but it requires more mediators to complete 68 more profiles in order to reach the target of 120 profiles by the end of 2016. DOLISA HCM also issued Regulation for labour mediators and Procedure on dealing with wild-cat strike procedure in HCM city. 18 IR profiles were completed by pilot on IR Profile with Dong Nai DOLISA. 39 IR profiles were also completed by 6 mediators under the pilot on IR Profile with Binh Duong DOLISA. The evaluation interviews with DOLISA showed that the development of IR profiles is seen as a highly important instrument which could help to improve IR on enterprise level²³; nevertheless, there is a need to have special software in order to be able to properly and quickly analyse the surveys data. Nowadays, it is done only manually.

²³ Some examples on the results of establishing of system of mediation in pilot enterprises in Dong Nai DOLISA

Hwaseung Vina Co. Ltd. is 100% owned by South Korea with the total workforce of the company is 15,987, of which 12,654 are women, accounting for 79%; The number of non-resident workers (migrant workers) out of the total workforce is 62%; The labour turnover rate out of the total workforce is 9.6%. The labour conciliator/mediator worked with company representatives and the grassroots union representatives to convince the company to continue implementing the recommendations on improving the industrial relations at the company with having in place the procedures for work absence, work resignation and settlement of complaints and establishment of a hotline in the company. Since the implementation of these, the employees in the company find it easier to reflect their difficulties and complaints to the union executive board and the management board of the company. From the time point the system is deployed until now, there are 15-20 questions and complaints on average from workers sent to the Union Executive Board and the management board of the company every month on issues such as food ration, methods of calculating salary for the months of 27 working days, social insurance grievances.... After receiving any complaints, the union executive board in collaboration with the management board of the company proceeds to resolve them quickly, thus ensuring stable industrial relations at enterprises. By following these procedures, it helps both the company and workers and reduces the situation that workers are absent from work at their own discretion or leave work without permission, and more importantly, there is a channel for employees to raise their opinion. The company also finds it more convenient to contact with employees.

Vina Samil Co. Ltd. is a 100% South Korea –invested company with the total number of employees is 1,049 people, of which 420 are female workers, accounting for 40% of the total labour force; Migrant workers account for 56% of the labour force. Due to the characteristics of the textile and dyeing sectors, for some work, workers are regularly exposed to noise and high temperatures. Specifically in the dyeing workshop, as reflected by the workers, the high temperature and heat has affected the health and productivity of workers. Workers have mentioned this problem to the company several times, but the company has not found a solution to solve it completely. Through the task of creating an Enterprise IR Profile, including a dossier on measurement and monitoring of the work environment, and through activities of actual survey on the work environment in the dyeing workshop, the labour conciliator/mediator find out that the recommendations already made from employees are accurate and reasonable. In order to improve the working environment, the labour conciliator/mediator proposed the installation and improvement of the ventilation system in the dyeing workshop. The conciliator's/mediator's recommendation was accepted by the company and the company management directed relevant departments to implement it. In the period from 15 to 25 November 2015, the labour conciliator/mediator contacted with the grassroots union executive board, the human resource department and the safety committee of the Company and suggested to improve the ventilation system in the dyeing workshop, and at the same time, requested a direct meeting with the directorate of the company to discuss it. In early January 2016, the labour conciliator suggested and organized another meeting with the company representatives in order to explain the meaning and things to do regarding the establishment of an Enterprise IR profile, discuss the problems of industrial relations as well as propose solutions for installation of the ventilation system in order to improve working conditions at the dyeing workshop. The labour conciliator together with Mr. Ho Van Hieu, Head of Human Resource Department who is also the chairman of the grassroots union, and Mrs. Phan Thi Ngoc Anh, member of the union's Executive Committee who is in charge of safety at work are directly engaged in the survey of the dyeing workshop. Based on the survey, the labour conciliator/mediator has suggested the plan to improve the temperature in the dyeing workshop by installing more ventilators and fans in the dyeing workshop and the conciliator/mediator' recommendation was agreed by the parties. After the agreement on the plan, Mr. Ho Van Hieu and the person

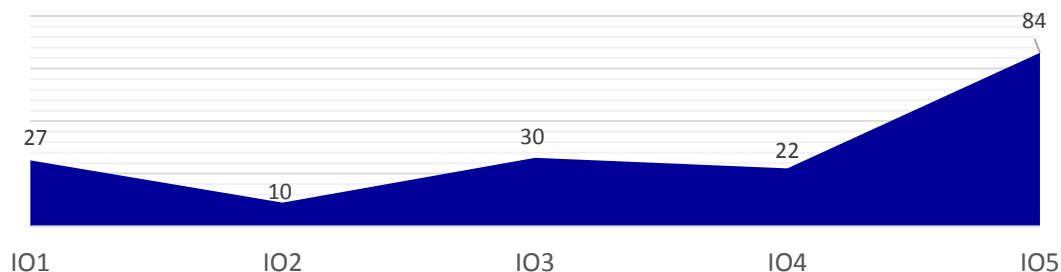
SO 5.7 - IR mediation, conciliation and arbitration services, and IDS mechanisms are improved		
<ul style="list-style-type: none"> Pilot initiative in mediation work in HCMC and DN 	Management and coordination mechanism for mediation work in HCMC established in HCMC-DOLISA	<p>Effectiveness: moderately satisfactory</p> <p>22 mediators (actual) vs. (10 (planned) were trained on dispute resolution in enterprises pilot (3 mediators from Dong Nai in 2014 and 21 from (HCM and Binh Duong) in 2015). The project has supported the development of training materials for mediation through CIRP. The implementation of the province-level pilot programmes to innovate and revitalise mediation faced a number of difficulties, of which the most significant are the lack of interest of enterprises to participate in the pilot and difficulties in conduction of surveys and collecting the opinions of workers by mediators. In spite of that, there are some positive results which were achieved by the project. In Dong Nai all 3 pilot enterprises were able to improve the industrial relations at their enterprises by putting in place the procedures for work absence, work resignation and settlement of complaints, etc., while DOLISA HCM issued Regulation for labour mediators and Procedure on dealing with wild-cat strike procedure in HCM city. Evaluation interviews with DOLISA staff indicated that mediation is highly important, as it could increase the workers' satisfaction with the job, reduce staff turnover and prevent wild-cat strikes; however, all of them mentioned the necessity to further strengthen their capacity in order for them to be able to carry out this work in the future.</p>
	CB in 20 enterprises supported by mediators taking part in the pilot initiative	
	Wild-cat strikes in 15 enterprises resolved through new mediation approach under the pilot initiative	
	Mediation pilot in DN concluded	
	Proactive role of mediators through IR Profiles tested in 2 provinces	
<ul style="list-style-type: none"> Expert study and workshop 	Draft "Law on Labour Court Proceedings" prepared with inclusion of ILO recommendations	
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.		
<ul style="list-style-type: none"> Regular research seminars 	Establishment of an "Industrial Relations Association"	<p>Effectiveness: satisfactory</p> <p>The set targets were either 'fully achieved' or 'exceeded the set targets'. IR Network was strengthened to build key group of IR practitioners. In total, 7 scholarships were provided for graduate/post graduate research on contemporary IR issues and publication and 15 research papers (actual) vs. 10 (planned) were published and disseminated among academic circles and the media. The project also supported public lectures and conferences among academics from the University of Labour and Social</p>
	At least 8 expert seminars on IR conducted	
	Series of at least 6 research seminars held	
<ul style="list-style-type: none"> Expert research and expert seminars 	Scholarships provided for graduate/post graduate research on contemporary IR issues and publication.	

in charge of the occupational safety and health have met with the directorate of the company to present the improvement plan and asked for approval and the result is that it has been agreed by the Directorate. On the 5th March 2016, the Directorate allowed the carrying-out of installation of 15 ventilators in the dyeing workshop. After the ventilators are installed, the labour conciliator/mediator directly goes to survey and collect the opinions of workers at the dyeing workshop. The workers said that the working environment has improved much than before, cleaner and more airy.

<ul style="list-style-type: none"> • Publication and dissemination of research and studies 	<p>Research studies disseminated among academic circles and the media</p>	<p>Affairs, Hanoi Law University, to create an environment for researchers and practitioners to collaborate and enhance their capabilities. Additionally, the Country report on the performance of various mechanisms and processes for prevention and resolution of individual disputes was prepared and could be used to support future reform in this area.</p>
<ul style="list-style-type: none"> • ‘Labour Code 2012 Interpretation by Academic Expert Group’ printed 	<p>‘Labour Code 2012 Interpretation by Academic Expert Group’ printed</p>	

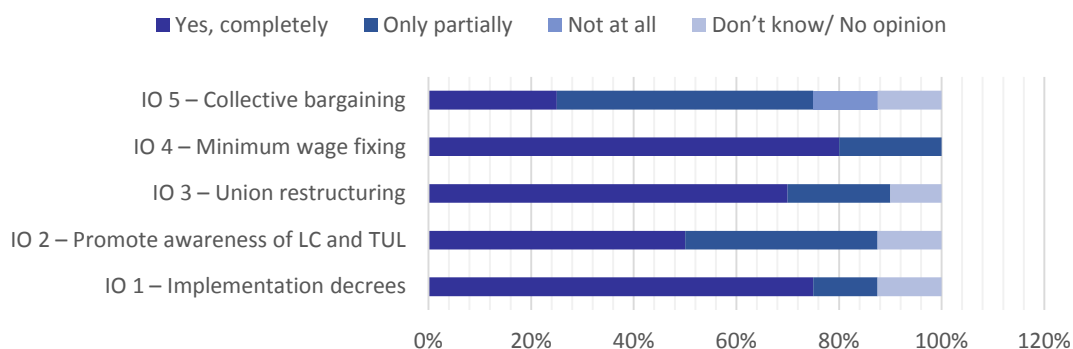
In overall, Phase II produced quite a big number of products during the life of the project, i.e. 173 deliverables. The biggest number of products is under IO5, while the least under IO2.

Figure 3. Number of products of the ILO-IR project Phase II disaggregated by component



Based on the desk review and the results of the project satisfaction survey, the projects' greatest effects in respect to its scope were under IO 4 'Minimum wage fixing', IO 3 'Union restructuring' and IO 1 'Implementation decrees'; to a lesser extent under IO 2 'Promote awareness of LC and TUL' and IO 5 'Collective bargaining'.

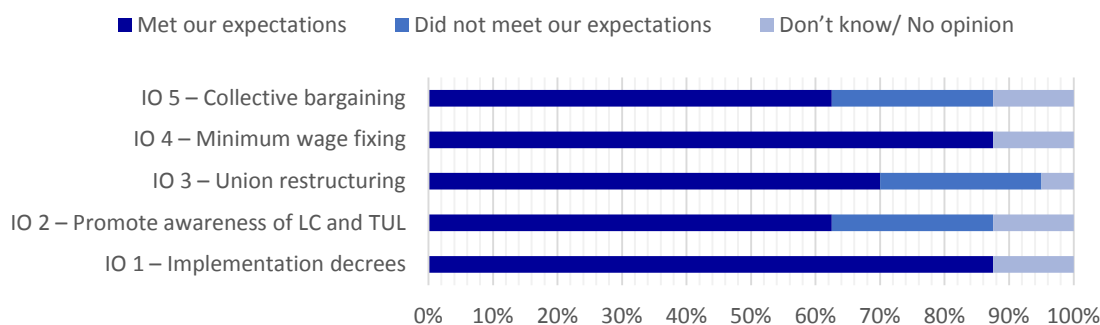
Figure 4. Assessment of achievement of outputs under each project component (sample – 8 respondents)



Source: Project Satisfaction Survey, August 2016

The results of the project satisfaction survey further suggest that the outputs achieved by the project under each component in overall met the expectations of the tripartite partners, especially under IO 4 'Minimum wage fixing' and IO 1 'Implementation decrees'.

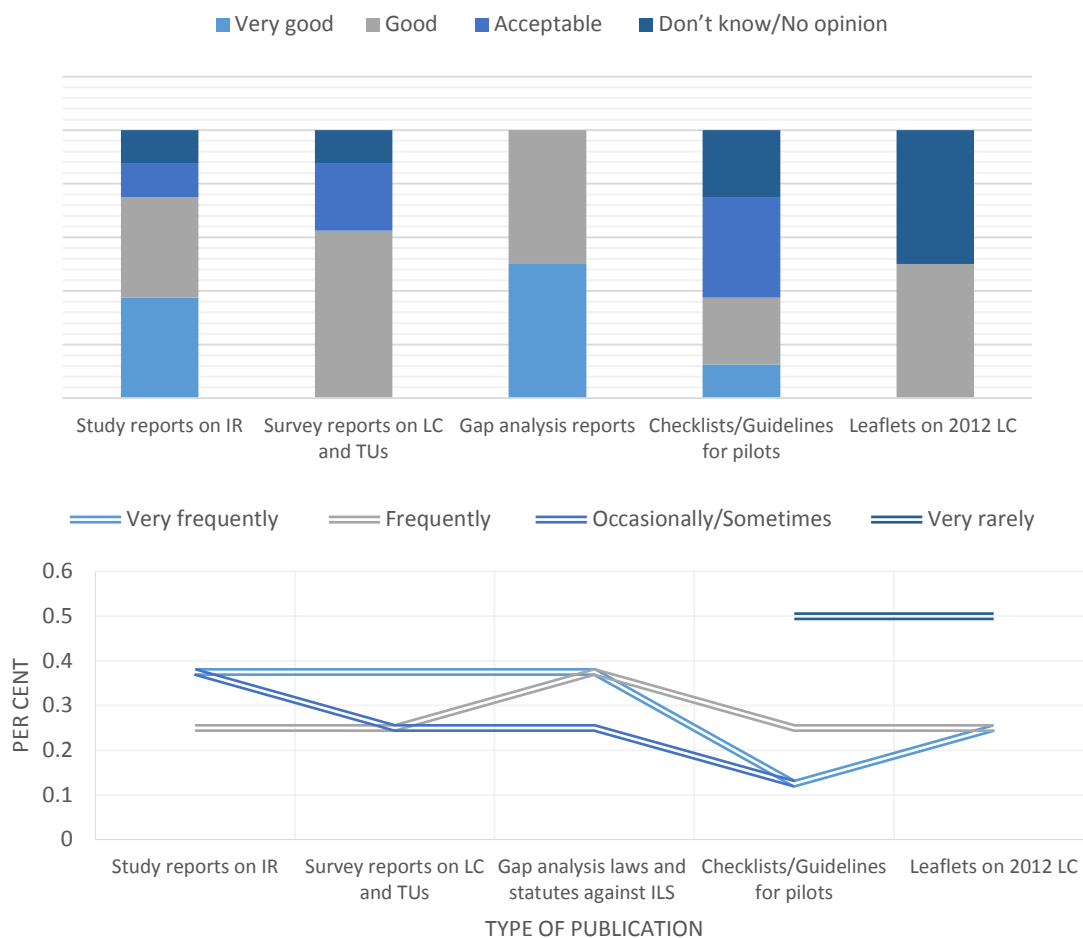
Figure 5. Assessment of the quality of the outputs achieved (sample – 8 respondents)



Source: Project Satisfaction Survey, August 2016

The quality of Phase II publications is perceived as either ‘good’ or ‘very good’ by the surveyed government and social partners’ representatives. In the respondents’ point of view, the ‘Gaps Analysis Reports’, the ‘Survey Reports on LC and TUL’ and the ‘Study Reports on IR’ have the highest quality, while the checklists/guidelines for pilots were rated as of ‘acceptable’ quality. Almost all publications produced by the project are used either ‘very frequently’ or ‘frequently’ by partners, with the only exception of checklists/guidelines for pilots.

Figure 6. Assessment of the quality of IR project publications and the level of their usage by constituents (sample – 8 respondents)



Source: Project Satisfaction Survey, August 2016

Based upon an analysis of the triangulated data, the ILO-IR project Phase II in general completed most of the initially planned activities and carried out some additional activities in 2016. However, the pace of the project implementation was influenced by a series of internal and external factors, which had an influence on the achievement of the expected results and the smooth implementation of the Project. Those factors were identified during the interviews with the project staff, beneficiaries and counterparts as part of this final evaluation.

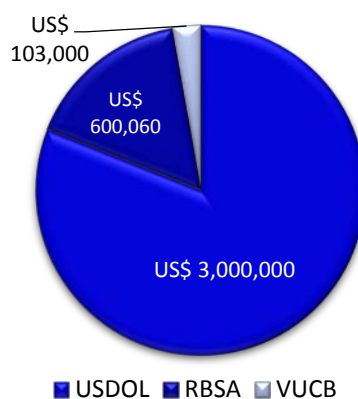
Challenge	Type of challenge
1. Limited project budget in terms of scope and new demands from TPP related reform and delays with the project's funds release	external
2. Evolving country context and the necessity to respond quickly to the emerging needs	external
3. Sensitivity of freedom of association issue in Vietnam until 2015	external
4. Low level of awareness and compliance of new labour law provisions in some areas (e.g social dialogue, effective CB, dispute resolution)	external
5. Building consensus in new tripartite institution with decisions evidenced-based	external
6. Low practical experience of CB and SD by partners and different level of institutional development of the implementing partners	external
7. New concepts and approaches being piloted not well understood and so high need for support and mentoring and clear direction	external
8. Limited number of IR specialists worldwide	external
9. Limited time and technical resources of the IR Project Office in some periods	internal
10. Difficulties in organizing unions and recruiting members in a bottom-up manner due to still existing unfair labour practices from employers to workers and trade unions	External
11. High workload of social partners and staff changes at partner organizations	external
12. Provision of timely communications and support to all 22 contracting partners by the IR Project Office	internal
13. Absence of technical experts at the Project Office in some fields and lengthy procedures to recruit/invite technical experts	internal
14. Complicated system of ILO financial reporting	internal

4.4. Efficiency of Resource Use

Finding 4. The project resources were allocated strategically and for the most part effectively to achieve outcomes. The project was successful in securing additional funds for better response to the emerging needs of the tripartite partners due to changes in the context; however, the chosen implementation modality was quite complicated and required allocation of a number of administrative resources both by the ILO-IR Project Office, PMU and the implementing partners (IPs).

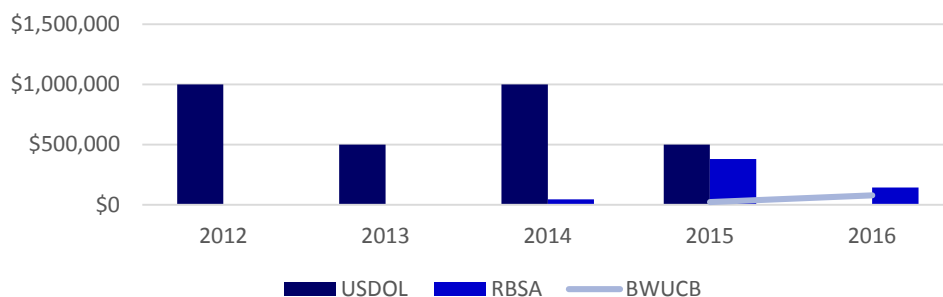
The ILO-IR project Phase II budget amounts to a total of US\$3,669,789 and was fully spent as of September 30, 2016, i.e. the budget utilization rate constitutes 100 per cent. USDOL (VIE/12/01/USA) provided the main portion of funding for the Phase II (81 per cent), the ILO HQ in Geneva (RBSA) and the Better Work Program of USDOL (VUCB) contributed another 16 per cent and 3 per cent respectively. Besides, in-kind contributions (human resources) were provided by the ILO technical specialists from the ILO DWT ROAP, ILO CO-Beijing and ILO Geneva.

Figure 7. The ILO-IR Project Phase II donors



Phase II faced financial constraints within the whole period of implementation. The Cooperative Agreement (CA) with USDOL provided for US\$ 3 million; however, not clear funding availability and release timing have been specified in the CA, which made the project implementation and planning more difficult and subject to variation²⁴. Furthermore, during the project’s lifespan substantial changes in the country context took place, as Vietnam negotiated a number of trade agreements (TPP, EU and AEC) which require further substantial law and institutional reform in the field of industrial relations. This situation required the ILO project team to leverage complementary resources in order to be able to carry out pressing technical assistance requests related to the project objectives and meet the emerging needs of the partner country and tripartite constituents. As a result, the ILO-IR Project Office has managed to acquire additional funding from the ILO HQ in Geneva and from the Better Work Program of USDOL, which amounted in total to almost US\$ 699,789.

Figure 8. Disbursement of funding disaggregated by year and donor



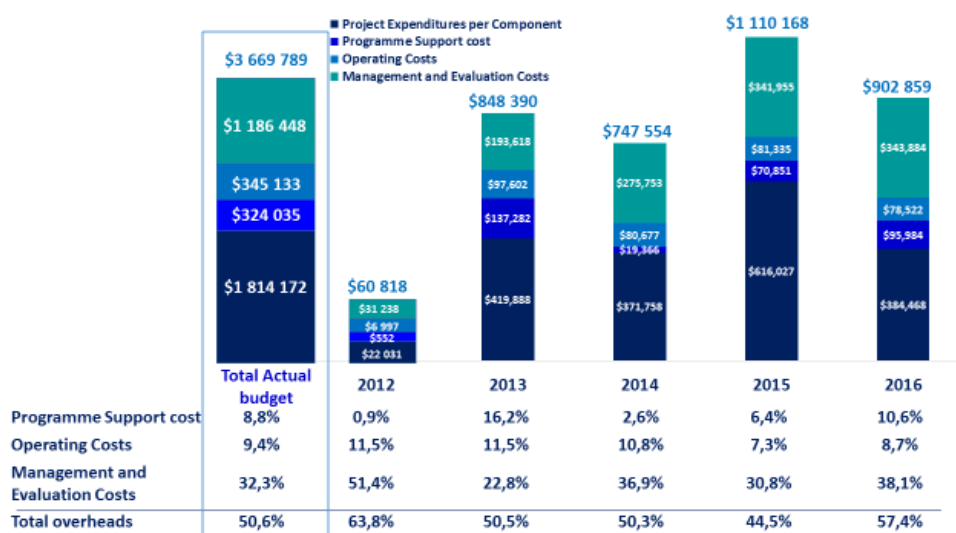
The RBSA funding was used to (a) support preparatory research, study, trainings for assisting the tripartite partners’ consideration of ratification of C87 and C98 and (b) implement activities

²⁴ Background information: USDOL released funds in 4 instalments: first in 2012, second on 23 September, 2013, third on 31 March, 2014 and the last one on 28 May, 2015

pertaining to the implementation of the IR Master Plan and VGCL and VCCI pilots, while VUCB additional funds were used for preparation of research papers and inclusion of HCM FOL in the pilot program.

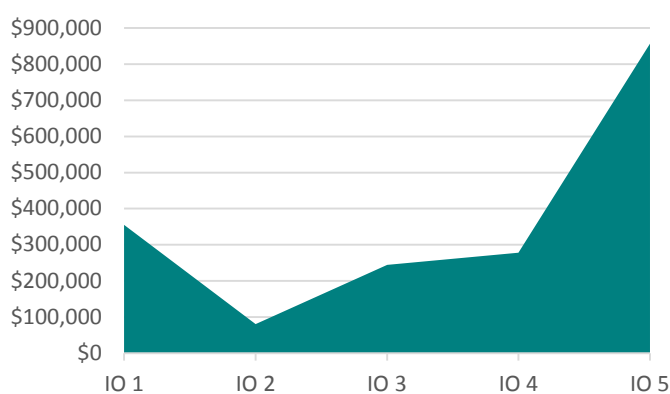
There was a sound relationship between budget allocated and results achieved. The table below shows the budget allocation according to four main categories: project expenditures per component, management and evaluation costs, operating costs and project support costs.

Figure 9. Annual planned project expenditures per budget line



In reviewing the financial documents obtained from the desk report, the ILO-IR project Phase II should be seen as a technical assistance project; therefore, the distribution of costs between ‘Project Direct Costs’²⁵ and ‘Other Costs’²⁶ amounts to 49.4 per cent and 50.6 per cent respectively.

Figure 10. Budget allocations per component



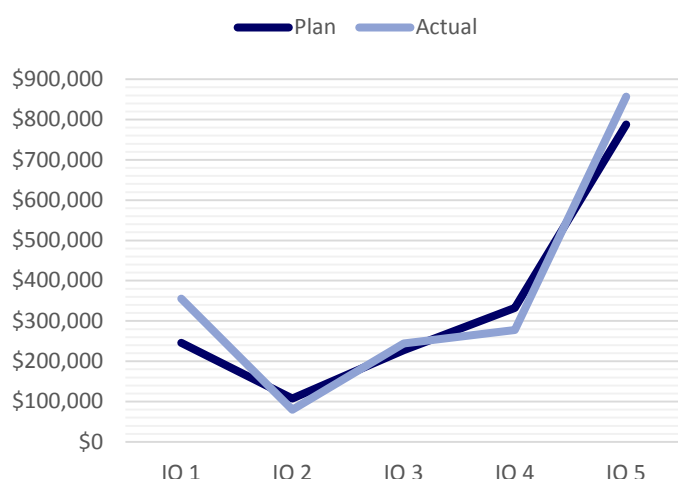
The biggest allocations (82 per cent of the total budget for all project components), namely for IO5 ‘Collective bargaining’, were US\$856,930 or 47 per cent, for IO1 ‘Implementation decrees’ the allocated amount was US\$355,358 or 20 per cent, and for IO4 ‘Minimum wage fixing’ - US\$277,693 or 15 per cent. The rest (18 per cent) was allocated for IO3 ‘Union restructuring’ (US\$244,143 or 14 per cent) and IO2 ‘Awareness raising on LC & TUL’ (US\$80,048 or 4 per cent).

The allocations of funding between components are adequate, as it reflects the major activities planned under each component as per the Annual Workplans approved by MoLISA.

²⁵ Direct costs include project expenditures per component.

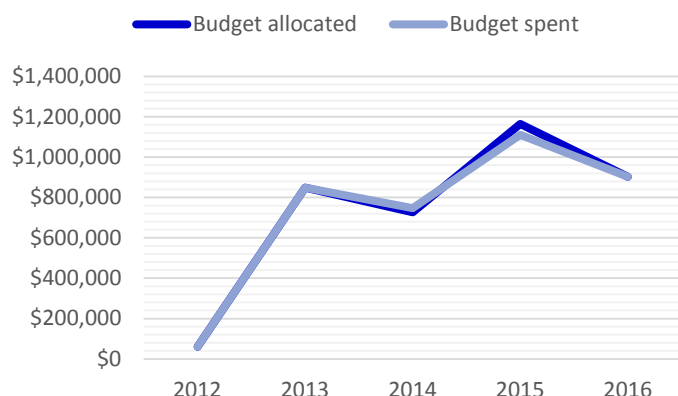
²⁶ Other costs include management and evaluation costs, project support costs and operating costs.

Figure 11. Implementation rate per component



For the implementation of activities under IO1, IO3 and IO5, the Project has spent US\$ 113,242 more than originally planned. For IO1 US\$ 109,661 (or 45 per cent) was additionally spent, for IO 5 - US\$ 69,461, (or 9 per cent), and for IO3 - \$ 16,491 (or 7 per cent). At the same time, the actual costs for the implementation of IO4 and IO2 constituted just 84 per cent and 74 per cent respectively. Additional spending was covered by savings from 'Operating Costs' and 'Management and Evaluation Costs'.

Figure 12. Overall ILO-IR Project implementation rate disaggregated by year



The ILO-IR project Phase II has high implementation rate throughout the project's lifetime. The implementation rate in 2012 and 2013 constituted per 100 per cent, 102.8 per cent in 2014, 95.4 per cent in 2015 and 99.9 per cent in 2016.

At large, all project activities were efficient, especially those which dealt with VGCL pilot programs, support with establishment of minimum wage system and assistance with development of secondary legislation under 2012 LC and TUL, as they provided substantial support for the reform process and gave possibility for launching of TPP. The project maintained thorough records of all transactions, including when procuring goods and services as part of the project. In reviewing the financial documents obtained from the desk report, all procurement is done within the rules and regulations of ILO Geneva. This attentive maintenance of records and adherence to good administrative and financial practice also contribute to the active promotion of transparency and accountability.

At the same time, the interviewed Government partners highlighted that the project had quite complicated implementation modality. The ILO-IR project Phase II has collaborated with 22 implementing partners (IPs) and the IR Project contracts with national and provincial partners directly with ToRs and contracts for monitoring programs and activities within pilots at different levels. It created an administrative overburden both for the Project Office and the PMU, as it required allocation of sufficient time for management of small contracts. Moreover, the ILO-IR Project Office had fairly strict internal financial regulations towards sub-contractors, which resulted in the majority of cases in delays in funds disbursements (1 to 4 months) due to insufficient/incorrect collection of supporting documents, such as collection of copies of passports/IDs for each training participant. The evaluation interviews showed that a project with such a scale would benefit more from having more decentralized structure with simpler rules for financial reporting for the implementing partners.

Based on the interviews with ILO-IR Project Office, new simplified rules for financial reporting were introduced starting from the end of August 2016.

As evident from the desk review of documents and the interviews with interlocutors, Phase II was implemented within the framework of the originally envisaged duration (48 months) from October 2012 to September 2016. Nevertheless, there were a number of delays with the implementation of the planned activities within the set timeframe under each component. The main reasons for delays with the project implementation were four-fold:

- 1) *initial delay in the approval of the Project by the Government of Vietnam* (CA between the ILO and USDOL was signed on 20 September, 2012, while the official approval of the ProDoc by the GoV took place on 23 April, 2013. The official launch of the project was only conducted on 31 May, 2013. Between October 2012 and May 2013, the Project operated under a Provisional Workplan, as the first Annual Workplan was only approved by the National Project Steering Committee in June 2013);
- 2) *changes in the project management team and long recruitment procedures for staff replacement* (resignation of original CTA in July 2013, who was involved in the project's design and implementation of Phase I, and recruitment of the new CTA only in January 2014, as well as project staff turnover between 2013 and 2016 (Technical Officer left the project in August 2013 and has not been replaced, NPC 1 responsible for VGCL pilots and supporting the MoLISA with the development of labour legislation left in January 2015 and replacement was done just in July 2015, while NPC 2 who dealt with VCCI pilots separated in June 2016, but was replaced quickly in July 2016. In addition, the Admin/Finance Assistant changed three times only during 2014),
- 3) *availability of funding on time* (absence of clear timeline of funding disbursement per year resulted in disruptions of project implementation, as some initially planned activities had to be cancelled due to lack of funds for their implementation),
- 4) *technical expertise outside of the project* (due to absence of technical experts within the Project Office, the project attracted the ILO regional and ILO HQ specialists, as well as external experts (international/national), who have not been available sometimes at a short notice to provide technical inputs. As a result, the project had to wait for several months for experts, which delayed the project's activities).

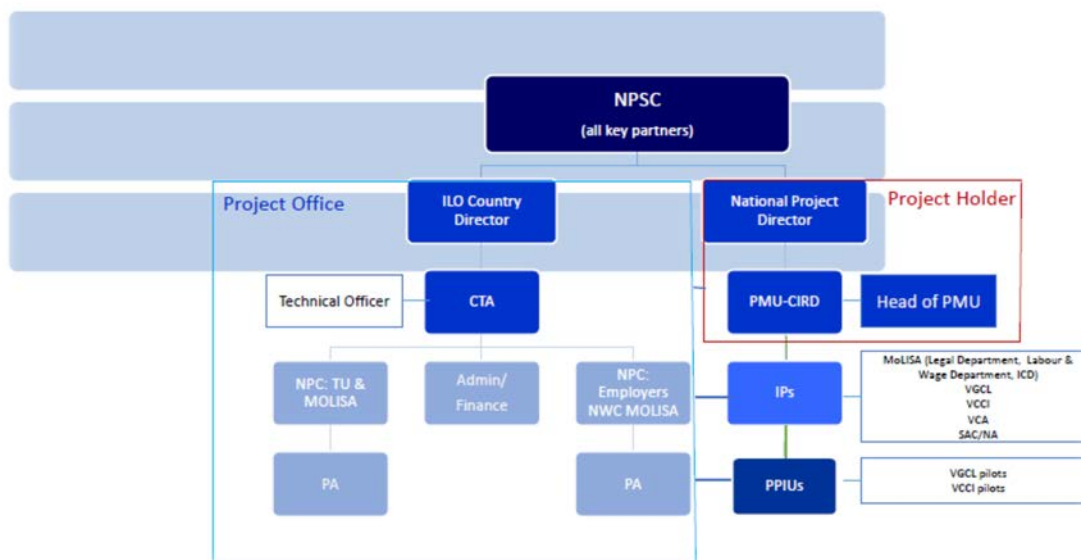
As evident from the document review, the ILO project team completed 80 per cent of MTE recommendations provided with regard to the improvement of the efficiency of resources use.

MTE recommendations	Status of implementation
1. Re-allocation of the un-committed funds of the USDOL project and of the additional budget categories to accommodate new requests for technical assistance, especially within the framework of TPP, AEC and the ratification process of the three remaining Fundamental Conventions of the ILO.	completed
2. A study of the effects of having more than one Trade Union after Ratification of Convention 87, in particular on how to supervise and control that situation	completed, study tour to Indonesia on C87 conducted in December 2015
3. Follow-up to the Gaps analysis of Vietnam's Labor laws in relation to ILO Conventions	pending, will be implemented upon availability of additional funds
4. The Road Map for the ratification process of the fundamental conventions	completed
5. Studies on international experiences in setting minimum wages, in particular in relation to productivity and macro-economic issues in neighboring countries	replaced with translation of existing ILO Wage comparison report
6. Extension of the committed funds for IR Project Staff with 3 months until the end of September 2016	completed

4.5. Effectiveness of Management Arrangements

Finding 6. The ILO country office, regional specialists and Geneva-based program officers provided adequate support and consultants were used strategically. The project management structure was only partly effective, although it allowed for reaching sustainable and meaningful results. The project management arrangements might have been more effective with additional staff to handle the large number of planned activities.

Figure 13. The ILO-IR Phase II Management and Governance Structure



Project Management

The Project was administered through the ILO Office in Vietnam, and was overseen by the Chief Technical Adviser (CTA), reporting to the ILO Country Director. The ILO-IR Project Office was represented by a small team composed of 2 National Project Coordinators (NPCs), 1 Administrative/Finance Assistant and 2 Project Assistants (PAs)²⁷. Content-specific expertise was delivered by Short-Term external experts (national and international) and ILO staff from Beijing, Bangkok and Geneva. The ILO Decent Work Team for East Asia and the Pacific (ILO DWT-EAP) provided the technical backstopping for the project, while the Governance Department at Geneva HQ provided technical quality control.

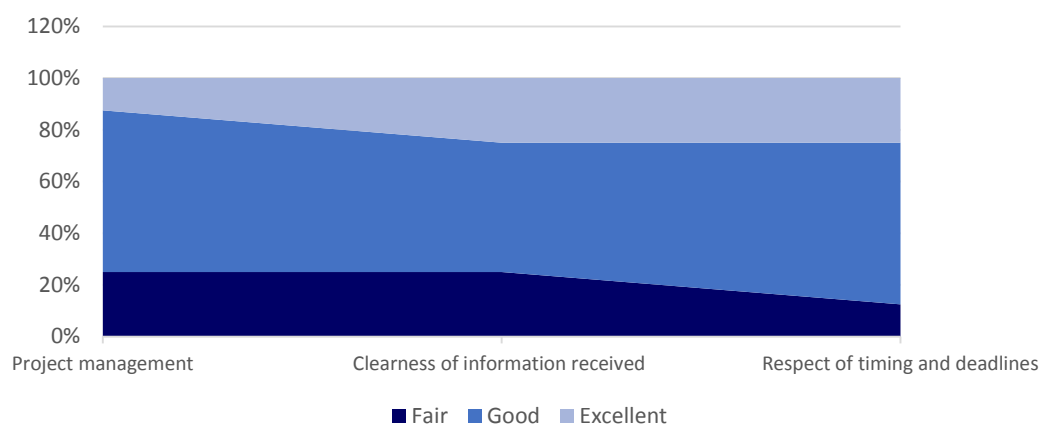
The project's delays in delivering elements of its planned outputs suggest that one full-time CTA supported by two NPCs and three supporting staff members may not have been sufficient to advance some of activities under all five project components with multiple sub-components at one time, especially with a fairly large number of unanticipated problems that needed to be managed.

There were two CTAs during Phase II. The original CTA had a strong background in industrial relations, in-depth knowledge of Vietnam and worked for ILO for a number of years, including the implementation of the ILO-IR project Phase I; whereas the present CTA has strong experience in project management, in-depth knowledge of trade unions, and worked in Vietnam for many years and full-time since 2009, but had no prior experience with the ILO. The interview with present CTA indicated that it would have been useful for him to have received a proper inception training and handover to get more acquainted with the ILO system. Speaking of the original CTA, MoLISA

²⁷ Note: 1 PA was cost-shared by Better Work Programme

representatives noted that the communication with him was excellent and that he came to the Ministry at least once a week to discuss project progress. He also provided a lot of direct technical support to MoLISA, including responses to ad hoc requests on a short notice. The present CTA established good rapport with all constituents; however, the technical support to the GoV was provided primarily by outside specialists not based in Vietnam. This influenced both the relevance of inputs provided for the Vietnamese context and the timeliness for provision of technical expertise (especially with regard to the labour law reform). While both CTAs have different strengths, stakeholder interviews indicated that both are respected for their levels of knowledge, experience and commitment. The results of project satisfaction survey further suggest that in overall 75 per cent of key partners perceive the ILO project management team as effective. In interviews with the donor representatives, they advised that the project was professionally implemented, conformed to their requested inputs, and was responsive to information requests.

Figure 14. Assessment of project management by members of NPSC (sample – 8 respondents from 9 non-ILO members)



Source: Project Satisfaction Survey, August 2016

Nevertheless, taking into consideration the complexity of the project, the interviewed constituents recommended that in the future IR projects with the same scale had better have a senior Project Manager instead of CTA who is supported by strong team of technical experts based in Vietnam for the provision of timely responses to the partners' requests. Additionally, the project lacked one more Admin/Finance Assistant to ensure the proper financial management of a big number of the project's sub-contractors. Furthermore, the project focused on strengthening the capacity of constituents and, at the same time, it did not have at least part-time Institutional Building Advisor/Monitoring and Evaluation Specialist, who could develop a Training and Capacity Building Strategy for each constituent, standardize the M&E tools for different type of capacity-building activities provided by the project and undertake the quality assurance of capacity-building work delivered by IPs implementing and co-implementing agencies.

The project received the high level of support from the ILO Country Director. There were two ILO Country Directors during Phase II²⁸. Both ILO Country Directors have participated in many project activities, including all National Steering Project Committee (NSPC) meetings. According to the interviews with the tripartites, the present ILO Country Director lent his support at critical times to advance the project agenda with stakeholders and his expertise in IR and support to create sound industrial relations system in Vietnam as per Vietnamese international obligations is highly appreciated by the constituents. US Embassy representatives have participated in project events at key moments, demonstrating their support for project objectives. USDOL representative in charge

²⁸ Background information: the present ILO Country Director joined ILO Hanoi in September 2015

of the project visited Vietnam to evaluate and contribute to the Phase II strategies. According to one key informant, this type of active collaboration between the donor, the executing agency and the implementing organizations during the project implementation is unusual and seems to have contributed to a supportive working relationship that served the project's interests. During the project implementation period, regional or Geneva-based technical experts conducted regular technical support missions to the project and were well informed regarding the project challenges and achievements when interviewed by the evaluator.

The project has engaged international and national experts to conduct legislative analysis, elaborate project training materials and guides, hold trainings/workshops. Their work and deliverables were perceived as of good quality by the interviewed stakeholders.

MOLISA has been assigned by the GoV to work with ILO on the execution of Phase II as implementing agency, and has assigned CIRD as the Project Holder. Evaluation interviews demonstrated that, in overall, PMU was efficient in facilitating, coordinating and monitoring the implementation of the project activities by IPs implementing and co-implementing agencies, and in establishing strong collaboration with the Project Office. However, one of the key informants mentioned that it would be better in future to have combined management arrangements for the implementation of IR Master Plans between the Project Holder and Project Office to ensure better coordination of activities.

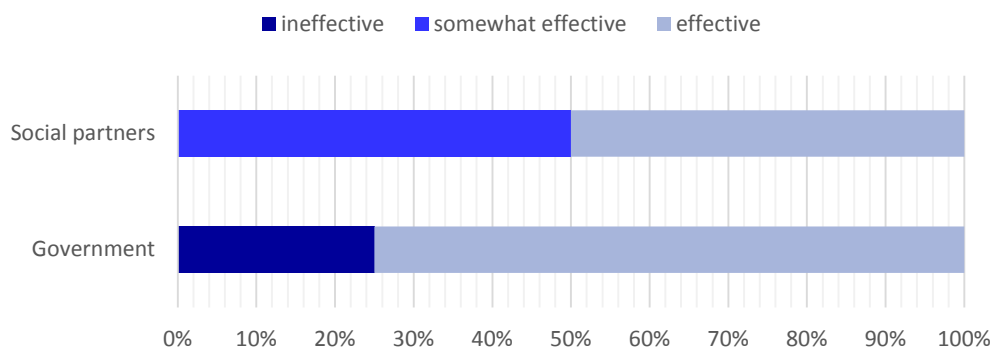
Project Pilot Implementing Units (PPIUs) were established for efficient management of project pilots and were quite well organized. Phase 1 of VGCL pilot programs was more flexible, as it involved coordination just on IZ level, while Phase 2 involved two levels (IZ and federation) and required joint management of VGCL pilot programs, which sometimes caused some tensions and allowed for less flexibility in terms of management arrangements.

Project Governance

Finding 7. The project governance structure was only partly efficient, as the NSPC was represented by high-level officials from all tripartite constituents, which makes it quite difficult to hold meetings more often than on annual and/or biannual basis.

A high-level National Steering Project Committee (NSPC) was formed with representatives from each implementing and co-implementing agency (MoLISA, VGCL, VCCI, VCA, National Assembly, ILO (Country Director and CTA) and in total has 11 members. The development partner, the USDOL, was also able to attend the NSPC meetings as an Observer. The NSPC met once a year and approved/reviewed the Phase II work plans and monitored the progress of project implementation. Based on MTE recommendations, NSPC met twice in the final year of Phase II implementation. In total, five NSPC meetings took place between June 2013 and September 2016. All NSPC meetings were chaired by the Vice-Minister of MoLISA. The interviews with tripartite constituents confirmed that all the minutes of the meetings were prepared timely and shared by the ILO among NSPC members. As evident from the project satisfaction survey, 63 per cent of NSPC members consider that NSPC was 'effective', 25 per cent believe that it was 'somewhat effective', while 13 per cent consider that it was 'ineffective'.

Figure 15. Self-assessment of the effectiveness of the project governance structure by constituents
(sample – 8 respondents)



Survey: Project Satisfaction survey, August 2016

The interviews with the constituents and ILO project team indicated that the NSPC was composed of high level officials and it was quite difficult to organize meetings more regularly. In their point of view, the project would benefit more of having in addition to the high-level NSPC, a Technical Advisory Committee with mid-level representatives who could meet more frequently (quarterly) and provide more operational level oversight.

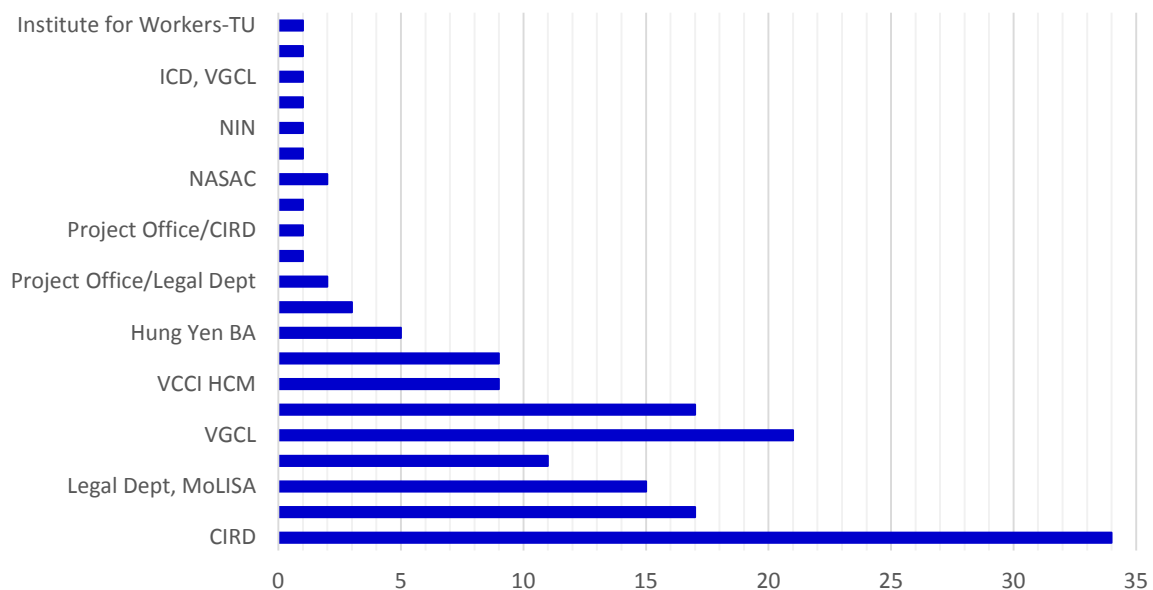
Partnerships and Cooperation

Finding 8. The project established strong collaboration with all tripartite constituents, which is evident from the level of involvement of partners in the project implementation.

The project principle partners for implementation were tripartite partners nationally (MOLISA, VGCL, VCCI/VCA) and their provincial branches or affiliates. In total, there were 22 contracted partners in Phase II: 7 from various Departments of tripartite partners nationally, 13 from provincial level of those tripartite partners, National Assembly Social Affairs Committee, and Hanoi Law University.

Gleaned from desk review and interviews with the project’s partners, the ILO-IR project Phase II established very strong collaboration with all constituents both at national and provincial levels. This is evident from the number of deliverables which have been produced by each partner.

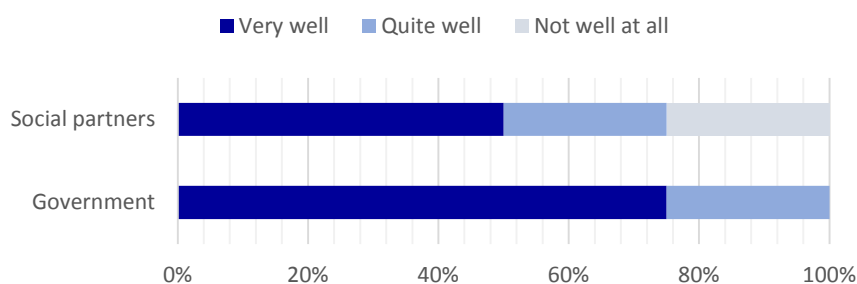
Figure 16. Number of the ILO-IR Project Phase II products disaggregated by implementing partner (sample – 173 project products)



Source: Project documents

The vast majority of respondents of the project satisfaction survey (88 per cent) have indicated that, when planned or needed, the project’s tripartite partners worked together either ‘very well’ or quite well’ in delivering the project outcomes.

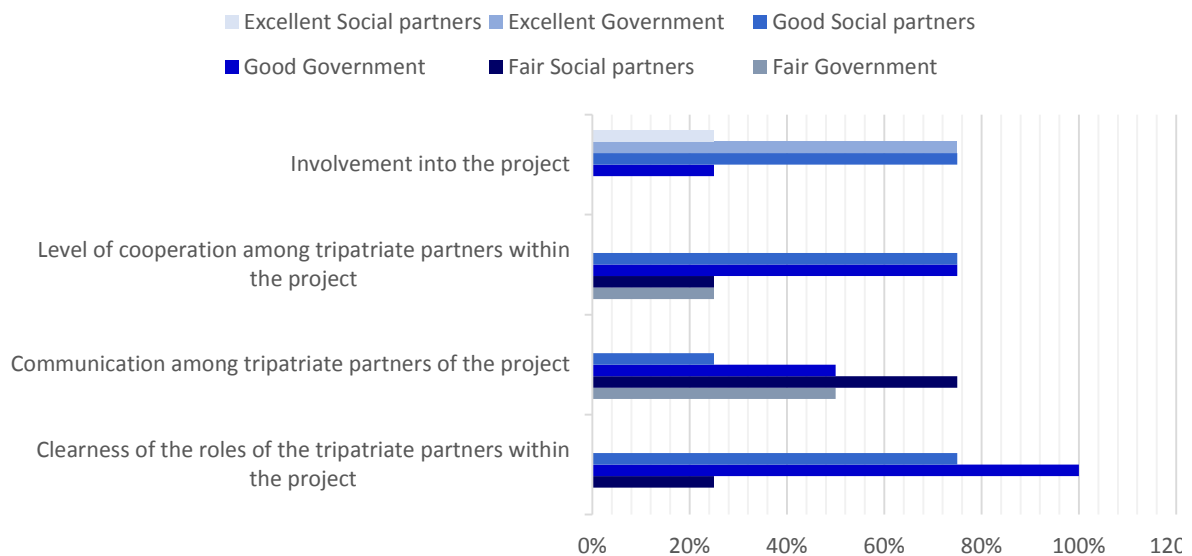
Figure 17. Level of collaboration among the tripartite partners in delivering the project’s outcomes (sample – 8 respondents)



Source: Project Satisfaction Survey, August 2016

In overall, the absolute majority of stakeholders is satisfied with the ILO-IR project Phase II and considered it as highly valuable for the Vietnam’s integration into the global economy. The results of the project satisfaction survey demonstrate that the quality of partnerships and clearness of the roles of partners within the project and the involvement into the project implementation were either ‘good’ or ‘excellent’. At the same time, more than 63 per cent of the surveyed partners mentioned that the communication among IPs was ‘fair’, and only 37 per cent consider it as ‘good’.

Figure 18. Assessment of the quality of partnerships and communication among the project partners
(sample – 8 respondents)



Source: Project Satisfaction Survey, August 2016

It is also pertinent to note that the ILO-IR project Phase II established good collaboration with other international organizations working on IR issues in Vietnam. It was done through contracting local service delivery where appropriate (e.g. APHEDA trainer on CB) and curriculum²⁹, participation in VGCL/National Trade Union Solidarity Support Organizations (TUSSO)/International Global Union Federations (GUF) meetings, which are conducted once in two years, with the aim of coordinating trade union development cooperation programs in the country. The main international actors also active in this area include APHEDA (Australia), FES (Germany), LO Norway, LO Sweden, UNI, BWI Asia Pacific, DGB Bildungswerk BUND, Solidarity Center USA, PSI. Nevertheless, the added value of the ILO-IR project is that it covers all key areas necessary for establishing sound industrial relations such as CB, SD, labour standards, labour law reform, union organization, strengthening linkages between district and GRTUs, research and surveys in EPZ/IZ, while most of other international actors are focusing mainly on 1 to 3 areas. Besides, Phase II established close cooperation with APHEDA and ILO Better Work Program for conduction of trainings for TUs on CBAs and TUs capacity-building activities at the factory level and collaborated with ILO Inspection Project for conduction of media training on international labour standards, workplace compliance and labour inspection.

Project monitoring, reporting and evaluation

Finding 9. The project gradually established a robust M&E system that produced reliable and up-to-date data; however, the sequence for conduction of evaluations (both external and internal) could have been better planned.

The Project Office was responsible for M&E within the Project. Although the project did not have a separate M&E plan for the whole project, it has developed a Performance Monitoring Plan (PMP), but at a later stage of project implementation. The initial external consultant hired for the development of the PMP in late 2014, was not able to complete the task due to family reasons, and a second external consultant worked closely with CTA to complete PMP by the end of 2015. The PMP was approved by NPSC in January 2016.

²⁹ Note: The collaboration with APHEDA was very important, as it allowed for assisting significantly with local capacity building for Pilot 3.

The monitoring within the project has been done through periodic revisions of workplans, site visits, close reporting from partners and preparation of technical progress reports to USDOL. The technical progress reports were prepared in standard ILO format and were submitted to the donor on a quarterly basis. In total, 17 progress reports were prepared (16– quarterly reports and 1- final). The feedback of the donor received during this evaluation shows that the donor is satisfied with the quality and accurateness of the project reporting and appreciated the improvement in reporting starting from 2014 when ILO started to incorporate into the reports not only the description of activities, but also the achievement of results (i.e. description of outputs and their contribution towards the achievement of outcomes). The inclusion of data to measure the extent to which the project activities incorporate gender issues in the ILO reporting would be useful, as it could provide relevant data-sets to measure the adherence of the project to the ILO standards in this area. In addition, the progress reports could be strengthened through improvement of reporting under Section 4 ‘Summary Immediate Objectives’ by inclusion in the column ‘Indicator Milestone’ of the percentage of achievement of the end-of-project target under each indicator.

The project has also established a good documentation system consisting of all key deliverables of the project in two languages (Vietnamese and English).

As the project had a number of pilots, the Project Office set up a comprehensive M&E system, which consisted of the following components:

- Collection of baseline Data for pilot programs (VGCL, VCCI, and DoLISA/Master Plan).
- VGCL pilots – Regular review meetings (2-3 per year), pilot checklists, monthly reporting from PIU’s against agreed indicators, field visits by project and VGCL, good practices and challenges documented, follow-up and support.
- VCCI pilots - arrangements are similar to those of the VGCL (above), although reporting is less frequent (bimonthly or quarterly) and regular review meetings (2-3 per year) combined with training.

Qualitative and quantitative data collection tools included post training forms, pilot reporting formats, joint monitoring CIRD, internal lessons learnt and impact reviews on key elements. In spite of the selection of appropriate tools for pilots monitoring, the Project design and monitoring and evaluation strategy could benefit from the development of a Training and Capacity Building Strategy into the future follow-up projects. Such a plan would articulate a strategy for training and capacity building and would also necessitate the development of a more effective qualitative monitoring and evaluation mechanism, which would provide the ILO with an opportunity to measure the long-term impacts and sustainability of training provision and, in particular, its efforts in institutionalizing training capacities within its partners. In responding to these efficiency improvements to training and capacity building, the Project could consider the efficiency gains of engaging an Institutional Building Adviser/M&E Specialist who would be responsible for developing a Training and Capacity Building Strategy and associated monitoring and evaluation systems and who would oversee and indeed lead Project efforts towards ensuring the quality of both ILO delivered training and step-down trainings delivered by its partners. Such an Officer would also require skills in adult education and curriculum development and could have an added responsibility for supporting partners in developing additional Modules and training resources. The addition of such a role within the team would also support the mainstreaming of key mainstreaming concerns such as gender and generic institutional capacity development needs such as proposal development, project cycle management across the training portfolio.

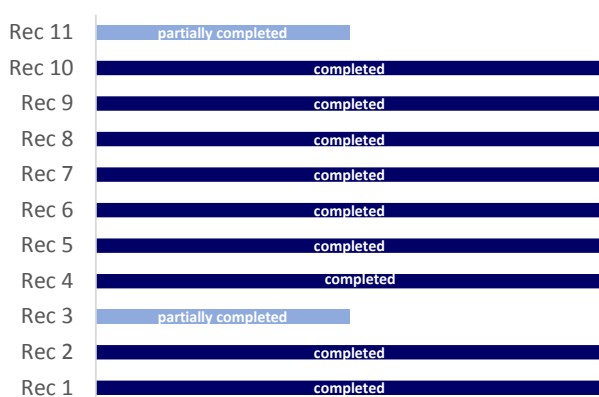
Phase II paid proper attention to undertaking systematic project’s evaluations (both external and internal) so as to be able to measure the project’s effectiveness and results. Nevertheless, the

sequence of evaluations has not been planned appropriately, as all evaluations were conducted in the last 1,5 years of project implementation, in particular:

- Independent Mid-term Evaluation (MTE) was conducted 8 months later than the required date, i.e. only in July 2015 instead of October 2014.
- Independent Final Evaluation (FE) took place two months before the project end and coincided with four internal evaluations, all of which were planned for July-August 2016.
- In addition, USDOL undertook evaluation of its programme portfolio (5 projects including the ILO-IR project Phase II) in September 2015.

Such approach provided limited time for the project team to respond adequately to all evaluations recommendations and put a big pressure on partners who need to spend a lot of their time for organization and/or participation in the evaluation meetings. In future, ILO should plan the evaluation schedule of its projects more carefully and agree it with donor(s)/partners beforehand.

Figure 20. Level of implementation of recommendations of MTE



In overall, as of the end of August 2016, the ILO Hanoi implemented fully 82 per cent of MTE recommendations, and 18 per cent have been partly implemented (in the areas of communication between ILO and IPs and gender issues).

Source: ILO Management Response Plan

4.6. Impact Orientation

Finding 10. The ILO-IR project Phase II and the continuous ILO support generated positive effects on the industrial relations system in Vietnam at national, institutional and individual levels, as well as at provincial and enterprise level in the provinces and enterprises targeted by the project; however, much more work still needs to be done to bring sustainable impact at system level and meet all commitments made by Vietnam in relation to international labour standards and the 1998 Declaration on fundamental principles.

Based upon an analysis of the triangulated data, the evaluator identified a number of positive effects which can be causally linked to the project's interventions.

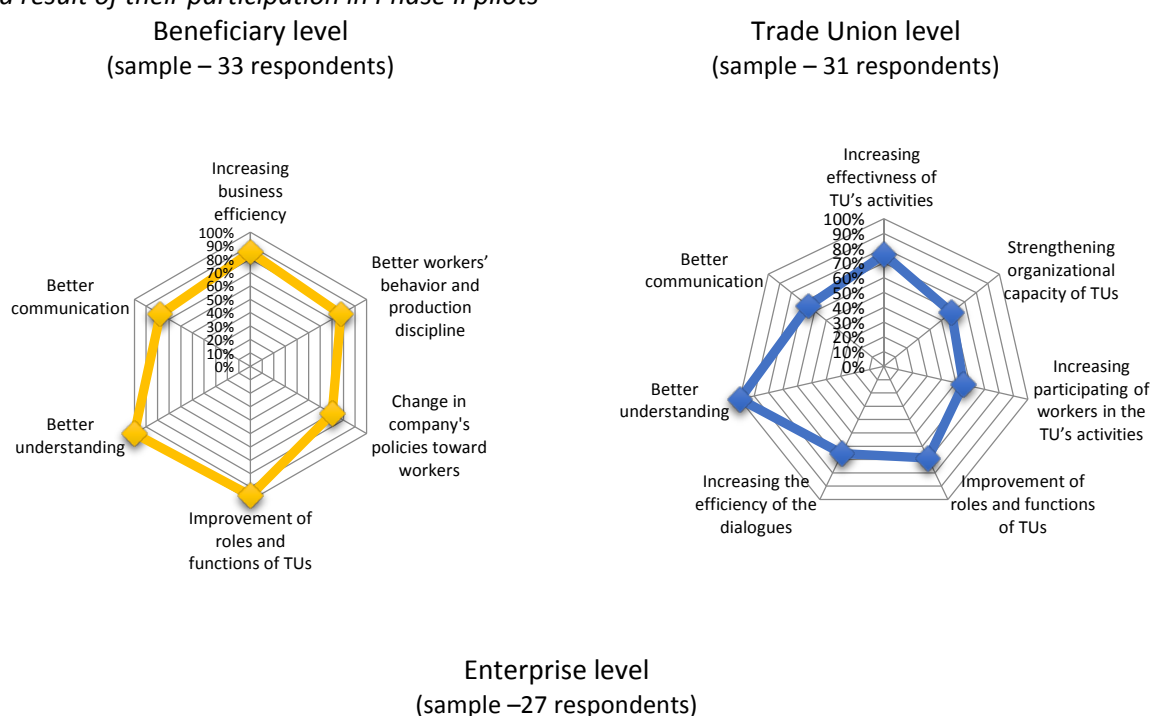
At **individual level**, Phase II was instrumental in strengthening (to different extents) the technical knowledge, skills and capacities of tripartite constituents, employers and workers.

Level	Category of beneficiaries	Short-term impact
National level	Policy and law-makers in the SAC/NA and CLA/NA	Phase II contributed to strengthening the IR and wage policy-making and labour law-making capacity of the Committees by provision of law drafting trainings, technical expertise and tripartite discussions throughout the development of implementation decrees for the revised LC and TUL.
	MoLISA's industrial relations policy makers	Phase II supported CIRD in developing more professional IR support services through monitoring, analysis, and review of industrial relations developments and dissemination of information through bulletins, roundtable discussions with IR practitioners, improving website functionality, and research publications.
	Technical departments of the MoLISA	Phase II supported MoLISA's Legal Department, Labour and Wage Department, and International Cooperation Department in improving the labour dispute settlement machinery in Vietnam and international integration activities through a variety of capacity-building activities and the provision of technical expertise.
	VGCL policy-makers	Phase II supported the improvement of VGCL's representational strategy and CB capacity through VGCL pilot programmes.
	Business and employers' organizations (VCCI, VCA and BAs)	Phase II supported the strengthening of the IR service capacity of the employers' organizations in Vietnam through VCCI pilot programmes.
Provincial level	DoLISA	Phase II supported the improvement of IR service functions of the officials of the local labour administration through the development and implementation of policy, strengthening their role and activities in the pilot provinces.
	Trade unions (provinces, districts, industrial zones, and sectors)	Phase II contributed to strengthening the TUs capacity for better supporting the workers' organizations at the workplace level through supporting the existing and innovative organizing methods, CB and improving functional links between workers' organizations at the workplace level and trade unions at intermediate levels.
	Employers and their enterprises	Phase II contributed to improvement in knowledge and skills of managers and employers on IR, CB, and SD through their participation in project's pilot programmes.
Workplace level	Workers	Phase II contributed to raising the awareness about LC and TUL, CB and SD through the workers' participation in the project's pilot programmes.

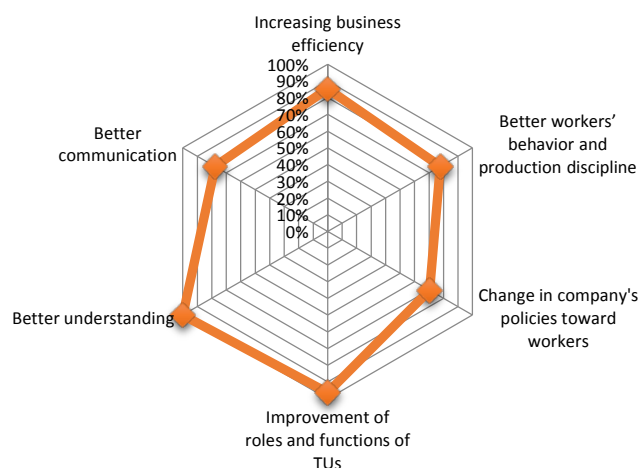
The capacity development of tripartite partners, the assistance with drafting of secondary legislation, the conduction of pilots and raising awareness on 2012 LC and TUL, CB and SD, as well as ILS by the ILO-IR project Phase II have brought some results already **at institutional, enterprise, provincial and national levels.**

Phase II pilot programmes have a number of short- to medium-term positive effects. First of all, the bottom-up approach for union organizing was perceived as very useful and was included by VGCL in its Charter. Secondly, the bottom-up approach has been already started to be scaled up by VGCL through setting up of 497 Enterprise Unions (or GTU) made up of 41,161 members across Industrial zones in various provinces³⁰. This a small, but significant start and VGCL is confident that it can scale up and reform. Thirdly, as evident from evaluation interviews, the lessons and experiences from pilot programs are planned to be used as results into the next round of revisions planned in law and regulation 2017. Fourthly, the interviews with social partners and the results of the survey among the participants in the pilot programmes demonstrate the increase in unionization rate, changes in the structure and representation capacity of GTUs, increase in the level of participation and role of workers in new GTUs, increase in the level of activeness of GTUs at the workplace level, improvement of industrial relations in enterprises, the practical demonstration of new forms of collective bargaining (multi-enterprise in FDI and tourism sectors) and collaborative relations among enterprises and between employers' organizations and their members (see Annex 5.9 for more details). An independent assemnet of VGCL pilots also recognizes the positive impacts of the project on improving industrial relations in enterprises (employees have been attached and loyal to enterprises when the rate of employees changing their jobs has reduced).

Figure 21. Opinions of participants of pilot programmes on the most significant changes occurred as a result of their participation in Phase II pilots



³⁰ Source: Interview with VGCL, the figure is as of May 2016



Source: Survey among GRTUs participated in IR Project pilot programme, August 2016

This, in its turn, contributed to the increase in workers' satisfaction with employers, decrease in staff turnover, and increase in productivity and decrease in wild-cat strikes. These results have been reconfirmed by the independent assessments of VGCL and VCCI pilot programmes conducted by ILO in August 2016.

Moreover, the tripartite National Wage Council, composed of representatives of trade unions, employers and government, has been operational since 2013 and will further continue its work. Within three years of its existence, the difference between the social partners' positions recommendation with regard to the regional minimum wage has been decreasing considerably (i.e. from 19.5 per cent in 2013 to 6 per cent in 2016)³¹. Moreover, the recommended increase of regional minimum wage of 7.3 per cent for 2017 was agreed by 93 per cent of NWC members. All this shows that social partners increasingly acknowledge each other's interests.

In addition, the introduction of minimum wage fixing and determination system in Vietnam led to the increase of minimum wages by 1.75 times since 2012³², which consecutively resulted in 1.35 times increase of average monthly salaries for paid workers³³ and contributed to the decrease in wildcat strikes nationwide by 3 times since 2011³⁴.

³¹ Source: Phillip Hazelton, Opinion Article 'National Wage Council recommendation for 2017 increase of 7.3% in regional minimum wage', 8 August, 2016

³² <http://www.tradingeconomics.com/vietnam/minimum-wages>

³³ i.e. from 3,757,000VND in 2012 to 5,082,000 in IQ2016, Labour Force Survey 2012-IQ2016

³⁴ Background information: Strikes mainly occur in the private sector; almost 80% in foreign direct investment (FDI) companies alone. The textile sector is most affected with 30% of strikes. Consequentially, work stoppages especially occur in the strongly industrialised provinces of southern Vietnam. Moreover, strikes in Vietnam see several defining characteristics. They are almost exclusively peaceful strikes. This, supposedly, is one reason why most strikes are tolerated by the local authorities and police. Strikers often consider the presence of the police as protection against violent backlashes perpetrated by the private security forces of the companies. Another distinctive feature of strikes in Vietnam is their lack of leadership. In the event of a work stoppage, strikers mostly gather spontaneously in front of the factory premises and wait for representatives of the local authorities or trade unions, who will then communicate their demands to the business management, and negotiate a compromise. But even without any apparent leadership, the mobilisation capacity of the workers is quite distinct. The cramped living conditions of workers and communication via text messages facilitate coordination. Whilst opinion leaders play an important role in planning strikes, they remain somewhat in the background given possible legal consequences and sanctions by employers. In addition to these constraints, a qualitative change has been observed over the years. This regards the causes of the strike action. During the 1990s and at the beginning of the 2000s, the predominant reasons for work stoppages were infringements of applicable labour laws (e.g. the non-payment of wages, withholding of social security contributions, excessive overtime or exaggerated, sometimes violent

Figure 22. Wages in context: poverty line, minimum wage, living wages (individual and typical family), real wages (of low, middle- and high-skilled workers)³⁵

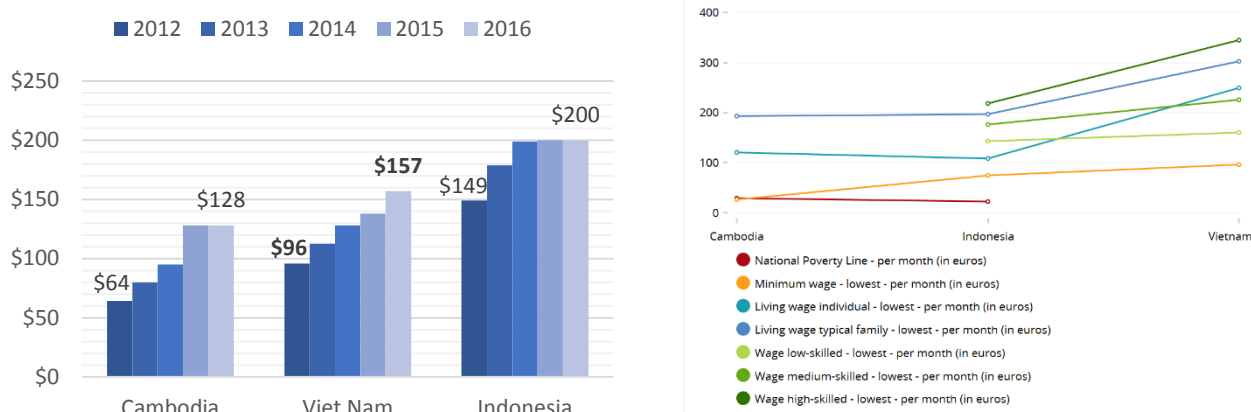
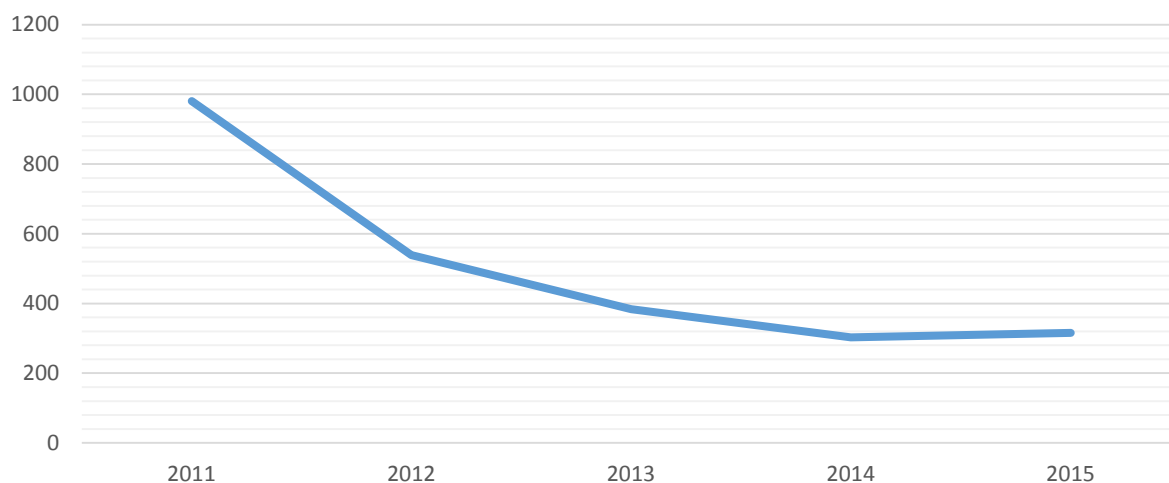


Figure 23. Number of wildcat strikes in Vietnam (2011-2015)

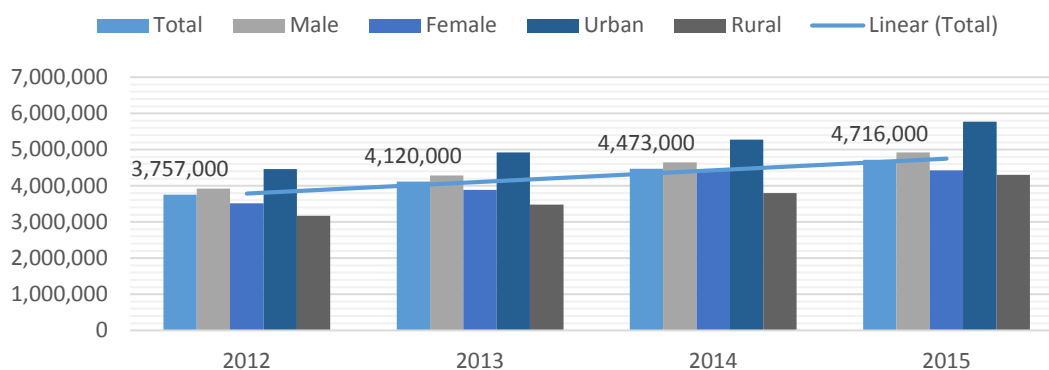


Source: VGCL, August 2016

punishment imposed by the employers) perpetrated by employers. Whilst these rights-based strike causes are still relevant, interests-based causes are gaining in importance. Due in particular to spiralling inflation resulting from the world economic crisis, there has been a growing demand for an increase in wages. For the most part, this has been enforced by means of strikes. The high number of illegal strikes shows that the existing methods of dispute resolution are not working, and that the legal conditions do not do justice to the problem area.

³⁵ <http://www.wageindicator.org/main/salary/wages-in-context>

Figure 24. Average monthly earnings for paid workers/employees (dongs), 2012-2015



Source: Labour Force Survey, 2015

As evident from the results of an independent assessment of the effectiveness of ILO technical advice to MoLISA in relation to the development of decrees for the implementation of the LC and TUL, 11 of 14 Decrees incorporated the ILO advice in a significant manner³⁶ and contributed to making better alignment of the national legislation of Vietnam with international labour standards in such areas as:

1. Enterprises where strike is not allowed;
2. The rights and responsibilities of the trade union in representing, caring for and protecting the legitimate rights and interests of the workers;
3. Labour contract; Labour dispute settlement;
4. Wage and National Wage Council;
5. Labour Sub-leasing;
6. Democratic regulation at workplaces;
7. Penalties of administrative violations in labour, social insurance and overseas manpower supply by contract;
8. Domestic workers;
9. National tripartite consultation;
10. Denunciation;
11. Female workers

Interviews with the policy makers indicated that Phase II supported the development of roadmaps which are highly relevant and are planned to be used for the next phase of law revision, including understanding of gaps between current law and ILS.

The ILO-IR Project Phase II and the continuous support of ILO have also clearly contributed to a broader IR reform in Vietnam, which could be seen through Vietnam re-affirming its commitments to the international labour standards at the high political level, in particular by:

- Prime Minister Decision on Plan for Implementation of Ratified Conventions and for Ratification of other 10 Conventions for the Period between 2016 and 2020". Convention 87 Freedom of Association and Protection of the Right to Organize, Convention 98 Right to Organize and Collective Bargaining and Convention 105 Abolition of Forced Labour and Convention 131 on Minimum Wages have been included in the government list for possible ratification during the period 2017-2020.
- Prime Minister Decision No. 145/QĐ-TTg dd. 20 January 2016 on approval of "International Integration Strategy on Labour and Social Affairs up to 2020 - vision to 2030".

³⁶ Source: Wataru Kamihigashi, Report on evaluating the effectiveness of ILO technical advice to MoLISA in relation to 14 Decrees adopted under the LC and TUL from 2013-2015, 16 August, 2016

- VGCL's draft Master Plan for "VGCL's Organizational and Operational renovation when Vietnam ratifies and implements TPP".
- Historic tripartite statement affirming the commitment to respect and implement the fundamental principles and rights at work, with a particular focus on industrial relations reform during the First Annual Vietnam Industrial Relations Forum.

In the long run, the project achievements will contribute to better implementation by Vietnam, as ILO member state, of the ILO's Decent Work Agenda and new 2030 Agenda for Sustainable Development³⁷, of which the rights at work (pillar 3) and social dialogue (pillar 4) are key integral parts.

Nevertheless, in spite of a number positive impacts generated by the project, building a harmonious, stable and progressive industrial relations system is a long-term engagement and there are a number of areas which require further improvement. The nature of trade union of Vietnam has not yet been fundamentally changed, the employers' organizations still need to improve the direct services to their member companies, in many cases there are still challenges in compliance with Labour Code provisions on collective bargaining, dialogue, labour disputes, there is still a lack of independence of labour inspectors, wildcat strikes are still happening, the institutional apparatus of the Government needs further reform, and there is still a need for increase in the dialogue among stakeholders.

Furthermore, with the deeper integration of Vietnam into the global economy through various free trade agreements, Vietnam will need to undertake further significant reforming of its laws, institutions and practices of industrial relations to make them in full respect of the Fundamental Principles and Rights at Work of the ILO.

³⁷ Goal 8 of the 2030 Agenda calls for the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work, and will be a key area of engagement for the ILO and its constituents.

4.7. Sustainability

Finding 11. ILO undertook all necessary steps which were under its control and within its mandate to promote sustainable project outcomes by strengthening the institutional and management capacity of the tripartite constituents and by fostering partnerships among the implementing partners at national and provincial levels for policy reform and practical implementation of industrial relations, leveraging political support from tripartite partners and ensuring the funding stability necessary for the smooth continuation of IR reform process. The project has a clear sustainability plan, which was elaborated, communicated and agreed by ILO with all tripartite partners.

Sustainability relates to whether and how the outcomes at the project immediate objective level will continue beyond the life and the context of the project. The sustainability analysis covered such dimensions of sustainability as: (1) Institutional and Management Capacity, (2) Political Support and (3) Economic/Financial Viability.

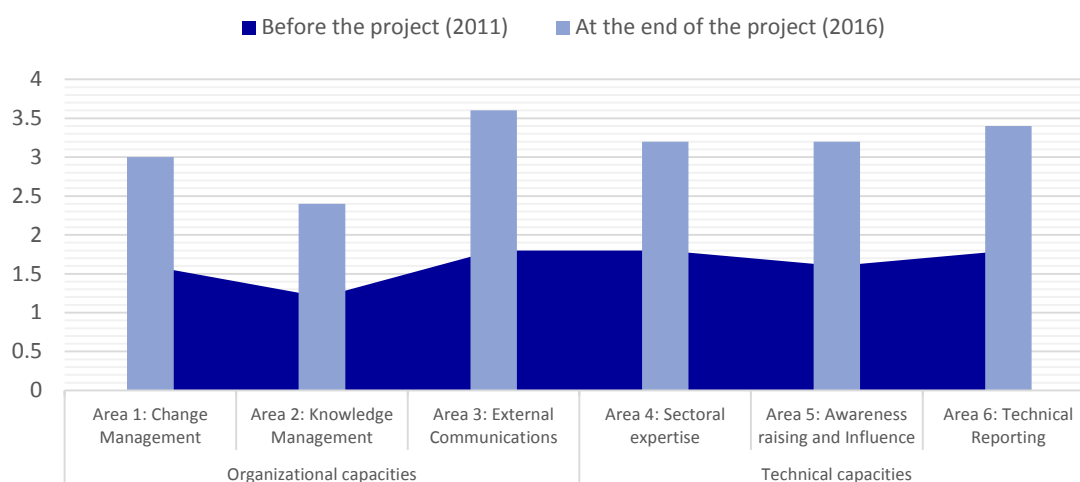
From the outset, the project recognized the importance of ensuring national ownership at every stage in order to achieve sustainability, although the Sustainability Strategy for Phase II was developed only at a later stage of the project implementation, i.e. in the third quarter of 2016.

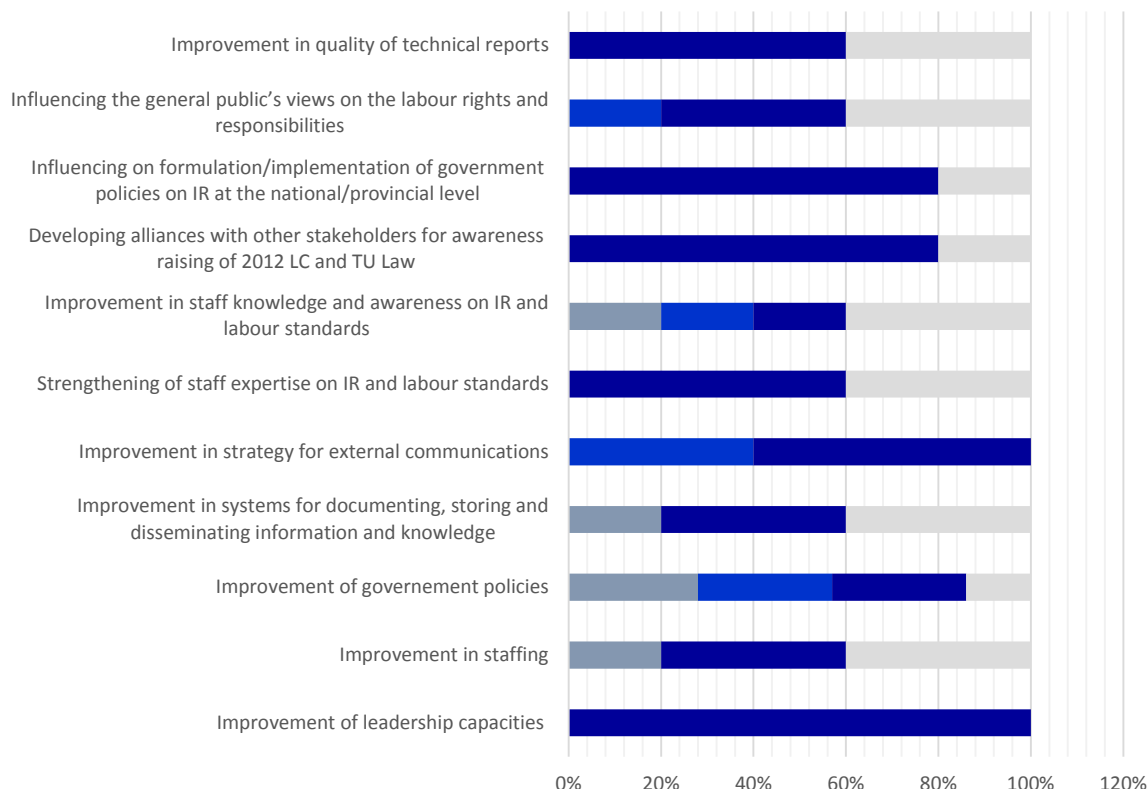
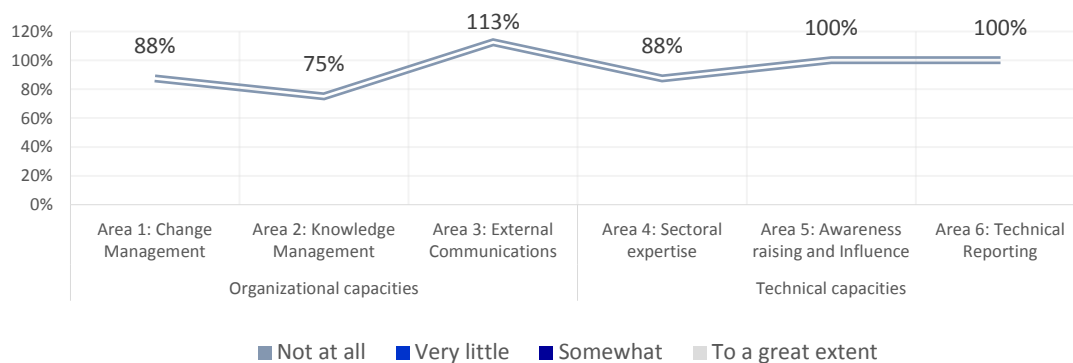
Institutional and Management Capacity

ILO played an important role in supporting the capacity building of the tripartite partners in the area of policy reform and practical implementation of IR. It has been done through: (1) implementation of the project through national partners to maximize the organizational capacities of the social partners and the government institutions, (2) strengthening an enabling environment by supporting the development of implementation decrees for new Labour Code and Trade Union Law, (3) conduction of different types of capacity building activities, and (4) developing tools and research papers for assisting the implementing partners in securing and sustaining on-going operations.

Consequently, as evident from the results of the Self-Assessment Organizational Survey conducted in the framework of the final evaluation among the government and the social partners' representatives, on the whole Phase II was able to contribute to the institutional strengthening of the tripartite partners.

Figure 25. Improvement of organizational and technical capacity of the GoV
(sample – 5 respondents; rating scale 1- not at all to 4-to a great extent)

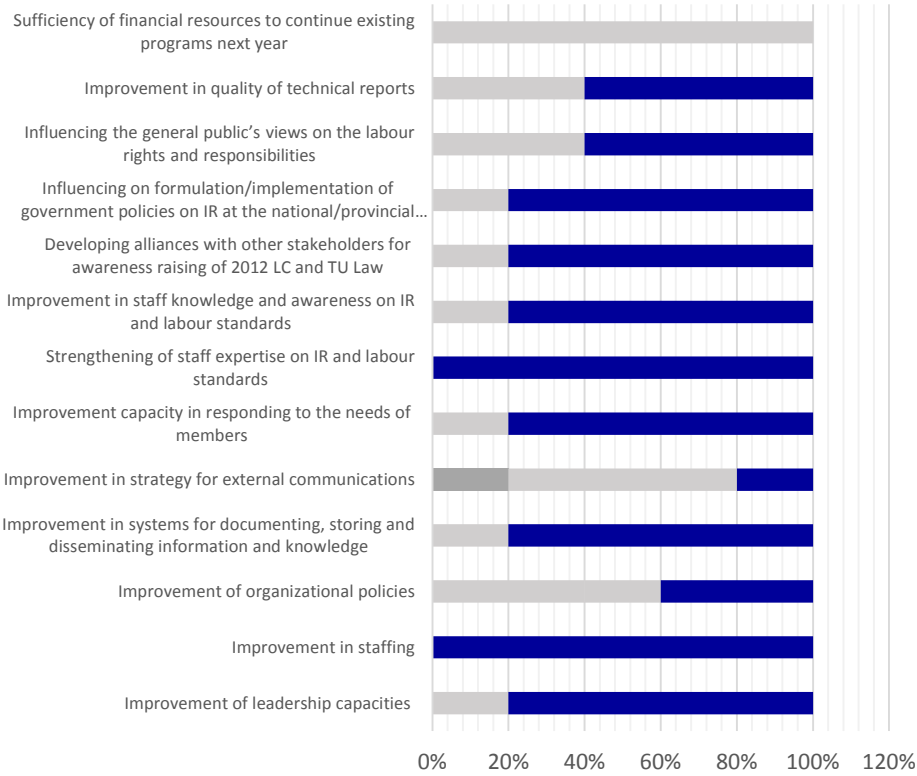
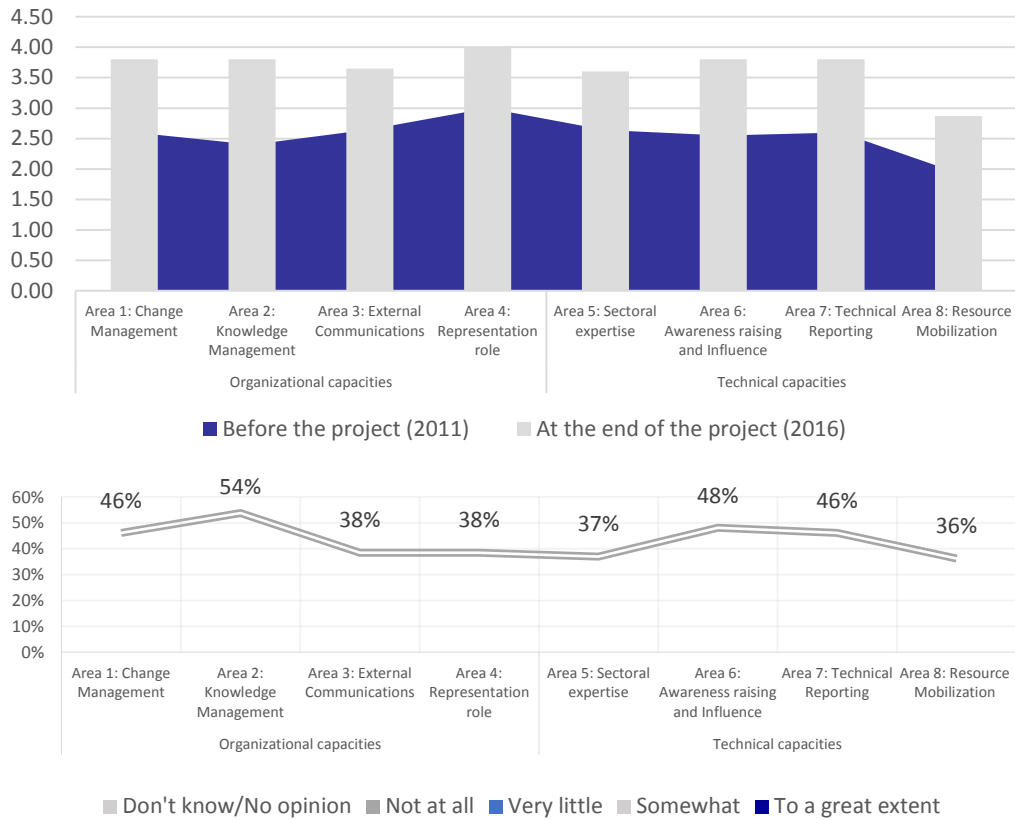




Source: Self-Assessment Organizational Survey, August 2016

The vast majority of surveyed public officials believe that the biggest improvements which they see due to the participation in the ILO-IR project Phase II are in the areas of improving leadership capacities; strengthening strategies for external communications with the media, the general public, the government, the donors, the private sector, and the civil society organizations; developing alliances with other stakeholders for awareness-raising for the new LC and TUL; influencing the formulation and/or implementation of government policies on IR at the national or provincial level and improving the quality of the produced technical reports. In general, they consider that their organizational and technical capacities have moved from 'basic' to 'moderate' level. Among the constraints which prevented the building-up of 'strong' capacity of their respective institutions were mentioned the limited scope and timeframe of Phase II. The project was able to influence perceptions, attitudes, actions mainly of those who participated directly in the project implementation, while system level changes are still to be achieved.

Figure 26. Improvement of organizational and technical capacity of social partners (sample – 5 respondents; rating scale 1- not at all to 4-to a great extent)



Source: Self-Assessment Organizational Survey, August 2016

The majority of the surveyed social partners consider that the biggest improvements which they have observed due to the participation in the ILO-IR project Phase II are in the areas of strengthening the staff and leadership expertise on IR and the labour standards, which resulted in better service delivery, improvement in organizational capacity for better responding to the needs of members, developing alliances with other stakeholders for awareness-raising of 2012 LC and TUL, influencing the formulation and/or implementation of government policies on IR at the national/provincial level. In overall, the organizational and technical capacity of social partners were strengthened significantly (i.e. improved from 'basic' or 'moderate' capacity to strong' capacity). The areas which require further substantial improvement are primarily external communications and resource mobilization. The project was able to strengthen the organizational and technical capacity of social partners due to their participation in pilot programmes. However, GTUs need more support on negotiation and bargaining skills, as well as knowledge on how to supervise the execution of the CBAs.

Political Support

The project maintained strong political support from tripartite partners throughout the project's lifetime, as it is relevant to the partners' needs for reform. As a result, there is a high ownership of the main project results among the partners, which could be seen from the implementing partner plans for continuation and/or scaling up of Phase II achievements.

Table 2. Main project results to be sustained beyond the life of Phase II

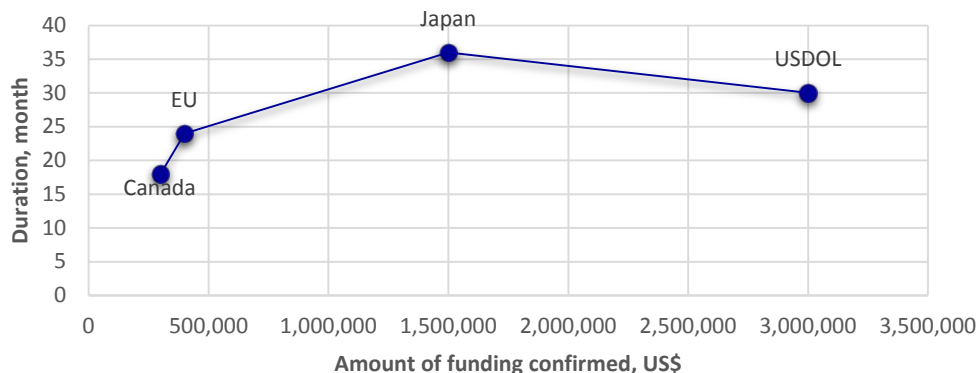
Activity/Product	Sustainability strategy	Source of funding
Road-map for future ratification of C87 and C98	Planned to be used by constituents for next phase of law revision	No additional costs
VGCL pilot programs	The bottom-up for union organization has been included in VGCL Charter (Article 27)	No additional costs
	VGCL approved a strategy for scaling up "The bottom-up for union organization" and on MECBA	VGCL
VCCI pilot programs	VCCI plans to continue the capacity building for BA's in regard IR services to members	VCCI
National Wage Council	NWC will continue its operation without significant additional support	MoLISA
IR Master plans	Planned to be continued by the individual provinces/cities at varying levels of activity	DoLISA
IR Bulletin	CIRD plans to continue to issue IR Bulletins on bi-monthly basis on TPP-related issues	CIRD
Round-tables on IR	CIRD plans to hold bimonthly round tables on TPP-related issues	CIRD
Video clip on unfair labour practice	Available at the websites of IZ and can be accessed by all interested interlocutors	No additional costs
Guidebook for workers on LC and TLU	Available online and can be accessed by all interested interlocutors	No additional costs
Unfair labour practice report	Planned to be used by constituents during Labour Code revision	No additional costs
Gaps analysis reports on laws and status against ILS	ILO plans to print them after National Assembly considers TPP Agreement, i.e. in October 2016	ILO
Prepared master trainers and developed training materials	ILO prepared a resource pool (master trainers) among implementing partners of PIUs for conducting future training programs on SD and CB and handed over the developed training materials and tools printed to all project stakeholders	Need only for additional resources for trainings organization
HR Clubs	Planned to be further operated in two out of three VCCI pilots.	Bas

Source: ILO-IR Project Phase II Sustainability Plan and interviews with ILO Project Office and IPs

Economic/Financial Viability

ILO was very successful in ensuring the financial sustainability of the ILO-IR project Phase II results through securing funding from a Multi-Donor Support Facility to scale-up the support for IR in Vietnam. The number of committed funds to the implementation of the next phase of the IR project entitled ‘Creating and Activating implementing Legal and Institutional Framework, and Strengthening Organizational Capacity for New Industrial Relations Framework in Respect of the ILO Declaration on Fundamental Principles and Rights at Work programme’ (NIRF/FPRW programme) constitute approximately US\$ 5.15 million for January 2017-December 2019. The main donors of Multi-Donor Support Facility are US, Japan, Canada and the EU.

Figure 27. Multi-Donor Support Facility



Source: ILO Hanoi

Core activities which are planned to be continued under new NIRF/FPRW programme include:

- support to revision of law and regulation as per 2017 Revision Plan for the Labour Code,
- new generation of pilot programs for VGCL, VCCI and MOLISA, directly related to supporting compliance with 2017 Labour Code revisions, and
- capacity building for the tripartite partners on C87 and C98 as Vietnam considers their ratification.

Moreover, if TPP is confirmed to commence then ILO centrally placed through the Technical Assistance Program agreed between Vietnam and USA governments to support IR reform process for a further decade.

ILO project management team fully implemented the recommendation of MTE with regard to the Phase II sustainability.

V. Conclusions and Recommendations

5.1. Conclusions

Evaluation Criteria	Conclusions
Overall	<p>The USDOL funding was important, as it allowed the ILO through the ILO-IR Project Phase II to continue the work on strengthening the industrial relations system in Vietnam. Phase II was implemented in historic time due to the conclusion of FTAs by the Government of Vietnam during the project's lifetime that include the necessity to align the labour reforms to the 1998 Declaration on fundamental principles. The ILO-IR Project Phase II was instrumental in forming a basis for further reforms of laws, institutions and mechanisms in the country and future continuation of the work on IR on a more advanced level.</p> <p>Overall, the ILO-IR project Phase II has attained significant progress in meeting its objectives and has contributed to putting in practice the revised Labour Code and Trade Union Law by reforming of the Vietnam's minimum wage system, improving industrial relations institutions and mechanisms for collective bargaining and social dialogue and strengthening the capacity of stakeholders to bring the regulations and practices into closer compliance with international labour standards. However, due to the complexity of the reform process, more work still needs to be done to meet the local IR needs and to ensure the compliance with the Labour Code, especially in such areas as collective bargaining, dialogue and disputes and strikes.</p>
Relevance and strategic fit	<p>Highly satisfactory</p> <p>The overall directions laid out in the project document are entirely consistent with the priorities affirmed by the Governments of Vietnam and US, ILO and UN programming documents, which aim to strengthen the compliance of Vietnam with the ILS through the promotion of sound IR, SD and CB. The project is very timely and its relevance has been reinforced during the project's implementation phase due to negotiations and signature by Vietnam of various trade agreements (TPP, EU and AEC) which require further substantial law and institutional reform in the field of industrial relations. The project was able to respond timely to the newly emerged needs of the partner country with regard to the revision of the Labour Code within very short timeline (i.e. by October 2016) by means of securing additional funding from the ILO Geneva and making corresponding revisions of 2016 Annual Workplan.</p>
Validity of design	<p>Moderately satisfactory</p> <p>The ILO-IR Project Phase II was an all-embracing intervention; this is clearly its main point of strength, but it conversely represents also its main design weakness. Its components are not well interconnected and have fixed design in spite of the rapidly changing country context, the immediate objectives define a gigantic scope of action and constitute a major organizational, logistic and technical challenge. Despite the project's comprehensive and ambitious scope, it is fully supported and owned by the project partners and the other IR stakeholders. Gender mainstreaming and social dialogue have been embedded in the project design as cross-cutting issues. Gender</p>

	<p>equality approaches were integrated into the project’s capacity-building and awareness-raising activities, policy work, management practices and deliverables, while tri- and bipartite social dialogue was promoted through VGCL and VCCI pilots aimed at strengthening the capacity of employers’ and trade unions in resolving disputes that might lead to wildcat strikes.</p>
Progress and Effectiveness	<p>Satisfactory</p> <p>In general, the ILO-IR project Phase II was effective, in that the planned activities were implemented, in some cases beyond what was envisioned in the project document. Due in part to the design weaknesses identified in the previous section, the degree of achievement of the project’s expected outcomes as per the ProDoc and PMP was relatively high. The projects’ greatest effects in respect to its scope were under IO 4 ‘Minimum wage fixing’, IO 3 ‘Union restructuring’ and IO 1 ‘Implementation decrees’ and IO 5 ‘Collective bargaining’; to a lesser extent under IO 2 ‘Promote awareness of LC and TUL’. The project faced a number of challenges, including limited project budget, staff turnover among ILO project management team and implementing partners, low practical experience of project’s partners in CB and SD and different level of institutional development of the implementing partners. In all, while not being able to meet all its intended outputs, the available data (qualitative and quantitative) strongly suggest the project’s progress towards meeting its objective.</p>
Efficiency of resources use	<p>Satisfactory</p> <p>The project resources were allocated strategically and for the most part effectively to achieve the outcomes; however, the chosen implementation modality was quite complicated and required allocation of a number of administrative resources both by the ILO-IR project team and the implementing partners. In addition, Phase II faced financial constraints within the whole period of implementation due to lack of specification in the Cooperative Agreement of funding availability and timing of funds release, which made the project implementation and planning more difficult and subject to variation.</p>
Effectiveness of management arrangements	<p>Satisfactory</p> <p>The planned project management structure was only partly effective, as it lacked project staff both technical (with in-depth knowledge of IR across all fields and available in Vietnam at short notice) and administrative (necessary for effective financial management of a big group of implementing partners). Human resources at various levels of the ILO were engaged in the project implementation and contributed to achieving most of intended outputs. The project governance structure was only partly efficient, as the National Steering Project Committee was represented by senior high-level officials from all tripartite constituents, which makes it quite difficult to hold meetings more often than on annual and/or biannual basis. The project established strong collaboration with all tripartite constituents, which is evident from the level of involvement of partners in the project implementation. The project gradually established a robust M&E system that produced reliable and up-to-date data; nevertheless, the sequence for conduction of evaluations (both external and internal) could have been better planned by ILO project team.</p>
Impact orientation	<p>Satisfactory</p> <p>The ILO-IR project Phase II has supported an increase in awareness and knowledge regarding the international labour standards and the importance</p>

	<p>of industrial relations, social dialogue and collective bargaining in Vietnam’s transition to a market economy. The project has succeeded in reaching some key development milestones, namely supporting the establishment and work of the National Wage Council and the new minimum wage fixing and determination system which for the first time involves all tripartite partners in deliberation and consideration of minimum wage adjustment recommendations; inclusion of bottom-up union organization in VGCL Charter; piloting innovative tools for improved representational role for trade unions and employers; strengthening of regulatory and legal framework for IR by support to development of Decrees and other regulations under the new labour laws; and strengthening IR network. The project’s pilots in particular have a number of observable short-to-medium term positive effects including increases in unionization rate, change in structure and representation capacity of GTUs, increase in the level of participation and role of workers in new GTUs, increase in the level of activeness of GTUs at the workplace level, improvement of industrial relations in enterprises, the practical demonstration of new forms of collective bargaining (multi-enterprise in FDI and tourism sectors) and collaborative relations among enterprises and between employers’ organizations and their members. This, in its turn, contributed to the increase in the workers’ satisfaction with employers, decrease in staff turnover, increase in productivity and decrease in wildcat strikes. The project’s support with the development of implementing decrees led to higher compliance of the national legal framework of industrial relations with ILS as 11 out of 14 decrees have incorporated ILO comments, while the introduction of minimum wage fixing and determination system led to an increase of minimum wages by 1.75 times since 2012, which in turn resulted in 1.35 times increase of average monthly salaries for paid workers and contributed to decrease in wild-cat strikes nationwide by 3 times since 2011.</p>
<p>Sustainability</p>	<p>Satisfactory</p> <p>The ILO undertook all necessary steps which were under its control and within its mandate to promote the sustainable project outcomes by strengthening the institutional and management capacity of the tripartite constituents and by fostering partnerships among the implementing partners at national and provincial levels for policy reform and practical implementation of industrial relations, leveraging political support from the tripartite partners and ensuring funding stability necessary for the smooth continuation of IR reform process. The project has a clear sustainability plan, which was elaborated, communicated and agreed by ILO with all tripartite partners, although at a later stage of the project implementation. The institutional and management capacity were safeguarded by strengthening the organizational and technical capacities of the tripartite constituents in such areas as law drafting, minimum wage calculations, union organization, collective bargaining and social dialogue. Political support has been reconfirmed and/or secured at the high political level, national and local levels through making commitments by the Government and the tripartite partners to ratify 10 ILO conventions by 2020, scaling-up of pilots by VGCL on the bottom-up for union organization and multi-enterprise collective bargaining and pilot of VCCI on capacity building of business associations for provision of better IR services to their members as well as commitments for further usage of developed regulations, tools, methodologies, studies,</p>

reports by constituents in labour law reform process. Financial sustainability of the project was ensured through securing funding in the number of US\$ 5.15 million for January 2017-December 2019 from a Multi-Donor Support Facility composed of US, Japan, Canada and the EU.

5.2. Recommendations

Evaluation Criteria	Recommendations	Relevant Stakeholders (Recommendation made to whom)
Critical recommendations		
Relevance and strategic fit	1. Design of the subsequent Phase of the IR project should be in line with the labour commitments in TPP in general and Vietnam-US Plan for enhancement of trade/labour relations in particular.	ILO Hanoi/MoLISA
Validity of design	2. The stability of the funding for the next Phase of the IR project should be ensured by including into the agreements with donors a specification of instalment amounts and timing of their release.	ILO Hanoi
Validity of design	3. As Vietnam industrial relations system is at an early stage of development, the subsequent phase of the project would benefit from a more flexible and lighter design, which could allow to respond better and more timely to the needs of the tripartite constituents.	ILO Hanoi
Validity of design	4. The donors should consider the possibility of tagging a certain amount of budget (10 or 20%) for “non-labeled” activities, to be decided/agreed with local stakeholders during the first year of the program implementation. This would provide greater flexibility and responsiveness to the local needs in terms of IR reform process.	Donors
Validity of design	5. During the signature of future agreements with the donors and approval of the ProDoc of the next phase with the Government of Vietnam make sure that the project documents correspond to each other. It will allow for avoiding any misinterpretation of intended project’s objectives and outcomes.	ILO Hanoi
Efficiency of resources use	6. ILO Geneva needs to consider the possibility of setting up a mechanism for quick allocation of funds that would allow country offices to address better the urgent needs of the Member States.	ILO Geneva
Important recommendations		

Validity of design	7. When designing the next phase of IR project, make better linkages with other projects and programmes implemented in Vietnam for ensuring complementarity of efforts for better response to the needs of the Government of Vietnam in the context of TPP.	ILO Hanoi
Validity of design	8. In the follow-up phase of IR project, mainstream gender in the situation analysis, the project goals, outputs, indicators, and monitoring and evaluation framework on the stage of project design.	ILO Hanoi
Validity of design	9. In the follow-up phase of IR project, define risks and mitigation plans separately for each component to ensure better response to the possible changes in the context and/or needs of tripartite constituents.	ILO Hanoi
Effectiveness of management arrangements	10. In the follow-up phase of IR project, consider organization of PAC meetings on more regular basis (at least half a year) and improving the project's oversight through establishing of Technical Advisory Committee from representatives of the tripartite partners and Project Office. For better financial management of the implementing partners and timely disbursement of funds, consider hiring two financial assistants during implementation of the next phase of the project.	ILO Hanoi
Efficiency of resources use	11. For better assessment of the efficiency of resources use and ensuring consistency with the concepts of RBM, it is recommended to use the Output-Based budgeting method in preparing budget of the follow-up phase of the IR project.	ILO Hanoi
Efficiency of resources use	12. Taking into consideration the scope and complexity of the ILO-IR projects, during conduction of independent evaluations of the follow-up phases it is recommended to (1) invite an evaluation team composed of two consultants (international and national) and (2) allocate more time for evaluation conduction in order for the evaluation team to be able to collect properly all relevant data.	ILO Hanoi
Progress and Effectiveness	13. In the follow-up phase continue conduction of pilots, but focus on their quality rather than quantity and make more clear distinction in terms of pilot purpose (demonstration or scale up).	ILO Hanoi/MoLISA
Effectiveness/Sustainability	14. In the design of future phase of the project, start to focus more on strategic strengthening of the institutional capacity of the Constituents and their internal governance structures to ensure their sustainability in the long-run. When undertaking organizational development, carry out initial	ILO Hanoi/ MoLISA/VGCL/VCCI

	baseline assessments of the supported social partners and the government institutions and establish measurable indicators of capacity development.	
Progress and Effectiveness	15. For ensuring more systematic approach towards institutional strengthening of the tripartite constituents consider the development of a Training and Capacity-Building Strategy for each partner and consider the efficiency gains of engaging a full time Institutional Building Advisor/M&E Specialist to oversee the development/implementation of those plans by tripartite constituents and ensure proper measurement of impact.	ILO Hanoi
Progress and Effectiveness	16. In the design of future project, plan support for social partners to develop public awareness and communication strategies and activities to inform the public and stimulate debate. The Media and Advocacy Strategy should be developed at the outset of implementation of subsequent phase of the project (inception phase). It should specify the type of messages, the advocacy campaigns and strategies to be used in order for the main messages to be mainstreamed.	ILO Hanoi
Sustainability	17. Before the Phase II closes, the project management should make sure that all appropriate reports of Phase II and resources are available online, either on the ILO website or relevant partners' websites.	ILO Hanoi

VI. Lessons learnt and Potential Good Practices³⁸

ILO Lesson Learned No1: Bottom-up Approach in Trade Union Restructuring

Project Title: Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam project

Project TC/SYMBOL: VIE/12/01/USA

Name of Evaluators: Katerina Stolyarenko

Date: 27 September 2016

The following lessons learned has been identified during the course of the evaluation. Further text can be found in the full evaluation report.

LL Element	Text
Brief description of lesson learned (link to specific action or task)	<p>The bottom-up approach in union restructuring in the trade union pilots in Vietnam and how to set it up, has been one of the project's strengths, and has already led many enterprises in the country to replicate it.</p> <p>The specific lessons learned under Pilot 1 are as follows:</p> <ul style="list-style-type: none"> • Different types/groups of workers have different interests, experiences and attitudes. The union organisers must find out the characteristics of each group before approaching them. As mentioned in Chapter 2, the union organisers should not only focus on the individual level in organising but the organisational level because this approach is more sustainable. For instance, if the company is dominated by the migrant workers, it is important to understand the lifestyles, difficulties and interests of the migrant workers to make sure that the union can address their issues better. • Guidance and support to the newly-elected union executive board should be made as soon as possible. The specialisation of the two teams (organising and support) in Dong Nai IZU is a good model for other immediate UTUs.
Context and any related preconditions	<p>There is only one trade union in Vietnam, the Vietnam General Confederation of Labor (VGCL), the organization entrusted to represent the interests of the workers in the country. Its role is gradually changing, for example through the Trade Union Law (TUL) of 2012. Improving its representational role and focus in relation to workers at the Grassroots Trade Union (GTU) level through support of the intermediate, i.e. 'Upper Level Trade Unions' (ULTU), such as Federations of Labor (FoL) and Industrial Zone Trade Unions (IZTU), has been the subject of several project activities. The roles of the ULTU have also changed as a result of major new areas of responsibility being added in the new TUL as well as Labour Code (LC)</p>
Targeted users / Beneficiaries	Trade unions at all levels, workers, enterprises, governments, donors, ILO, and project management
Challenges /negative lessons - Causal factors	Capacities at local levels need to be raised simultaneously

³⁸ The Lessons Learnt and Good Practices are based mainly on mid-term evaluation report and expanded/adjusted based on the Phase II performance since July 2015 to September 2016 and results of internal evaluations conducted during August-September 2016

Success / Positive Issues - Causal factors	Better representation of the rights and interests of the union members and other workers by the union, and reduction of disputes, in particular unorganized ('wild-cat') strikes.
ILO Administrative Issues (staff, resources, design, implementation)	N/A

ILO Lesson Learned No2: Legislation and policy review and development for supporting industrial reform

Project Title: Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam project

Project TC/SYMBOL: VIE/12/01/USA

Name of Evaluators: Katerina Stolyarenko

Date: 27 September 2016

The following lessons learned has been identified during the course of the evaluation. Further text can be found in the full evaluation report.

LL Element	Text
Brief description of lesson learned (link to specific action or task)	Enforcement of legislation requires considerable resources (in terms of manpower, infrastructure and funds). Thus, development and amendments processes to legal frameworks must be simultaneously done with costing strategies to ascertain the resources required in enforcement. In other words, in order for new legislation to be effective, the costs of implementation should be calculated and the appropriate legislative, executive and judicial authorities should make commitments to establish, strengthen or expand the coverage of the institutions and programmes necessary for implementation.
Context and any related preconditions	ILO IR project Phase II has done significant technical and financial support to MOLISA to develop Decrees for the 2012 Labour Code and Trade Union Law which aims to promote greater compliance with ILS within limits of that set be the law itself, and also cooperate and assist the tripartite partners on each provision of the laws and regulations through bringing international experience and local stakeholder voices to the table. The project in its design, anticipated support to 3 substantial Decrees to be developed and adopted. In fact, in the first 3 years since the adoption of the LC and TUL, the Government has issued more than 20 Decrees and accompanying circulars to provide detailed direction on the laws. In this context, the IR Project has provided technical input into the development of 14 of these Decrees.
Targeted users / Beneficiaries	<ul style="list-style-type: none"> ▪ Government partners

<p>Challenges /negative lessons - Causal factors</p>	<ul style="list-style-type: none"> • Each Decree has its purpose, and the relevant provisions are described as a method for the purpose. The provisions must be applicable and easy to practice, otherwise we cannot achieve its goal. However, provisions which have practical problems still exist. ILO should advise more strongly incorporate the provision can be expected to be actually implemented in companies/factories in Vietnam. In order to solve the problem, ILO should provide the view of practice and introduce international experience and the suggested provisions should be made applicable. It is also important that the decree should be more simple and reader-friendly to secure compliance and enforcement. ▪ ILO’s mandate is giving advice based on ILS, ILO conventions and so on, but in the case when there is significant gap between ILS and the country characteristic and state, the advice is difficult to approve and tend to be ineffective.
<p>Success / Positive Issues - Causal factors</p>	<ul style="list-style-type: none"> ▪ Capacity building is essential but must seek to build on existing capacities of the Government
<p>ILO Administrative Issues (staff, resources, design, implementation)</p>	<ul style="list-style-type: none"> ▪ Limited project duration for creation of changes of the system

ILO Emerging Good Practice No1: Use of Innovative Pilots in Industrial Relations Reform

Project Title: Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam project

Project TC/SYMBOL: VIE/12/01/USA

Name of Evaluators: Katerina Stolyarenko

Date: 27 September 2016

The following emerging good practice has been identified during the course of the evaluation. Further text can be found in the full evaluation report.

GP Element	Text						
<p>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</p>	<p>Innovative pilots under phase 2 assisted greatly the practical advances achieved in the new Labour Code and Trade Union Law. This improved policy environment has meant the context of the new pilots in union organizing, representation, CB and SD while still difficult and challenging are now more generally supported and recognized as significant practical demonstrations of change by all partners. Continued focus on IR reform and assisting that reform when opportunities arise is important.</p> <p>Linking three different pilot programs on CB and SD for each tripartite partner at the local level within the same province: Mutually support and build synergies between pilots e.g. in Dong Nai in social dialogue. It is particularly useful in responding to the low level of implementation of new aspects of the Labour Code in regard to social dialogue and improved processes of collective bargaining. The crucial element of this approach is collective bargaining and social dialogue based on:</p> <ul style="list-style-type: none"> • Strength and participation of members, including the involvement and active participation of union members, and the way in which the collective strength of union members and of unions is built and increased through the process of collective bargaining, • Skills to organize and undertake collective bargaining, • Methods of communication in a regular way with union members in the collective bargaining process (more than the outcome of collective bargaining). <p>Based on the results of internal evaluation of VGCL pilots, the following good practices were identified:</p> <table border="1" data-bbox="518 1500 1420 1832"> <tbody> <tr> <td data-bbox="518 1500 630 1720">Pilot 1</td> <td data-bbox="630 1500 1420 1720"> Binh Duong IZU: Approaching migrant workers in the worker villages Da Nang FOL: Organizational approach to organizing Hai Phong EZU: Networking of unionists as the foundation for organizing Dong Nai IZU: Specialized support to the new enterprise unions </td> </tr> <tr> <td data-bbox="518 1720 630 1792">Pilot 2</td> <td data-bbox="630 1720 1420 1792"> Reinforcing the union at Crystal Sweater company, Hai Phong Hai Phong EZU: Training of shop stewards </td> </tr> <tr> <td data-bbox="518 1792 630 1832">Pilot 3</td> <td data-bbox="630 1792 1420 1832">Da Nang FOL: Strategic approach to Multi-Employer Bargaining</td> </tr> </tbody> </table>	Pilot 1	Binh Duong IZU: Approaching migrant workers in the worker villages Da Nang FOL: Organizational approach to organizing Hai Phong EZU: Networking of unionists as the foundation for organizing Dong Nai IZU: Specialized support to the new enterprise unions	Pilot 2	Reinforcing the union at Crystal Sweater company, Hai Phong Hai Phong EZU: Training of shop stewards	Pilot 3	Da Nang FOL: Strategic approach to Multi-Employer Bargaining
Pilot 1	Binh Duong IZU: Approaching migrant workers in the worker villages Da Nang FOL: Organizational approach to organizing Hai Phong EZU: Networking of unionists as the foundation for organizing Dong Nai IZU: Specialized support to the new enterprise unions						
Pilot 2	Reinforcing the union at Crystal Sweater company, Hai Phong Hai Phong EZU: Training of shop stewards						
Pilot 3	Da Nang FOL: Strategic approach to Multi-Employer Bargaining						
<p>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</p>	<p>An appropriate legislative framework is required, which arrived at in Vietnam especially with the passing of the Labour Code and the Trade Union Law in 2012. The process that led to the acceptance of these laws also led to a great sense of ownership among all partners.</p>						

Establish a clear cause-effect relationship	<p>Social dialogue and genuine collective bargaining were almost non-existent before these laws came into being.</p> <p>The key achievements of the practice were:</p> <ul style="list-style-type: none"> • All the pilot teams have successfully implemented the bottom-up organising strategy (Pilot 1) despite a lot of difficulties they faced with in Phase 1. The VGCL Instruction 238 is applicable and needs few changes. • The bottom-up unions are generally performing well despite certain changes of leadership (the managerial union leaders have been replaced by rank-and-file workers in a few cases). All of the pilot teams found that bottom-up unions are more effective than the traditional unions. • The restructuring and re-election of union representatives within Pilot 2 have shown positive impacts on the performance of quite a few pilot companies. Shop stewards are elected democratically and trained by the immediate UTUs. • Pilot 3 has gained initial success with 3 agreements reached in Da Nang, HCMC (District 12) and Hai Phong. A lot of companies have expressed their interests to join these 3 agreements. • Pilot 3 opens up a new strategy for the VGCL to protect and advance the interests of workers and unions in smaller companies with similar employment conditions
Indicate measurable impact and targeted beneficiaries	<p>Measurable impact is possible to be established through keeping count of the number of CBA, the content and the process of the CBAs, and keeping track of the numbers of and trends in individual and collective disputes including stoppages and non-legal strikes.</p> <p>Beneficiaries are all the levels of the TUs, of the employers' organizations, as well as the enterprises where collective bargaining agreements are/will be negotiated.</p>
Potential for replication and by whom	<p>Countries where social dialogue and collective bargaining has not yet developed</p>
Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	<p>DWCP 2012-2016:</p> <ul style="list-style-type: none"> ▪ Outcome 5: Effective employers' and workers' organizations and SD institutions and mechanisms strengthen IR ▪ Outcome 6: Tripartite constituents have strengthened capacity to apply ILS, including through strengthened labor administration, and to meet the challenges of international integration.
Other documents or relevant comments	<p>N/A</p>

ILO Emerging Good Practice No2: Minimum Wage Fixing System through the National Wage Council

Project Title: Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam project

Project TC/SYMBOL: VIE/12/01/USA

Name of Evaluators: Katerina Stolyarenko

Date: 27 September 2016

The following emerging good practice has been identified during the course of the evaluation. Further text can be found in the full evaluation report.

GP Element	Text
<p>Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)</p>	<p>The specific project approach to supporting the National Wage Council is considered a good practice in terms of building evidence-based approaches to decisions; encouraging active participation by social partners, i.e. genuine collective bargaining; encouraging common understanding among tripartite partners on minimum living needs calculations; use of technical specialists to bring international and regional perspectives and lessons to Vietnam for consideration; supporting expert studies on minimum living needs and economic impacts of minimum wage decisions to strengthen NWC voice; and flexibly responding to requests of the NWC.</p> <p>The system of Minimum Wage Fixing through the NWC is a good practice to be replicated elsewhere with the necessary improvements proposed in this report, i.e. to enhance its structural set-up by stimulating and, where possible providing for, a platform for other ministries to become involved so that they can provide inputs in the minimum wage fixing process. In particular, inputs from specific ministries on productivity and macro-economic issues need to be institutionalized.</p>
<p>Relevant conditions and Context: limitations or advice in terms of applicability and replicability</p>	<p>Vietnam has only one trade union and two main employers' organizations, making negotiations easier than when there are many competing organizations catering for the interests of the workers (as is the case, for example, in Indonesia) and/or for the employers.</p>

<p>Establish a clear cause-effect relationship</p>	<p>A representative system of minimum wage adjustment accepted by all (tripartite) parties reduces considerably the chances for labour conflicts and strikes, which is in the interest of all tripartite partners and of society in general.</p> <p>The role of ILO to the National Wage Council With the funding and technical supports, the ILO has made considerable contribution in the formation and operation of the National Wage Council:</p> <ul style="list-style-type: none"> - ILO has assisted in creating a positive legal framework for the introduction of the Wage Council such as the National Wage Council stipulated in the Labour Code of 2012, Decree No. 49/2013 / ND CP of the Government dated 14.05.2013. - ILO has funded for the 2 surveys and researches of international experiences (Korea and Singapores), which are basis for the construction of organisational structure, operation regulations and activity implementation of the Council in compliance with the law. - ILO has supported the Technical Division, the assisting divisions of the parties (representatives of the employers, representatives of the workers) who are members of the Council in building technical reports as basis of introduction of the minimum wage plan to be negotiated and decided by the members, then make recommendations to the Government, by funding for research, development of some special subjects on assessing impacts of the minimum wages to the workers, salary, incomes of the workers, costs of enterprises; supported cost of building a report of reviewing and innovating method of determining the subsistence needs of the workers and their families,... - ILO has funded the organisation of some meetings in the National Wage Council to negotiate and agree the regional minimum wage plan to recommend to the Government. - ILO has funded the International Seminar on wage policy in the context of a market economy and integration in 2014, at the seminar, a number of reports, studies of international experts on wages have been shared to provide the Council with more information and knowledges, and to improve the operation quality of the National Wage Council. - ILO has supported cost for construction of reports and organisation of Seminar of activity assessment of national wages council since its establishment, in order to improve the institutions and capacity building, operation quality of the Council and in line with the trend of integration and development.
<p>Indicate measurable impact and targeted beneficiaries</p>	<p>The yearly minimum wage adjustment itself, and the discussions surrounding it.</p>
<p>Potential for replication and by whom</p>	<p>With the necessary modifications the system or parts thereof can be replicated in any country</p>

Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO's Strategic Programme Framework)	<p>DWCP 2012-2016:</p> <ul style="list-style-type: none"> ▪ Outcome 5: Effective employers' and workers' organizations and SD institutions and mechanisms strengthen IR ▪ Outcome 6: Tripartite constituents have strengthened capacity to apply ILS, including through strengthened labor administration, and to meet the challenges of international integration. <p>It also impacts on several Areas of Critical Importance (ACI), in particular:</p> <ol style="list-style-type: none"> 1.Promoting more and better jobs for inclusive growth 4.Productivity and working conditions in SMEs 5.Decent work in the rural economy 6.Formalization of the informal economy 7.Strengthening workplace compliance through Labor inspection 8.Protection of workers from unacceptable forms of work.
Other documents or relevant comments	N/A

ILO Emerging Good Practice No3: Building up of a Transition Strategy into a Multi-Donor Support Facility

Project Title: Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam project
Project TC/SYMBOL: VIE/12/01/USA
Name of Evaluators: Katerina Stolyarenko
Date: 27 September 2016
The following emerging good practice has been identified during the course of the evaluation. Further text can be found in the full evaluation report.

GP Element	Text
Brief summary of the good practice (link to project goal or specific deliverable, background, purpose, etc.)	The building up of a transition strategy into a Multi-Donor Support Facility focusing on a follow-up Labour Law Reform preparing for major economic developments, in the case of Vietnam the Trans Pacific Partnership (TPP), the ASEAN Economic Community (AEC), the EU-Vietnam Trade Deal and the APEC.
Relevant conditions and Context: limitations or advice in terms of applicability and replicability	The scaling-up of donor support for industrial relations reform into a Multi-Donor Support Facility needs to be triggered by major global and/or regional trade negotiations which explicitly have labor law reform in mind, as for example the TPP which has a separate Labor Chapter
Establish a clear cause-effect relationship	<p>The pressure from international negotiations and from the required levels of compliance to ILS triggers enhanced commitment of governments and national partners to move towards reforms in the industrial relations area. The key achievements of the practice were:</p> <ul style="list-style-type: none"> • Formation of Multi-Donor Support Facility for implementation of a follow up project 'Creating and Activating implementing Legal and Institutional Framework, and Strengthening Organizational Capacity for New Industrial Relations Framework in Respect of the ILO Declaration on Fundamental Principles and Rights at Work programme' (NIRF/FPRW programme) with a total budget of US\$ 5.15 million for January 2017-December 2019. The main donors are US, Japan, Canada and the EU.

Indicate measurable impact and targeted beneficiaries	The acceptance by governments of the agreements including the provisions in the area of industrial relations (e.g. the acceptance of TPP’s Labor chapter).
Potential for replication and by whom	Is replicable in each country that is involved in such international trade agreements containing labor provisions.
Upward links to higher ILO Goals (DWCPs, Country Programme Outcomes or ILO’s Strategic Programme Framework)	<p>DWCP 2012-2016:</p> <ul style="list-style-type: none"> ▪ Outcome 5: Effective employers’ and workers’ organizations and SD institutions and mechanisms strengthen IR ▪ Outcome 6: Tripartite constituents have strengthened capacity to apply ILS, including through strengthened labor administration, and to meet the challenges of international integration. <p>It also impacts on several Areas of Critical Importance (ACI), in particular:</p> <ol style="list-style-type: none"> 1.Promoting more and better jobs for inclusive growth 4.Productivity and working conditions in SMEs 5.Decent work in the rural economy 6.Formalization of the informal economy 7.Strengthening workplace compliance through Labor inspection 8.Protection of workers from unacceptable forms of work.
Other documents or relevant comments	N/A

VII. Annexes

Annex 7.1. Terms of Reference

Final Independent Evaluation of Support to development in industrial relations, wage fixing, and labor law implementation institutions and capacity in Vietnam project

Project Code	VIE/12/01/USA
Donor	US Department of Labour
Total budget	3 million USD
Project Duration	2013- 2016
Geographical Coverage	Hanoi, Hai Phong, Hai Duong, Da Nang, Dong Nai, Binh Duong, and Ho Chi Minh City (7 in total)
ILO Administrative Unit	CO-Hanoi
ILO Technical Unit	DWT/CO Bangkok
ILO Other Collaborating Units	Governance Department at Geneva HQ
Evaluation date and the field work dates	July 2016-September 2016 (proposed field work July 25-5 August)
Evaluation Manager	Alexius Chicham
TOR preparation's date	April-June 2016

1. Introduction and Rationale for the final evaluation

The Support to development in industrial relations, wage fixing, and Labour law implementation institutions and capacity in Vietnam project spans forty-eight months. The overarching objective of the Project is to put into practice the new Labour Code and Trade Union Law to ensure that, by 2016, Vietnam's minimum wage system is reformed and industrial relations institutions and mechanisms for collective bargaining and social dialogue have been improved and capacity of all stakeholders are strengthened to bring the regulations and practices into closer compliance with international Labour standards.

This project is a continuation of the previous phase project (2009-2012) for a second phase funded by USDOL (2013-2016). This second phase of the project focused on completing, rolling out and implementing a revised Labour Code and Trade Union Law and supporting policy decision making in developing wage policy and Industrial Relations. New decrees ordinances, guidelines and other regulatory instruments must be drafted to give effect to the new legislation. The US and Vietnam governments have far reaching agendas of engagement on a range of matters including Vietnam's transition to a market economy with international labour standards serving as a foundation, transpacific partnership free trade negotiations (TPP) among other matters. In line with suggestions from the evaluation of Phase I of the project, this phase II is in particular targeting activities at the middle level and closer to productive enterprises, and where government's IR support functions play themselves out. This complements the earlier phase of the project, which had a strong focus on actors – law and policy makers – at the upper and centralised levels. By doing this, the project helps to meet the demand for middle level operational personnel including IR practitioners, researchers, negotiators, mediators, conciliators, and arbitrators, etc. who are essential for a viable, well-functioning IR system.

Midterm independent evaluation of the project was conducted in mid-2015. The project was also externally evaluated by the USDOL as part of the USDOL's Technical Cooperation Portfolio on Promoting Workers' Rights in Vietnam which was also conducted in late 2015.

As per ILO standards and according to the commitments with USDOL, this evaluation will be an independent evaluation. It will provide a comprehensive and balanced presentation of the achievements of the project, strengths and weaknesses of the project, as well as a set of forward-looking recommendations and lessons learned for future similar initiatives in Viet Nam.

The independent evaluation of the initiatives is undertaken in accordance with the ILO Evaluation Policy guidelines for results-based evaluation (2012) which are based on ILO evaluation policy adopted by the Governing Body in November 2005, which provides for systematic evaluation of projects in order to improve quality, accountability, transparency of the ILO's work, strengthen the decision making process and support to constituents in forwarding decent work and social justice. The evaluation is consistent with the Cooperative agreement -the MPG and the contractual agreement between the US and ILO for this project.

The evaluation will be conducted and managed in conformance with the ILO evaluation policy guidelines and UN Norms and standards, as well as ethical safeguards and the report should comply with ILO quality standards.

2. Background on project

Significant institutional changes have been required in recent years as a result of Vietnam's transition from a centrally planned to a socialist-market economy. These have included adaptation and development of the labour law (first adopted in 1994 and revisions in 2002, 2006, 2007, 2012) and the industrial relations (IR) system. Compared to the mid-1990s when the Labour Code came into effect, today's Vietnam is a vibrant, diversified and integrated market economy that requires sound industrial relations institutions and practices to address the following challenges in Vietnam:

- New implementation decrees, guidelines, and other regulatory instruments need to be drafted to give full effect to the 2012 revised Labour Code and Trade Union Law. Revision of the Labour Code was comprehensive with substantial changes in basic concepts and introduction of new concepts. At the same time, the revised Trade Union Law establishes the responsibility of the Government (through the MoLISA) in ensuring and enforcing the trade union rights of workers. These changes in the laws need to be effectively specified in the enforcement regulatory instruments.
- Tripartite stakeholders at the various levels of operation need to be informed of the new laws and regulations to ensure effective enforcement and implementation. Extensive awareness raising efforts are needed for workers and employers and general public to give effect to the changes and new provisions.
- Improvement, reforms, and strengthening of the various institutions of industrial relations, in particular, active role of the Government in promoting collective bargaining and in providing effective conciliation and mediation support, are needed to assist the employers and trade unions to develop sound industrial relations.
- Capacity of employers and trade unions to engage in substantial collective bargaining and social dialogue needs to be strengthened to bring the disputes that lead to wild-cat strikes to be addressed through procedures provided by the laws.

- Together with the efforts to strengthen collective bargaining, the minimum wage fixing mechanism needs to be reformed both to facilitate the development of wage negotiations and to enable the minimum wage system to develop appropriate policy orientation.

Yet, the IR system in Vietnam has so far not fully responded to the challenges generated by the new economy. Government agencies, employers and workers and their respective organizations have experienced an institutional and capacity lag in adapting the IR system to a market-oriented economic framework. The fact has been acknowledged at the highest levels that IR in Vietnam basically operates in a market economy, but under socialist orientation. Despite over 25 years of reforms affecting the formation and developments in the labour market, the legal framework for the IR system is, in fact, inconsistent with recent economy-liberalizing developments. The resulting market-economy driven divergence of workers' and employers' interests has become more pronounced and resulted in industrial conflict. Many disputes have led to strikes, commonly described as 'wildcat' in nature in that they happen outside the provisions of the Labour law and without the involvement of (and often without the knowledge of) Vietnam's trade union movement; 2518 strikes – none following legal procedures – occurred between 2006 and April 2011; over 750 strikes have occurred in the first 9 months of 2011 and approximately 350 were reported in 2014. This indicates the considerably reduction of the wildcat strikes.

At the same time, two parallel IR systems effectively continue to operate in Vietnam today: The formal system dominated by procedures and arrangements stipulated in the country's labour legislation, including various implementing decrees and administrative approaches, and informal practice dominated by high turnover rates or "exits" and wildcat strikes arising from employer unilateralism and workers' voluntary initiatives. Many of these strikes have taken place in the enterprises where the workforce is predominantly women, such as, labor-intensive export manufacturing in apparel and shoes. In some instances, where they occurred, the wildcat strikes have effectively delivered benefits for workers in terms of better working conditions and wages, albeit with *ad hoc* government intervention. The uncertainty and absent legal and institutional bases of these conciliatory interventions make them an inadequate foundation for sustainable IR practice, and have a longer term effect of undermining the otherwise favorable climate for foreign investment.

It has been recognized since 2006 that the gap between the parallel formal IR system and informal IR practices makes it impossible to develop the predictable and stable IR outcomes that can contribute to economic development and social harmony in Vietnam. In response to the problem of industrial unrest, Labour Code provisions dealing with dispute settlement and strikes were amended in 2006. Despite this, improvements for industrial peace were, and have continued to be, patchy. The changing labour market environment prompted the Government and the social partners (i.e. employers' and workers' organizations) to re-assess Vietnam's IR system, including its legal framework and institutions, in the context of a transition market economy.

Between 2006 and 2011 the Government thus cautiously moved toward important reform designed to narrow and ultimately eliminate the gap, taking the following steps:

The National Assembly (NA) and the Government decided to revise both Labour Code and Trade Union Law to modernize the legal framework governing employment relations and aspects of IR; The National Industrial Relations Commission (NIRC) was set up in 2007 as a main tripartite (government, employer, worker) body to bring changes to IR through national social dialogue; The national congress of the VGCL adopted in 2008 a resolution emphasizing trade unions' primary role of protecting workers' rights and interests through organizing and collective bargaining; and

In early 2009, the Prime Minister approved a MoLISA proposal to set up a Centre for Industrial Relations Development (CIRD) within the MoLISA to strengthen the government's IR policy and service capacity.

These developments signalled the potential for important changes to come. Several Vietnamese authorities – co-implementing agencies in this proposal – were charged with preparing the detailed policy and implementing laws needed to bring these changes in orientation into being.

Responsibility for policy review and the revision of the Labour Code has been entrusted to the Social Affairs Committee of the National Assembly (SAC/NA); the draft of the law itself will be prepared by the Legal Department of the MoLISA.

Responsibility for policy review and law drafting for the Trade Union Law has been entrusted to the VGCL. The Committee on Legal Affairs of the National Assembly (CLA/NA) will supervise receipt of the draft Trade Union Law in the National Assembly and related consultations.

The current project funded by USDOL (VIE/12/01/USA) builds on the continued ILO projects in Vietnam in the area of Labour Code reform and IR development, which have been carried out under the following resources and awards:

One UN Fund supported Project on "Support to Industrial Relations and Labour Code Reform in Vietnam (VIE/09/03/OUF)", conducted from 30 September 2009 to 30 June 2012;

One UN Fund (DFID) supported Project on "Support to Implementation of the Revised Labour Code Focusing on Industrial Relations and Gender Related Issues (VIE/12/02/OUF) conducted from July 1 2012 to 31 Dec. 2012;

"Immediate Objective 3: Strengthened capacity of the Vietnamese union through piloting initiatives for innovation of union organization in an expanded number of BWV participating factories" undertaken as a part of the ILO Project "Better Work Vietnam: Union Capacity Development (VIE/11/50/USA)";

Activities under a number of RBSA awards were also coordinated by the IR Project Independent Mid-Term Evaluation: The Vietnam Labour Law Implementation Project. Much of the work outlined in the Cooperative Agreement between the USDOL and the ILO, in nature, are extension, expansion, and deepening of the objectives and activities initiated and put in motion under the above mentioned Projects:

Immediate Objective 1 in the Cooperative Agreement is extension of the activities supported under the VIE/12/02/OUF in supporting the development of the "regulations, including decrees, ordinances and other instruments, and guidelines for the new Labour Code and Trade Union Law."

The project aims at addressing the following major issues:

- Following the legislative revision of the Labour Code and Trade Union Law adopted in June 2012, there remains the task of developing implementation decrees, guidelines, and other regulatory instruments for effective enforcement, which requires continued support.
- Awareness raising among the immediate tripartite constituents and the public in general, through information dissemination, direct education, and training for implementation.
- Reform of the wage setting system needs to be given careful consideration following the finalization of the revision of the Labour Code.
- Representational gap between trade union structures and rank-and-file workers.
- Urgent need to develop policy and programme to develop a Vietnamese model of collective bargaining.
- The country's system of labour dispute settlement is no longer appropriate because it reflects the gap between the formal system and informal practices of industrial relations in today's Vietnam.
- Need for professional support services at the various levels where industrial relations interactions take place, starting with the enterprise level.
- The country's economic development is fueling its ever broader and deeper integration with the global community, its institutions and governance mechanisms. As a result, there is an increasing need for the support of the social partners.

Project Objectives

The overarching objective is to develop regulations for the new labour legislation consistent with International Labour Standards, educate the tripartite partners on the provisions of the laws and regulations, and build their capacity to promote good industrial relations with the new provisions' application in practice.

The Project' immediate objectives include the following:

1. Facilitate the drafting and adopting of regulations, including decrees, ordinances and other instruments, and guidelines for the new Labour Code and Trade Union Law.
2. Promote education and awareness of the new Labour Code and Trade Union law and their regulations and guidelines.
3. Improve trade union capacity to effectively and democratically represent workers, particularly at the enterprise level and in coordination with national union organizations, per the new Trade Union law and Labour Code.
4. Facilitate development of an effective and sustainable system of minimum wage fixing and determination.
5. Promote the use of collective bargaining resulting in signed collective bargaining agreements per the provisions of the new Labour Code.

The primary focus of the Project is the immediate objective one, with the new labour laws and regulations framing the capacity building activities in immediate objectives three to five.

Beneficiaries of the project:

The direct beneficiaries are MOLISA, employer organizations and their constituent members, and the trade unions at central, provincial and enterprise levels. Workers and managers are also directly benefit from the Project's activities.

Overall Administrative management

The overall responsibility for the project lies with the Country Director of the ILO country office for Hanoi in Vietnam.

Technical support

The project has been provided with technical backstopping by the ILO Decent Work Team for East Asia and the Pacific (ILO DWT-Bangkok). ILO DWT-Bangkok is the lead technical unit for all components of the project. ILO headquarters units provide technical quality control.

Project management

Project Management lies with the Chief Technical Advisor (CTA) based in ILO country office, Vietnam. The Governance Department at Geneva HQ is collaborating for this project. Financial Management of the project lies with the Finance and Administration Assistant based in the ILO country office, Hanoi, Vietnam.

The Ministry of Labour, Invalids and Social Affairs (MoLISA) is the line agency assigned by the Government of Vietnam to work with the ILO on the execution of this Project.

MoLISA sets up a Project Management Unit (PMU). The NPD appoints the Head of the PMU, who is working with the CTA by offering advice in the planning and execution of activities based on local

knowledge and contacts and liaison with local actors. This Unit was established at MOLISA and ensures coordination among implementing partners, including non-government partners. The project will provide a minimal financial contribution for the operation of the PMU.

The National Project Steering Committee (NPSC) is a joint steering body, composed of a high level leadership representative from each implementing and co-implementing agency respectively (the MoLISA, Social Affairs Committee of the National Assembly, VCCI, VCA and VGCL), the Director of ILO, and the CTA.

The project is implemented by the various Implementation Partners (IPs). Identified IPs include the Legal Department, the Labour and Wage Department, ICD, and the CIRDC (which is responsible for supporting the development of industrial relations institutions and practices, including conciliation and mediation and promotion of collective bargaining) of the MoLISA; the Organizing Department and Industrial Relations Department (or others which are specifically involved in or responsible for social dialogue) of the VGCL, Bureau for Employer Activities of VCCI; VCA, and the Social Affairs Department of the National Assembly Office in collaboration with the industrial relations actors.

The Project staff composited Chief Technical Advisor, National Project Coordinators, Secretary/Interpreter and Finance Assistant who are directly responsible for execution of the project.

3. Purpose, scope and clients of the evaluation

The independent evaluation will serve both the accountability and learning purposes. The final independent evaluation thus aims to:

- i. Give an independent assessment of the progress of the project in achieving its stated objectives across the project location in the country; assess the strategies and implementation modalities chosen; partnership arrangements, constraints and opportunities
- ii. Examine the project management, coordination mechanisms among the implementation partners and effectiveness and efficiency of programme implementation in general.
- iii. Provide recommendations for similar future project for ILO and USDOL.

The Clients of this evaluation are:

Clients of the evaluation will be both internal and external to the ILO. External to the ILO, these will include USDOL, MoLISA and all the project's implementing partners and constituents (trade unions and employers) who will be actively involved in the evaluation. Internally, clients are the project Chief Technical Advisor (CTA), Project Coordinator, the ILO Decent Work Team for East Asia and the Pacific (DWT-Bangkok), the responsible ILO Unit (EVAL), PARDEV (partnership development department) and constituents.

The scope of the evaluation in terms of time is 18 September 2012 through to 27 September 2016, thus representing the entire project period. The scope of the evaluation in terms of operational area is in Hanoi, Hai Phong, Hai Duong, Da nang, Dong Nai, Binh duong and Ho Chi Minh City in Vietnam. The scope of the final evaluation will be all objectives of the project and will entail a desk review of relevant materials and in-depth interviews with key project stakeholders. The evaluators will elaborate in greater detail the key evaluation questions and methodology for addressing each specific objective. The evaluation will also critically assess the implementation of the recommendations of mid-term evaluation that conducted in 2015 and where appropriate the USDOL Multi Project Evaluation of Vietnam also in 2015.

The evaluation will address the overall issues of relevance and strategic fit of the project, validity of project design, project effectiveness, adequacy and efficiency in the use of resources, effectiveness of management arrangements, sustainability. In addition to that the evaluator will also address the impact orientation and lesson learned of the project.

Gender Mainstreaming

The gender dimension should be considered as a cross-cutting concern throughout the methodology, deliverables and final report of the evaluation. In terms of this evaluation, this implies involving both men and women in the consultation, evaluation analysis and evaluation team. Moreover, the evaluator should review data and information that is disaggregated by sex and gender and assess the relevance and effectiveness of gender-related strategies and outcomes to improve lives of women and men. All this information should be accurately included in the inception report and final evaluation report.

Key Evaluation Questions

Evaluation Criteria	Related key evaluation questions
Relevance and strategic fit	<ol style="list-style-type: none"> 1. Does the IR project continue to address a relevant need and identified decent work deficits in Vietnam in terms of new labour legislation consistent with ILS? Have new and/or more relevant needs emerged that the project should address? 2. How does the project align with and support national development plans/ with strategic priorities of key partners? 3. How well does the project compliment and fit with other programmes of the USDOL in the area of labour law reform, compliance with International Labour Standards, and promotion of sound industrial relations? 4. How well does the programme complement and fit with other ILO programmes and align with DWCP in Vietnam? 5. How well does the programme complement and link to activities of UN and non-UN development partners at national level?
Validity of design	<ol style="list-style-type: none"> 6. Is the intervention logic coherent and realistic? To what extent the recommendations of the midterm evaluation has been taken into consideration? 7. Which risks and assumptions were identified and to what extent have they affected the project? Do these need to be re-assessed? 8. To what extent have gender-specific means of action been included? To what extent has social dialogue been included as a means of action?
Effectiveness	<ol style="list-style-type: none"> 9. Is the project on track to achieve the indicator targets according to schedule? If not, what have been the obstacles to achievement both in terms of factors that the project is able to influence and external factors beyond its control? Has the project achieved its planned objectives?

	<p>What factors influenced the effectiveness of the project capacity building and other activities?</p> <p>10. How have stakeholders been involved in project implementation? Has the project effectively and efficiently succeeded in mainstreaming gender equality in its areas of work (outputs) and its processes?</p> <p>11. To what extent has the project been effective in increasing in implementation partners: i) organizational capacity; ii) technical capacity; iii) greater involvement of the social partners in project implementation; and iv) mobilization and diversifying funding sources for partners to enable them to be fully self-sustaining by the end of this phase of the partnership?</p>
<p>Efficiency of resource use</p>	<p>12. To what extent have the project activities been cost-effective? What level of the project activities (individual); institutional; systematic) provided the most cost-effective benefits?</p> <p>13. Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outcomes? Have project funds and activities been delivered in a timely manner?</p> <p>14. Is budget execution progressing as expected (i.e. expenditure rates)?</p> <p>15. Is the level of budget execution for each component consistent with the level of achievement of targets? Do currently achieved outputs justify the level of expenditure?</p>
<p>Effectiveness of management arrangements</p>	<p>16. The extent to which management capacities and arrangements put in place to support the achievement of results</p> <p>17. How appropriate and useful is the PMP (including indicators) in assessing the project's progress?</p> <p>18. How effectively does the IR project management monitor the project performance and results? Have appropriate means of verification for tracking progress, performance and achievement of indicators values been defined? Do implementing partners provide for effective project's implementation?</p> <p>19. Is relevant information and data systematically being collected and collated with support from national partners? Is data disaggregated by sex (and by other relevant characteristics, if relevant)? Is information being regularly analyzed to feed into management decisions?</p>
<p>Sustainability</p>	<p>20. In how far is the project making a significant contribution to broader and longer-term development impact?</p> <p>21. Can observed changes (in attitudes, capacities, institutions, etc.) be causally linked to the IR project's interventions? Has the project successfully built or strengthened an enabling environment (laws, policies, peoples' attitudes, etc.)?</p> <p>22. What results have been achieved, including through tools and research papers developed, to assist implementing partners secure and sustain on-going operations?</p>

	<p>23. What are the key project achievements thus far that could be sustained beyond the life and the context of the project? Does the project have a strategy in place to sustain these elements?</p> <p>24. How effective and realistic is the exit strategy of the project? Is the project gradually being handed over to the national partners?</p>
Impact orientation	<p>25. To what extent has result-based management been implemented in the project?</p> <p>26. What is the likely contribution of the project initiatives, including;</p> <ul style="list-style-type: none"> - The innovative approaches and methodologies piloted? - To broader development changes in the area of intervention (including those laid out in the ILO Decent Work Agenda, the Decent Work Country Programmes, Country objectives within the ILO Programme and Budget and national development programmes, and envisioned in relevant ILO standards?)
Lessons learned	<p>27. Based on the output of the project, what are the key lessons learned that both the ILO and USDOL can take away for the IR project implementation, monitoring and evaluation and impact assessment?</p>

Cross-Cutting Issues

Gender equality, along with development, has been identified by the ILO as a cross-cutting issue of the strategic objectives of its global agenda of Decent Work. To the extent possible, data collection and analysis will be gender-disaggregated as described in the ILO Evaluation Policy Guidelines and relevant Guidance Notes.

1. Suggested Methodology

An independent evaluator will be hired by ILO to conduct the evaluation. The evaluation will be expected to conduct visits to selected project locations in Vietnam, based on the suggested criteria to be developed by the evaluator and time available. The evaluation will be carried out through a desk review and conduct consultations with ILO management and staff, constituents, implementing partners, beneficiaries and other key stakeholders. The independent evaluator will review inputs by all ILO and non ILO stakeholders involved in the project. The evaluator will seek to apply a variety of evaluation techniques, for instance: desk review, meetings with stakeholders, focus group discussions, field visits, observations, informed judgement and scoring, ranking or rating techniques. A National evaluation knowledge sharing workshop can be organized where key stakeholders, partners and other development partners can participate to provide their valuable inputs.

The evaluator will review key documents produced during the project both in relation to the quality and quantity of output delivery and management issues. These will include technical research reports and manuals, progress reports, self-evaluation reports, workshop reports, Vietnam National Development Priorities, U.S. country development cooperation strategy for Vietnam, Vietnam Decent Work Country Programme (2012-2016), Vietnam UNDAF, other relevant memos as well as monitoring and evaluation reports.

The evaluator will also interview key stakeholders involved in the project design and implementation. In consultation with ILO Office and Evaluation Manager, the evaluator might also hire local consultants to report back specific findings. Key stakeholders to be interviewed include ILO

Constituents, current and past project managers, donors, partners and experts (consultants) having taken part in project implementation or outputs. The evaluator will also interview key US Department of Labor (USDOL) staff in relevant areas (by phone/skype). Interviews with the IR Specialist in DWT (Bangkok) with the CTA and with staff at HQ in view of information for the preparation of the inception report.

The evaluator will require field visits within Vietnam (Hanoi and Provincial visits) and field interviews.

At the end of the field mission, a stakeholder workshop will be organized by the ILO in Hanoi for the evaluator to present the preliminary findings and proposed recommendations.

The draft evaluation ToR and report will be shared with a selected group of key stakeholders and a request for comments will be asked within a specified time.

All data should be sex-disaggregated and different needs of women and men and those marginalized groups should be considered through-out the evaluation process.

2. Main outputs of the evaluation

The main outputs will be as follows:

- The Evaluator will draft a brief inception report upon the review of the available documents and an initial discussion with the project's management. This inception report should set out any changes proposed to the methodology or any other issues of importance in the further conduct of the evaluation. The inception report will include the following issues:
 - Explain the conceptual framework that will be used to undertake the evaluation;
 - Describes the approach for data collection and the evaluation methodology, i.e. how evaluation questions will be answered by way of data collection methods, data sources, sampling and indicators;
 - Detail out the work plan for the evaluation, which indicates the phases in the evaluation, their key deliverables and milestones;
 - Sets out the plan for data collection, interviews or Focus Group Discussions (FGD)
 - Enlist the Key Informant Interview (KII) and will be approved by the Evaluation Manager
- A draft report: The evaluator will submit a draft report to the ILO evaluation Manager who will circulate it to immediate project stakeholders and the donor for comments. The evaluation manager will forward comments to the evaluator
- A final report: The evaluator will incorporate comments as they deem appropriate and show how they have or have not addressed each comment using a comment matrix and submit the final report and comment matrix to the evaluation manager, who will disseminate these simultaneously to the donor and immediate project stakeholders.
- A standalone evaluation summary as per ILO standard template provided in Annex 1 of these ToR.

The expected outcome of this evaluation is a concise Evaluation Report as per the proposed structure in the ILO evaluation guidelines:

- Cover page with key project and evaluation data
- Executive Summary
- Acronyms
- Description of the project

- Purpose, scope and clients of the evaluation
- Methodology
- Clearly identified findings for each criterion
- Conclusions
- Recommendations (maximum 12 key recommendations – please see quality report checklist, also it should be indicated on who is to address each recommendation, and its urgency (prioritization), and whether there is any resource implication)
- Lessons learned and good practices (with filled template per lessons learned / good practice to explain the context of each lessons learned/good practice – to be annexed in the report)
- Annexes

The final report shall not exceed 35 pages excluding annexes with executive summary (as per ILO standard format for evaluation summary). The quality of the report will be assessed against the EVAL quality evaluation report checklist 5 and 6 (see annexes).

All draft and final outputs, including supporting documents, analytical reports and raw data should be provided in electronic version compatible with WORD for Windows. Ownership of the data from the evaluation rests jointly with the ILO, USDOL and the ILO consultants. The copyright of the evaluation report will rest exclusively with the ILO. Use of the data for publication and other presentation can only be made with the agreement of ILO. Key stakeholders can make appropriate use of the evaluation report in line with the original purpose and with appropriate acknowledgement.

3. Management arrangement

The overall Evaluation Manager for the Vietnam-ILO IR Project is Mr. Alexius Chicham, National Project Coordinator, Indigenous and Tribal Peoples' Project, ILO Country Office for Bangladesh. The evaluator will report to the Evaluation Manager. EVAL will provide quality control of the evaluation process and report. The evaluation will be carried out with logistical and administrative support of project staff and ILO Hanoi.

Quality assurance

Regional M&E officer ILO Regional Office for Asia and the Pacific, Bangkok will provide quality control throughout the evaluation process.

Senior Evaluation Officer at ILO Evaluation Office, Geneva will provide overall oversight to the evaluation and will approve the final evaluation report to ensure that the evaluation meet all required quality standards.

Administrative and logistic support

ILO Office in Hanoi, particularly the project, the Chief Technical Advisor and team will provide relevant documentations, administrative and logistic support to the evaluation. The project team will also assist in organizing a detailed evaluation mission agenda, and to ensure that all relevant documentations are up to date and easily accessible by the evaluator.

Roles of other key stakeholders

All stakeholders particularly those relevant ILO staff, the donors, tripartite constituents, relevant government agencies, NGOs and key other partners – will be consulted throughout the process and will be engaged at different stages during the process. They will have the opportunities to provide inputs to the TOR and to the draft final evaluation report.

4. Work plan & Time frame

The evaluation will be carried out within the period July 2016 to 21 September 2016, including the completion of the final report to by the consultant.

The total duration of the evaluation process is estimated 24 work days for the independent international consultant over a period from July-September 2016.

Phase	Tasks	Responsible Person	Timing (TBC)
I	<ul style="list-style-type: none"> Preparation of ToR, consultation with USDOL and ILO 	Evaluation Manager	April to June 2016
II	<ul style="list-style-type: none"> Identification of independent international evaluator Entering contracts and preparation of budgets and logistics 	Evaluation Manager	June/July 2016
III	<ul style="list-style-type: none"> Contract signature Telephone briefing with evaluation manager Desk review of project related documents Evaluation instrument designed based on desk review Work plan 	Evaluator	July 2016 3 days
IV	<ul style="list-style-type: none"> Consultations with Project staff/Management Consultations with ILO Hanoi, Vietnam Consultations with stakeholders Debriefing and presentation of preliminary findings to ILO 	Evaluator with logistical support by project staff	25 July-5 th August 2016 10 days
V	<ul style="list-style-type: none"> Draft evaluation report completed and delivered, based on desk review and consultations from field visits 	Evaluator with support of evaluation team	23rd August 2016 8 days
VI	<ul style="list-style-type: none"> Circulate draft evaluation report to key stakeholders Consolidate comments of stakeholders and send to evaluation team leader 	Evaluation Manager	24 th August 2016 15 th September
VII	<ul style="list-style-type: none"> Finalize the report including explanations on if comments were not included 	Evaluator with support of evaluation team	16-20 September 2016 3 days
VIII	<ul style="list-style-type: none"> Submit the draft final evaluation report to regional office for review 		21 September 2016

For this independent evaluation, the final report submission procedure will be followed:

- The evaluator is solely responsible for preparing the evaluation report and for the contents, conclusion and recommendations made in it.
- The report and all other outputs of the evaluation must be produced in English. All draft and final outputs including supporting documents, analytical reports and raw data should be provided in electronic version compatible with WORD for windows.
- The report must be drafted in accordance with the ToR, including with respect to the content, format and schedule for review and submission.
- The evaluation manager will send the first draft of the evaluation report simultaneously to both the ILO and USDOL and subsequently to other key stakeholders for review.
- The evaluation manager will consolidate the comments and send these to the evaluator
- The evaluator will finalize the report incorporating any comments deemed appropriate and providing a brief note explaining why any comments might not have been incorporated. He/she will submit the final report to the evaluation manager.
- The Evaluation manager will forward the draft final report to the Regional Evaluation Focal person who will then forward it to EVAL for approval
- The evaluation manager officially forwards the evaluation report to stakeholders and PARDEV
- PARDEV will submit the report officially to USDOL

Annex 7.2. List of Documents Reviewed

International Labour Organization: Technical Cooperation Project Document
IR Project Staff Organigram
Final agreement ILO and USDOL (IL 23743-12-75-K), September 20, 2012
Agreement ILO and USDOL: PMs Approval Decision IR Project on 7 December 2012
Final TF report on streamlined Business Process in Viet Nam ILO Country Office
New meeting structure in Viet Nam ILO Country Office, June 13, 2016
Technical cooperative project using ODA resource project document, May 31, 2013
List of report expected to be published: E-Book and Printing, E-Book Only, Printed only
List of IR project products
IR Project Decrees
List of Decrees and technical support provided
Support to Development in Industrial Relations, Wage Fixing and Labour Law Implementation
Institutions and Capacity in Vietnam, Performance Monitoring Plan
Progress in achievement project's targets, August 19, 2016
Preliminary thoughts on guiding principles of the project design, March 9, 2016
ILO Viet Nam Communications guidelines, May 2016
Opinion Article by Phillip Hazelton CTA ILO Industrial Relations Project, ILO Vietnam, August 8, 2016
Labour Code Revision Workshop Feedback and Evaluation Technical workshops on amendment,
supplementation of Labour Code on IR-related issues, 11-13 August 2016
Terms of reference "Evaluating effectiveness of ILO technical advice to MOLISA in relation to 14
Decrees adopted under the Labour Code and Trade Union Law from 2013-2015"
Final report. Independent evaluation USDOL'S technical cooperation portfolio promoting workers'
rights in Vietnam, December 10, 2015
Evaluation Summary the Vietnam Labor Law Implementation Project (also known as the Industrial
Relations Project)
Independent Mid-Term Evaluation of a Technical Assistance Project: The Vietnam Labor Law
Implementation Project (also known as the Industrial Relations Project), September 2, 2015
Support to development in industrial relations, wage fixing and labour law implementation
institutions and capacity in Viet Nam - Midterm Evaluation (VIE/12/01/USA), July 2015
Support to development in industrial relations, wage fixing and labour law implementation
institutions and capacity in Viet Nam - Midterm Evaluation (VIE/12/01/USA), July 2015
Presentation Report ILO for Final Evaluation "Industrial Relations Project 2012/2016"
Terms of Reference (ToR) "Support to development in industrial relations, wage fixing, and labor
law implementation institutions and capacity in Vietnam' project", Independent Final Evaluation,
June 7, 2016

Terms of References “Internal Evaluation on Impacts and Lessons learned from VGCL Pilot Initiatives in trade union and Industrial Relations Development”

Survey and evaluation on VGCL-ILO Pilot Programme, Phase 2: Self-evaluation questionnaire

Terms of References “Impacts evaluation of implementation of pilot initiative on capacity building for employers’ organizations at provincial level”

Independent Final Evaluation Report “Support of industrial relations and labour code reform in Vietnam”

Report on evaluating effectiveness of ILO technical advice to MOLISA in relation to 14 Decrees adopted under the Labour Code and Trade Union Law from 2013-2015, August 17, 2016

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

Project Workplan for 2014, Development of industrial relations, wage determination mechanism, capacity and institutional enforcement of labor legislation in Vietnam 2013-2016, VIE12/01/USA

Draft Project Workplan for 2015, Development of industrial relations, wage determination mechanism, capacity and institutional enforcement of labor legislation in Vietnam 2013-2016, VIE12/01/USA

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

Agenda of Steering Committee Meeting, Session 1, June 3, 2013

Minutes of Strategic Planning Steering Committee Meeting, Session 1, June 3, 2013

Notification of the results of Vietnam – ILO Industrial Relations Project, steering committee final meeting of Phase One

Agenda of Steering Committee Meeting, Session 2, August 11, 2014

Minutes of Project Steering Committee Meeting, Session 2, August 11, 2014

The second meeting report of the Steering Committee of Vietnam - ILO Industrial Relations Project, Hanoi, August 11, 2014

Agenda of Steering Committee Meeting, Session 3, October 16, 2015

Progress Report: Technical meeting of Project Steering Committee “Support To Development of Industrial Relations, Wage Fixing and Labour Law Implementation Institutions and Capacity in Vietnam” and Additional activities supporting IR and ILS supported through ILO Country office and coordinated through IR Project, 2015

Agenda of Steering Committee Meeting, Session 4, January 19, 2016

Minutes of Project Steering Committee Meeting, Session 4, January 19, 2016

Technical Cooperation Progress Report IR Project in Viet Nam, January 16, 2013

Technical Cooperation Progress Report IR Project in Viet Nam, April 2013

Technical Cooperation Progress Report IR Project in Viet Nam, July 2013

Technical Cooperation Progress Report IR Project in Viet Nam, October 2013

Technical Cooperation Progress Report IR Project in Viet Nam, January 2014

Technical Cooperation Progress Report IR Project in Viet Nam, April 2014

Technical Cooperation Progress Report IR Project in Viet Nam, July 2014

Technical Cooperation Progress Report IR Project in Viet Nam, October 2014

Technical Cooperation Progress Report IR Project in Viet Nam, January 2015

Technical Cooperation Progress Report IR Project in Viet Nam, April 2015

Technical Cooperation Progress Report IR Project in Viet Nam, July 2015

Technical Cooperation Progress Report IR Project in Viet Nam, October 2015

Technical Cooperation Progress Report IR Project in Viet Nam, January 2016

Technical Cooperation Progress Report IR Project in Viet Nam, April 2016

Technical Cooperation Progress Report IR Project in Viet Nam, July 2016

Budget request for budget revision No.16: Financial and detailed reports

Training Materials for Mediators

Vietnam – ILO Industrial Relations Project Report of “Practice-sharing seminar on the VGCL/ILO Pilot Program: THE Implementation of regulations on democracy at workplace”, November 2015

VGCL/ILO Pilot Program: Detailed update on each pilot region results to date

Final Report “Identifying and responding to Unfair Labour Practices against Trade Unions and Workers in Vietnam”, Institute for Workers and Trade Unions (IWTU, VGCL), 2016

Manual on social dialogue at workplace, Hanoi, June 2016

Vietnam Industrial Relations Forum 2016: Tripartite Joint Statement of Ministry of Labour - Invalids and Social Affairs, Vietnam General Confederation of Labour, and Vietnam Chamber of Commerce and Industry on the renovation of Vietnam’s industrial relations in the process of international integration, April 19, 2016

Vietnam Industrial Relations Forum Final Report: Renovation of Vietnam’s industrial relations in the process of global integration, April 19, 2016

VGCL TUSO GUF Meeting 2016

2016 VGCL TUSO GUF Meeting: Recent and Planned Trade Union Development Cooperation projects with VGCL and Solidarity Partnership by Target Activity

Sustainability of Bulletins and round tables

Proposal to Dutch Employers Cooperation Programme (DECP)

IR Project Sustainability Plan, September 2016

Draft Sustainability Plan: “Support to development in industrial relations, wage fixing and labour law implementation institutions and capacity in Vietnam”

The Socialist Republic in Vietnam: Public Administration Country Profile, February 2004

Pilots

- IR Profile Pilot DN/HCM/BD with Ho Chi Minh DOLISA, Binh Duong DOLISA and Dong Nai DOLISA

- Center for Industrial Relations Development (CIRD) “The situation of developing and implementing the master plans for IR development in provinces and cities for the period of 2013 – 2020”
- VCGL Pilot. List of enterprises participating in VGCL Pilot Programmes. Progress in achievement project's targets, August 4, 2016
- Multi-employers collective bargaining of Korean invested enterprises in Trang due industrial Zone – Hai Phong
- List of enterprises participating in: VCCI Pilot Programmes, District 12 Ho Chi Minh City, Binh Duong, Hai Phong, Dong Nai, Da Nang.

Decrees supported by ILO

- Decree No. 41/2013/ND-CP dated May 08, 2013 of the Government guiding the implementation of the Article 220 of the Employee Code on the List of units in which strikes are prohibited and respond to the demands of employee’s collectives in that units
- Decree detailing Article 10 of the Trade Union Law on rights and responsibilities of trade unions in representing and protecting lawful and legitimate rights and interests of workers, May 10, 2012
- Decree detailing the implementation of a number of Articles of the Labour Code on employment contracts, May 10, 2012
- Decree detailing and guiding on the implementation of a number of Articles of the Labour Code on labour disputes, May 10, 2012
- Decree No. 49/2013/ND-CP dated May 14, 2013 of the Government on the implementation of some Articles of the Labor Code regarding labor disputes, May 22, 2012
- Decree on detailing and guiding the implementation of Article 54, Section 3 of the Labour Code on granting of labour dispatch licence, making deposit and list of work eligible for labour dispatch, May 22, 2012
- Decree No. 60/2013/ND-CP dated June 19, 2013 of the Government promulgating details the clause 3, Article 63 of the Labor Code on the implementation of democracy regulation at working places
- Decree No. 95/2013/ND-CP dated August 22, 2013 of the Government on penalties of administrative violations in labor, social insurance and overseas manpower supply by contract
- Decree on providing details and guidance for the implementation of a number of Articles of the labour code, January 12, 2015
- Decree detailing the implementation of a number of Articles of the Labour Code on domestic employees, April 7, 2014
- Decree providing the consultation by state management agencies with organizations representing employees and employers in the formulation of labor policies and law and industrial relation issues, May 26, 2014
- Circular “Guiding the implementation of some state management duties on labour in industrial zones, export processing zones and high-tech parks”, December 1, 2014
- Decree No. 85/2015/ND-CP dated October 01, 2015 of the Government detailing a number of articles the Labor Code in terms of policies for female employees
- Decree No. 88/2015/ND-CP dated October 07, 2015 of the Government on amending a number of article of the Decree No. 95/2013/ND-CP dated August 22, 2013 of the Government on penalties of administrative violations in labor, social insurance and overseas manpower supply by contract

Gap analysis report: ILO Working Paper “Review of the Vietnamese Labour Law in light of Core International Labour Standards”; **ILO Discussion Paper** “Review of the Vietnamese Revised Labour

Law and Case Studies against International Labour Standards and Recommendations for a Way Forward”

Book for IR Conference and IR Project launching: Book IR Project launching event national IR Conference. National Conference on Industrial Relations and Launching Ceremony of the Vietnam-ILO Industrial Relations Project, Ha Noi, May 31, 2013; Book IR Project **Strategic Planning Meeting** 31 May 2013, Hanoi, Viet Nam

Workshop in Ha Noi and Ho Chi Minh City on November 2015. Agenda “Raising awareness workshop on ILO conventions 87, 98 & declaration 1998 for companies and business associations leaders”, Presentation “Ratification and implementation of Conventions No. 87 and 98 Experience of countries”, Presentation “ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) Introduction and overview of key principles, with focus on freedom of association and the effective recognition of the right to collective bargaining”, Presentation “Freedom of Association and the Right to Collective Bargaining”

The media training “International Labour Standards, Workplace Compliance and Labour Inspection” (21 May 2015). Proposal media training and Presentations: Application of ILO Conventions by Viet Nam: Comments of the Supervisory Bodies, The Fundamental ILO Conventions – an Overview, ILO’s Mandate and International Labour Standards, The Media’s Role in Improving Workplace Compliance.

Launching workshop on pilot initiatives to strengthen the role and capacity of upper-level trade unions in developing and promoting new initiatives in union organizing, in strengthening grassroots unions, and in coordinating collective bargaining and wage negotiation on 14-15 January 2014. VGCL Pilot Matrix – 2nd Phase, Plan for the implementation of phase II on Trade Union and Vietnam Industrial relations, Survey report on the implementation of Pilot Programmes of the VGCL, Plan for the implementation of Phase II of the ILO’s IR Project, General Plan on the implementation of the Pilot Programme- phase II of the Vietnam General Confederation of Labour in the framework of the Vietnam-ILO industrial relations Project.

Post-launching baseline survey reports and Action plans of 4 VGCL provincial pilot units: Baseline Report on the survey results and IR situations in 12 pilot implementing enterprises and Baseline Survey Statistics, April 2014; Baseline Report “Results of survey on enterprises engaging in the Pilot and Action Plan 2014”, April 2014; Plan for implementation of Pilot Programmes of Da Nang City Trade Union, January 24, 2014; Action Plan for the implementation of Pilot Programmes of VGCL Phase II under the framework of ILO-IR Project, February 8, 2014; Survey report on the situations of the enterprises, workers, trade unions, industrial relations and action plan for implementing the Pilot Programme, Phase 2 in the target enterprises in Dong Nai Province, Comprehensive table on the survey findings on incomes and lives of the workers and Generalization of survey on grassroots trade unions, 2014

VGCL proposal and inputs for revision of Decree 95: Notes of Experts’ meeting to collect inputs for the draft chapter on administrative sanctions on Trade Union Regulations and draft Chapter: Violations, penalties, fine levels and remedial measures applicable to violations against regulations on Trade Union, January 9, 2015

Materials of VGCL pilot review meeting: Regular review meeting VGCL pilot initiatives in Union and Industrial Relations Development on 3-4 July 2014; Report on the implementation of the Pilot Programmes of the Vietnam General Confederation of Labour, phase II and tentative working plan for the coming periods, June 19, 2014; Report on the implementation of the Pilot Program of VGCL Phase II and future plan, June 16, 2014; Report “Implementation of Labor General Confederation’s pilot program phase II and implementation plan in 2014”, June 20, 2014; Report on the implementation of Pilot Programmes of VGCL, Phase II within the framework of Vietnam-ILO

Industrial Relations Project (From January, 2014 to June, 2014) and Comprehensive table on the implementation results of the Pilot Programme No 3, July 3, 2014

Monthly progress reports: July-December 2014, January- April 2015 of Hai Phong; July-December 2014, January- April 2015 of Da Nang; July-December 2014, January- April 2015 of Binh Duong; July-December 2014, January- April 2015 of Dong Nai; March -April 2015 of HCM city pilot unit

Baseline survey report and Action plan 2015 of HCM city pilot unit: Baseline survey report and Action plan 2015 of HCM city pilot unit: Report on implementation of VGCL Pilot (1st report dated 18th March 2015), Report on CBA SURVEY, analysis and assessment, Action plan on implementation Pilot Programme of ILO, Phase II -2015, TNA synthesized table of enterprise TU exec committee

Documents of VGCL pilot: Discussion meeting and training for pilot units (June 3, 2015), Periodical review of IR Pilot Program Phase II “VGCL - ILO” (June 4, 2015), Presentation “Strategic CBA Planning & Campaigning”, CLA Negotiation Plan (June 2014), ACTION PLAN on Implementation of Pilot Programme of VGCL and Vietnam-ILO IR Project, Phase 2 – 2015-2016 (June 2015), Workshop report by VGCL, VGCL pilot report from November 2014 – June 2015

Documents of Study tours to Korea and Singapore

Materials for VCCI roundtable discussion on Employers discuss 2015 minimum wage increase, better co-ordination and evidence-based data needed: The 3rd employers’ IR roundtable discussion (June 3, 2014), Media coverage report on “Employers’ proposal on adjustment of minimum wages for 2015” (June 3, 2014), Presentations “Findings of VCCI study on MW fixing ILLSA-VCCI”

Materials of workshop on labour in Civil Proceedings Code: Consultation workshop on labour court proceedings in the to-be-revised Civil Proceedings Code (February 3, 2015), Opening remarks Labour Court Proceedings Workshop, Report “Reviewing existing legal provisions on labour procedures; characteristics of labour cases; proposals for improve labour procedure legislation in the (revised) civil procedure code”, Presentation by Institute of Scientific Trial, Dispute Resolution – Some Reflections based on ILO and international experience

Materials of VGCL workshop March 2016

VCCI HCM documents: Workshop Report launching ceremony of Pilot Programme “Supportive Programme for enterprises to implement effective dialogue at workplace”, November 13, 2015; Reports of training courses “Updating the provisions of the law on regulation of democracy and dialogue at workplace; implementation guidance” & “Skills of negotiation and dialogue”, 19-20 January, 2016; Baseline survey results Report, 28-29 July 2015; Ministry of Health National Institute Of Nutrition: Report of “Practice-sharing seminar on the Pilot Program: the implementation of regulations on democracy at workplace”

Documents of Social Dialogue Manual: WORKPLAN VCCI-VGCL Joint Research in developing the Handbook for Employers and Grassroots trade unions on Regular Dialogue, SD Manual Employers draft report and comments

Documents of IR Network: IR Round-Table # 4, November 14, 2014, IR Round-Table #1 in 2015, IR Round Table #2, March 15, 2015, IR Round Table # 3, April 25, 2015, IR Round Table # 4, June 5, 2015, IR Round Table # 5, June 23, 2015

Documents of IR Prizes for Hanoi Law University undergraduate students 2014 – 2015

Documents of Bilingual Law on Cooperatives and Decree 193-2013: Decree detailing some provisions of the law on cooperatives, November 21, 2013 and Book “The law on cooperatives and

decree no.193/2013/ND-CP on 11/21/2013 detailing some provisions of the law on cooperatives”, March 2014

Pilot Programme VCCI on capacity building for employers’ organizations – IR project. Proposal pilot implementation VCCI and Reports VCCI about Pilot Programme on capacity building for employers’ organizations – IR project: January – March 2014, April – July 2014, September – December 2014, January – March 2015, April – June 2015. VCCI HCM Baseline survey results, Survey Report, 28-29 July 2015

Additional outputs since August 2015

- Presentation: ILO Multi-Enterprise CBA Course; Freedom of Association and the Right to Collective Bargaining; Comparative experiences before and after ratification of ILO C.87 and C.98, Lessons for Vietnam
- Good practices and lessons learnt from pilot initiatives of Vietnam General Confederation of labor in trade union and industrial relations development
- Background information on the first concluded multi - enterprise collective bargaining agreement of 4 tourism enterprises in Da Nang
- Summary Report “Results of 2 year-process of developing, negotiating multi-employers collective bargaining agreement in Da Nang city” (January 2016)
- Report on the implementation activities conducted by VGCL within framework of Vietnam-ILO IR Project Last 6 months of 2015
- Multi -employer collective bargaining offers workers, employers’ new opportunities
- Recommendations for the new approach in issuing regulations for settling strikes which do not follow legal orders and procedures, 2015
- PMP IR Project PH edits RB final, August 4, 2015
- Support to Development in Industrial Relations, Wage Fixing and Labour Law Implementation Institutions and Capacity in Vietnam, Performance Monitoring Plan

Reports preparing during implementation IR Project:

- Letter of intent between Ton Duc Thang University (TDTU) and the ILO Country Office for Viet Nam (ILO CO-HANOI)
- Study Report on the possibility of joining ILO’s convention 88 on Employment Service
- Study Research report on ILO’s Convention no. 95 on Protection of Wages
- Constitutionalization of Social and Labour Rights: Comparative Overview and Contribution from the Vietnam-ILO Industrial Relations Project, August 2013
- Review Report “Administrative violations management in trade union area: national laws and comparative empirical research on international laws”
- Report “Survey on violations in the field of trade union”
- Survey report on implementation ILO conventions VNS
- Survey Report “Convention Concerning Freedom of Association and Protection of the Right to Organize (No. 87), and Convention Concerning Application of the Principles of the Right to Organize and to Bargain Collectively (No. 98)”
- Reasonable meals for estimating regional minimum wage 2016, Hanoi, July 2015
- Labour Code 2012
- Report on survey, assessment of 2 years implementation of Labor Code
- Trade Union Law 2012
- Position Paper of VCCI on Convention 87, 98 and Convention 105
- ILO Comments on Labour Code Guidebook, June 2015
- Feature story: When dialogue makes good sense for businesses and workers alike

- Checklist on Pilot 1 “Bottom Up’ Method of Trade Union Establishment, Organisation And Operation for Guidance for Upper Level Trade Union, Enterprise Level Trade Union and Workers”
- Checklist on Pilot 3 “Coordinated Multi-Enterprise Collective Bargaining for Upper Level Trade Union and Enterprise level Trade Union”
- Decision on establishment of National Wage Council, July 3, 2013
- Media coverage report on National Wage Council Launch, Event organized on 6 August 2013
- ILO Briefing note for journalists on the occasion of the launching of the National Wage Council in Viet Nam, August 2013
- Report “Minimum wage fixing – Participation and roles of employers”, December 2013
- Review of methods for determining minimum living needs of workers in Vietnam for ILO and National Wage Council, June 30, 2014
- Vietnam National Wage Council Deliberations on Minimum Wage Adjustment, 24 July - 6 August 2014
- Effects of Minimum Wage Changes on Manufacturing Firms in Vietnam, April 10, 2015
- The impact of minimum wage adjustments on Vietnamese workers' hourly wages, January 17, 2015
- The impact of minimum wage adjustments on Vietnamese wage inequality
- Viet Nam Wage Policy in the Context of Market Economy and Economic Integration, Country Brief - November 2014
- National Wage Conference book
- Materials for training workshop on MW fixing
- Employers discuss 2015 minimum wage increase, better co-ordination and evidence-based data needed, June 5, 2014
- Decision on the establishment of Vinh Phuc HR club
- Report “Management capacity of agricultural and non-agricultural cooperatives in the Red River Delta and North Central Region”, Hanoi, September 2013
- Centre for Industrial Relations Development Department of Labour, Invalids and Social Affairs of Ho Chi Minh City. Discussion Paper on preliminary survey report on conciliators and conciliation of labour disputes in Ho Chi Minh City”
- Guidelines on survey on the situation of industrial relations and formulation of master plan for the development of industrial relations in 7 provinces/ cities
- Guidelines to developing enterprise industrial relation profile, Hanoi, September 2014
- Template enterprise industrial relation profile, September 2014
- IR profiles of 18 enterprises 14 April 2015
- IR Bulletin #1-9 2014
- Decision on approving Mater plan “Industrial relation development in Ho Chi Minh City in period of 2014 – 2020”, April 23, 2014
- Decision Approval of the Industrial Relations Development Master Plan in Binh Duong Province in the period 2013 – 2020, November 27, 2013
- Decision Approval of the Industrial Relations Development Master Plan in Dong Nai Province in the period 2014 – 2020, June 3, 2014
- Decision Approval of the Industrial Relations Development Master Plan in Hai Phong
- Decision Approval of the Industrial Relations Development Master Plan in Hanoi
- Draft pilot work plan on labour mediation and conciliation in Ho Chi Minh City
- Comparative Overview of Trade Union Regulations ILO IR Project Internal Research Document
- Presentation: “Industrial Relations in SE Asia: Recent Developments”
- International labour standards and Vietnam’s international integration, 6 August 2015

- Experience of labour court proceedings from the region and some recognized good practices, July 20, 2015
- International labour standards in the context of Vietnam's international economic integration
- IR baseline survey report Vinh Phuc BA VNS
- IR Baseline survey report Hung Yen VNs
- Rapid review of IR Project Activities from the perspective of supporting ILS by Natsu Nogami, International Consultant, May 2014
- Media coverage IR conference 2016 Viet Nam Industrial Relations Forum, April 19, 2016

Annex 7.3. Agenda

Date	Time	Activities
24-Jul-16	6.20 a.m.	Arrival of the International Consultant
25-Jul-16	8.30 - 10.00	Meeting with CTA and ILO IR Project Team, ILO Hanoi
	10.00 - 12.00	Meeting with Vice Minister and Director of ICD, MoLISA, Hanoi
	14.00 - 16.00	Meeting with Director of CIRI of MoLISA, Hanoi
	16.30 - 18.00	Meeting with CTA, ILO Hanoi
26-Jul-16	8.00 - 10.30	Meeting with IR Department, Organising Department and International Department, VGCL, Hanoi
	13.30 - 15:30	Meeting with VCCI and VCA, 1 pilot implementing unit – Hung Yen Business Association and Vin Phuc Business Association, Hanoi
	16.00 - 17.30	Meeting with Director Labour and Wage Department, MoLISA and Deputy Director Labour and Wage Department, MoLISA, Hanoi
27-Jul-16	7.00 - 13.00	Travel by taxi to Hai Phong
	13:30 - 15:30	Meeting with Hai Phong VGCL Pilot Implementing Unit FOL/EZU
	15:30 - 17:30	Focus group meeting with GTU representatives from the 4 VGC Pilots, Hai Phong
	18.00 - 21.00	Return by taxi to Hanoi
28-Jul-16	6.00 - 8.00	Travel by taxi to Hung Yen
	9.00 - 10.00	VCCI Pilot site visit in Hung Yen BA
	10.00 - 11.30	Focus group meeting with HR staff involved in pilot enterprises from the pilot, Hung Yen
	12.00 - 14.15	Travel by taxi to Hanoi
	14.30 - 16.00	Meeting with Legal Department, MoLISA, Hanoi
	17.00 - 18.00	Meeting with National Assembly
	18.00 - 19.00	Depart for airport from NA office
	20.05 - 22.30	Travel by flight to Ho Chi Minh city
29-Jul-16	8.30 - 10.30	Meeting with HCM FOL/District 12, VGCL Pilot Implementing Unit, Ho Chi Minh city
	10.30 - 12.00	Group meeting with GTU representatives from the VGCL Pilot 2 and 3, Ho Chi Minh city
	14.00 - 15.30	Meeting with DOLISA on IR Profile activity and Provincial IR Master Plan, Ho Chi Minh city
	16.00 - 17.30	Meeting with VCCI Ho Chi Minh City branch, Dong Nai VCCI Pilot Social dialogue
01-Aug-16	6.00 - 8.00	Travel by taxi to Dong Nai
	8.00 - 9.30	Meeting with Dong Nai VGCL Pilot Implementing Unit
	9.30 - 11.30	Focus group meeting with GTU representatives from the 4 VGC Pilots, Dong Nai
	13.30 - 14.30	Meeting with HR Department /Management representatives from 2 enterprises in VCCI pilots: UNIPAX and Social dialogue pilot
	14.30 - 16.30	Meeting with Dong Nai Department of Labour, Invalids and Social Affairs (Dong Nai DoLISA)
	17.00 - 19.00	Travel by taxi from Dong Nai to Ho Chi Minh City Airport

	19.00 - 21.00	Travel by flight to Da Nang
02-Aug-16	8.30 - 10.00	Meeting with Da Nang VGCL Pilot Implementing Unit
	10.00 - 11.30	Focus group meeting with GTU representatives from the 4 VGCL Pilots, Da Nang
	11.30 - 16.00	Travel by taxi to Da Nang airport and travel by flight to Hanoi
03-Aug-16	9.00 - 10.00	Meetings with Technical expert, APHEDA
	10.30 -11.30	Meeting with ILO Country Director
	16.00 - 17.30	Meeting with Labour and Economic Officer, US Embassy
04-Aug-16	8.00 - 13.00	Preparation for partners meeting to discuss on the findings of Final evaluation
	13.00 - 18.00	Follow up and clarifications with partners, CTA and IR Project team
05-Aug-16	9.00 - 10.30	Meeting with Previous CTA on Project, ILO Hanoi
	10.30 - 11.30	Wrap up and feedback meeting ILO IR Team
	14.00 - 16.00	Stakeholders meeting on Initial Findings of Final Evaluation, ILO Hanoi
	21.00 - 23.55	Departure
24-Aug-16	14.00-15.00	Skype interview with ILO HQ
25-Aug-16	9.00-10.00	Skype interview with USDOL DC

Annex 7.4. List of Interviewees

Name	Organization	Position	Place	Type of interview	Gender
Mr. Chang Hee Lee	ILO Hanoi	Country Director	Hanoi	F-2-F	M
Mr. Phillip Hazelton	ILO Hanoi	CTA, IR Project	Hanoi	F-2-F	M
Mr. Nguyen Hoang Ha	ILO Hanoi	Programme Officer	Hanoi	F-2-F	M
Ms. Tran Quynh Trang	ILO Hanoi	NPC, IR Project	Hanoi	F-2-F	F
Ms. Ta Thi Bich Lien	ILO Hanoi	NPC, IR Project	Hanoi	F-2-F	F
Ms. Do Thi Thu Huong	ILO Hanoi	Project Assistant, IR Project	Hanoi	F-2-F	F
Ms. Tran Ngoc Diep	ILO Hanoi	Admin-Finance Assistant, IR Project	Hanoi	F-2-F	F
Ms. Le Thi Tra My	ILO Hanoi	Program Assistant, IR Project	Hanoi	F-2-F	F
Mr. Yoon Youngmo	ILO Beijing	Previous CTA on Project	Hanoi	F-2-F	M
Mr. Wael Issa	ILO Geneva	Senior Adviser, GOVERNANCE Department	Geneva	Skype	M
Mr. John Ritchotte	ILO Bangkok	Specialist Social Dialogue and Labour Administration, Decent Work Team	Bangkok	Skype	M
Mr. Pham Minh Huan	MoLISA	Vice Minister	Hanoi	F-2-F	M
Ms. Le Kim Dung	MoLISA	Director of ICD Department	Hanoi	F-2-F	F
Mr. Nguyen Manh Cuong	MoLISA	Director of CIRDD	Hanoi	F-2-F	M
Mr. Tong Van Lai	MoLISA	Vice Director of Labour-Wage Department	Hanoi	F-2-F	M
Mr. Thanh	MoLISA	Deputy Director of Labour and Wage Department	Hanoi	F-2-F	M
Mr. Nguyen Van Binh	MoLISA	Deputy Director Legal Department	Hanoi	F-2-F	M
Mr. Mai Duc Chinh	VGCL	Vice President	Hanoi	F-2-F	M
Mr. Nguyen Vinh Quang	VGCL	Head of Division, IR Department	Hanoi	F-2-F	M
Mr. Son	VGCL	Vice Director of Organising Department	Hanoi	F-2-F	M
Ms. Hoang Thi Thanh	VGCL	Director of ICD Department	Hanoi	F-2-F	F
Ms. Hà Thị Phương Thảo	VGCL	ICD Department	Hanoi	F-2-F	F

Ms. Tran Thi Lan Anh	VCCI	Acting Director of Bureau of Employers' Activities	Hanoi	F-2-F	F
Ms. Vi Thi Hong Minh	VCCI	Vice-Director of Bureau of Employers' Activities	Hanoi	F-2-F	F
Mr. Nguyen Minh Tuan	VCA	Director of Policy and Development Department	Hanoi	F-2-F	M
Ms. Tran Thu Trang	VCA	Vietnam Cooperatives Alliance	Hanoi	F-2-F	M
Mr. Nguyen Van Binh	Vinh Phuc Business Association	Director of Membership Department	Hanoi	F-2-F	M
Mr. Le Thu Huong	Vinh Phuc Business Association	Vinh Phuc BA	Hanoi	F-2-F	M
Mr. Bui Sy Loi	NA-SAC	Vice Chairperson of Social Affairs Committee	Hanoi	F-2-F	M
Mr. Nguyen Duc Dong	National Assembly	Vice Director of SAC, NA	Hanoi	F-2-F	M
Ms. Sue Hahn	US Embassy	Labour Officer	Hanoi	F-2-F	F
Mr. Lyly Goode	US Embassy	Economic Officer	Hanoi	F-2-F	M
Mr. Peter Stokes	APHEDA	Technical expert	Hanoi	F-2-F	M
Mr. Hoang Dinh Long	Hai Phong Pilot Implementing Unit FOL/EZU	Head of PIU, Vice President of Hai Phong Federation of Labour	Hai Phong	F-2-F	M
Ms. Pham Thi Hang	Economic Zone Trade Union	President of TU	Hai Phong	F-2-F	F
Ms. Vu Ngoc Thuc	City Confederation of Labor	Vice Director, Legal Policy Department	Hai Phong	F-2-F	F
Mr. Bui Huy Thang	Hai Phong Economic Zone	Vice President Trade Union	Hai Phong	F-2-F	M
Mr. Tran Quang Thang	HCM DOLISA	Expert DOLISA, provincial level	Ho Chi Minh	F-2-F	M
Mr. Qnary	District 12 DOLISA	Vice Director	Ho Chi Minh	F-2-F	M
Mr. Tran Hao Tri	HEPZA (HCNC Export processing and industrial zones authority)	Deputy Head of Labor Management Division	Ho Chi Minh	F-2-F	M
Mr. Nguyen Thi Nga	District 12 Confederation of Labor	Vice President	Ho Chi Minh	F-2-F	M
Mr. Nguyen Hung	District 12 Confederation of Labor	Officer	Ho Chi Minh	F-2-F	M
Mr. Nguyen Xuan Duong	Hung Yen BA	President	Hung Yen	F-2-F	M
Mr. Hoang Van Hien	Hung Yen BA	Vice standing chairman	Hung Yen	F-2-F	M
Mr. Dao Ngoc Nam	Hung Yen BA	Pilot focal point	Hung Yen	F-2-F	M
Ms. Ha Thi Huong	Hung Yen BA	Project in charge	Hung Yen	F-2-F	F
Ms. Dang Thi Thanh Thuy	Hung Yen BA	BA accountant	Hung Yen	F-2-F	F

Mr. Hoang Phu Son	Dong Nai DoLISA	Head of Division, Department of Labour	Dong Nai	F-2-F	M
Ms. Hue Linh	VCCI pilot: Fushing Social dialogue pilot	HR Department /Management	Dong Nai	F-2-F	F
Ms. Kim Thanh	VCCI pilot: UNIPAX Social dialogue pilot	HR Department /Management	Dong Nai	F-2-F	F
Ms. Chuong Ngoc An	Long Thanh District Confederation of Labor	Mediator	Dong Nai	F-2-F	F
Mr. Bui Ha Yen	Trade Union Industrial Zone	Expert of TU	Dong Nai	F-2-F	M
Mr. Nguyen Ngoc Hanh	Aurole equipment co. ltd	TU Chairperson (2016 - 2020)	Dong Nai	F-2-F	M
Mr. Nguyen Thi Nhu Y	Dong Nai Federation of Labor	Vice President	Dong Nai	F-2-F	M
Mr. Nguyen Van Thang	Bien Hoa Industrial Zone	President Trade Union	Dong Nai	F-2-F	M
Mr. Hoang Huu Nghi	Da Nang City Confederation of Labor/ VGCL Da Nang Pilot Implementing Unit	Vice-President	Da Nang city	F-2-F	M
Mr. Truong Ngoc Hung	Confederation of Labor	Director Policy and Law Department	Da Nang city	F-2-F	M
Mr. Pham Thi Minh Thuy	Confederation of Labor	Director of Organization Department	Da Nang city	F-2-F	M
Mr. Nguyen Thanh Tung	Confederation of Labor	Vice Director of Organization Department	Da Nang city	F-2-F	M
Mr. Le Thi Ngoc Oanh	Export Processing and Industrial Zone Trade Union	Vice President of TU	Da Nang city	F-2-F	M
Mr. Jeffrey Wheeler	U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), Office of Trade & Labor Affairs, Division of Technical Assistance & Cooperation	USDOL project manager	Washington	Skype	M
Total: Male - 47 and Female -24					

Annex 7.5. List of Focus Groups Participants

#	Name	Organization	Position	Region	Gender
1	Ms. Ha Ngoc Tri	Asia Architecture and Trading Company	President of TU	Da Nang city	F
2	Mr. Pham Thi Ha	LiWayWay Food Technology Co. Ltd	President of TU	Da Nang city	M
3	Mr. Nguyen Thi Thu Ha	Phuong Dong Viet Tourism JSC	President of TU	Da Nang city	M
4	Mr. Nguyen Thi Thuy	Toptex Viet Nam co. ltd.	President of TU	Dong Nai	M
5	Mr. Nguyen Thi Thoa	Toptex Viet Nam co. ltd.	Member of TU Management	Dong Nai	M
6	Mr. Nguyen Thi Ut	Yupoong Viet Nam co. ltd	President of TU	Dong Nai	M
7	Ms. Ho Thi Phuong	Yupoong Viet Nam co. ltd	Member of TU Management	Dong Nai	F
8	Mr. Nguyen Ngoc Hanh	ADMS Ltd. Company	President of TU	Dong Nai	M
9	Mr. Nong Vu Dinh Huy	ADMS Ltd. Company	Vice President of TU	Dong Nai	M
10	Ms. Phan Toi Tho Hiep	NEC TOKIN ELEC. Vietnam Company	President of TU	Dong Nai	F
11	Mr. Nguyen Thanh Tung	NEC TOKIN Electronics Vietnam Company	Vice President of TU	Dong Nai	M
12	Mr. Pham Xuan Tai	Seo Rim mechanics Viet Nam Co. ltd	President of TU	Dong Nai	M
13	Mr. Nguyen Xuan Viet	Seo Rim mechanics Viet Nam Co. ltd	Vice President of TU	Dong Nai	M
14	Ms. Pham Thi Huong	Ma Bu Chi motor Viet Nam Co. ltd	President of TU	Dong Nai	F
15	Ms. Tran Thi Thu Hang	Ma Bu Chi motor Viet Nam Co. ltd	Vice President of TU	Dong Nai	F
16	Mr. Pham Duc Loc	Maspro Viet Nam Co. ltd	President of TU	Dong Nai	M
17	Ms. Tran Van Phong	Maspro Viet Nam Co. ltd	Vice President of TU	Dong Nai	F
18	Mr. Nguyen Van Hung	New Viet Nam Co. ltd	President of TU	Dong Nai	M
19	Mr. Le Thi Thuan	New Viet Nam Co. ltd	Member of TU Management	Dong Nai	M
20	Ms. Vu Dinh Huy	Aurole equipment co. ltd	TU executive members	Dong Nai	F
21	Ms. Tran Thi Yen	Acecook Viet Nam - Hung Yen branch	Production manager	Hung Yen	F
22	Ms. Tran Thi Binh	Acecook Viet Nam - Hung Yen branch	HR manager	Hung Yen	F
23	Mr. Nguyen Thi Kim Thanh	Hanes brand Viet Nam	HR manager	Hung Yen	M
24	Ms. Luu Hong Hai	Hanes brand Viet Nam	Deputy HR manager/IR manager	Hung Yen	F
25	Mr. Chu Huu Nghi	Hung Yen garment corporation	CEO	Hung Yen	M
26	Mr. Le Duc Viet	ABC Viet Nam co. ltd.	HR officer	Hung Yen	M
27	Mr. Nguyen Thi Bich Ly	M.J Co. ltd	Executive member of the TU	Ho Chi Minh city	M

28	Ms. Vo Thi Phi Nhi	MSJ garment Co. ltd	President of TU	Ho Chi Minh city	F
29	Ms. Tran Thi Luyen	Viet Khoa manufacturing and Trading Co. ltd	Member of TU Management	Ho Chi Minh city	F
30	Mr. Le Van Sanh	MDK Company	President of TU	Ho Chi Minh city	M
31	Ms. Thai Thi Lan Huong	Sao In garment Co. ltd	Executive member of the TU	Ho Chi Minh city	F
32	Mr. Hoang Ngoc Con Son	T & T manufacturing and trading Co. ltd	President of TU	Ho Chi Minh city	M
33	Ms. Dao Xuan Thu	Yazaki Vietnam	President of TU	Hai Phong	F
34	Mr. Hoang Quoc Viet	Sumirubber Vietnam	President of TU	Hai Phong	M
35	Mr. Ngo Thu Huyen	Crystal Sweater Vietnam	Vice President of TU	Hai Phong	F
36	Ms. Tran Thi Thuy	COMET Vietnam	President of TU	Hai Phong	F
37	Mr. Nguyen Son Nam	Kyocora Vietnam	President of TU	Hai Phong	M
38	Ms. Tran Van Tu	Bluecovina Vietnam	President of TU	Hai Phong	F
Total: Male - 21 and Female -17					

Annex 7.6. List of Participants of Stakeholder Workshop

#	Full name	Organization	Position	Gender
Resident Participants				
1	Mr. Bui Sy Loi	NA-SAC	Vice Chairperson	M
2	Mr. Nguyen Duc Dong	NA	Vice Director of SAC	M
3	Mr. Pham Minh Huan	MoLISA	Vice Minister	M
4	Mr. Pham Hong Dao	MoLISA	Secretary of Vice Minister	M
5	Mr. Tong Van Lai	MoLISA	Vice Director of Labour-Wage Department	M
6	Ms. Le Kim Dung	MoLISA	Director of ICD Department	F
7	Mr. Nguyen Manh Cuong	MoLISA	Director of CIRD	M
8	Mr. Nguyen Huy Hung	MoLISA	Vice Director of CIRD	M
9	Mr. Nguyen Duy Phuc	MoLISA	Vice Director of CIRD	M
10	Ms. Pham Thi Chung	MoLISA	Head of Division, CIRD	F
11	Ms. Tran Thi Thang	MoLISA	Head of Division, CIRD	F
12	Ms. Nguyen Thi Phuong Nga	CIRD	Head of the Office	F
1	Ms. Ho Thu Thuy	CIRD	Officer	F
14	Ms. Nguyen Tra My	CIRD	Officer	F
15	Mr. Nguyen Vinh Quang	VGCL	Head of Division, IR Department	M
16	Ms. Hoang Thi Thanh	VGCL	Director of ICD Department	F
17	Ms. Hà Thị Phương Thảo	VGCL	ICD Department	F
18	Ms. Tran Thi Lan Anh	VCCI		F
19	Ms. Tran Thu Trang	VCA		F
20	Ms. Sue Hahn	US Embassy	Labour Officer	F
21	Mr. Lyly Goode	US Embassy	Economic Officer	M
Non-resident Participants				
22	Mr. Nguyen Van Binh	Vinh Phuc BA	Director of Membership Department	M
23	Mr. Le Thu Huong	Vinh Phuc BA		M
24	Mr. Hoang Phu Son	Dong Nai DoLISA	Head of Division	M
25	Ms. Hà Thị Hương	Hung Yen BA		F
26	Ms. Dao Ngoc Nam	Hung Yen BA		F
ILO				
27	Mr. Chang Hee Lee	ILO	Country Director	M
28	Mr. To Tuan Anh	ILO	Independent Interpreter	M
29	Mr. Pham Quoc Hoan	ILO	Independent Interpreter	M
30	Mr. Phillip Hazelton	ILO	CTA, IR Project	M
31	Mr. Nguyen Hoang Ha	ILO	Programme Officer	M
32	Ms. Tran Quynh Trang	ILO	NPC, IR Project	F
33	Ms. Ta Thi Bich Lien	ILO	NPC, IR Project	F
34	Ms. Le Thi Tra My	ILO	Program Assistant, IR Project	F
35	Ms. Do Thi Thu Huong	ILO	Project Assistant, IR Project	F
36	Ms. Tran Ngoc Diep	ILO	Admin-Finance Assistant, IR Project	F
Total: Male - 18 and Female -18				

Annex 7.7. Indicators of Project Achievements disaggregated by project's components

	exceeded the set target		not achieved
	achieved fully		discontinued
	achieved partly		data is not yet available

DO/IO/SO/Output	Performance Indicator	Target	Actual	Status	Comments	
Project Objective: To develop regulations for the new labour legislation consistent with ILS; educate tripartite partners on the provisions of the laws and regulations, and build their capacity to promote good IR with the new provisions' application in practice.					no indicator	
IO 1. Support development of implementation decrees for the new LC and TU Law	OTC 1: % of new decrees or circulars brought into effect that reflect utilization of ILO technical advice including additional compliance with ILS	25%	78%		on 212%	11 of 14 Decrees independently assessed as incorporating ILO advice in significant manner
SO 1.1: Implementation decrees and other regulatory guidelines for the LC and TU Law developed	OTC 2: No of new decrees/circulars that come into effect with project support to give effect to the LC or the TU Law	5	15		on 200%	14 Decrees (8 decrees in 2013, 3 decrees in 2014 & 3 decrees in 2015) and 1 Circular (2014)

Output 1.1.1 Review of CB practice at higher level produced to inform development of planned CB decree	OTP 1.1.1. Documented recommendations for content of new CB decree					Deleted as CB Decree delayed beyond project timeline
SO 1.2. Regulatory instruments and institutions for effective implementation of the laws and regulations improved in view of the LC and TU law	OTC 3. Medium-term roadmap on policy challenges and legislative reform approved by the PM	1 (Mar 2016)	1			in 2016
SO 1.3. Laws, decrees and other instruments better reflect the requirements of ILS on forced Labour and discrimination	OTC 4. Road map for future ratification of ILO conventions approved by the PM	1	1			in 2015
	# of conventions to be ratified	10	10			10 listed in PM Decision adopted in 2015
Output 1.3.2: Law makers drafting skills improved	OTP 1.3.2. % increase in confidence among lawmakers based on self-assessment post-training	80%	91%		on 11%	
IO 2. Promote awareness of the new LC and TU Law	OTC 5. % of surveyed workers in a sample of enterprises where campaign conducted (leaflets distributed and online guideline access) who demonstrate knowledge of key labour rights	80%	99%		on 19%	Evaluation of 51 surveys from 500 attending (knowledge increase 7%)
SO_2.1 Effectiveness of the implementation of the LC and TU Law 2012 is monitored and evaluated	OTC 6: SAC-NA and/or MOLISA present an evaluation report on implementation of the LC for discussion at the NA	1	1			Prepared, but will be presented in September 2016
		6 (provinces)	6			MOLISA surveyed 6 provinces in 2015

Output 2.1.1 Field surveys and public hearings of the SAC-NA conducted to monitor and evaluate the new provisions of the LC	OTP 2.1.1(1): No of provinces surveyed and public hearings of SAC-NA held and dates	2 (public hearings)	2			SAC held 2 public hearings in 2015
	OTP 2.1.1(2): Report on evaluation of Labour Code containing results of the province surveys and public hearings	1 (4Q 2014)	1			Q1 2016
SO 2.2 Tripartite partners at different levels informed of changes and able to operate effectively under the new regulations	OTC 7: Level of knowledge of procedures for dealing with rights violations and unfair labour practices among a sample of members of labour administration agencies in at least 2 provinces.	60%	0%			Discontinued as ULP Report delayed
Output 2.2.1 Labour Code Guidebook produced	OTP 2.2.1: LC Guidebook for workers produced and available online	1 (Q4 2015)	1 (Q1 2016)			in 2016
Output 2.2.2 Handbook on TU rights and unfair labour practices produced and distributed among labour agencies	OTP 2.2.2: No of handbooks produced and distributed	1 (handbook)	1 (handbook)			in 2016
		500 & online	500 & online			
Output 2.2.3 Campaign/awareness communications conducted with workers, public, journalists	OTP 2.2.3: Materials on Labour Code developed and distributed to target	4 (leaflets)	5 leaflets & 1 video clip		on 25%	in 2016
		2,000 (copies of each)	10,000		on 25%	
	OTP 2.2.4: Training for journalists on ILS completed	1 (training)	1			in 2015
		20 (trainees)	20			
SO_2.3 The application of the revised laws informed by the requirements of international agreements	OTC 8. Recognition of gaps in ILS in Vietnam LL as documented in policy papers published by VCCI and MOLISA for law reform agenda	2 (1Q 2016)	2			in 2016

Output 2.3.1 Gaps analysis on laws and status against ILS completed	OTP 2.3.1 ILS gaps study completed and circulated to tripartite partners	1	2		on 100%	Study report 1 completed in Nov 2014, Study report 2 completed in Mar 2015
IO 3: Improved TU capacity across all four levels to represent members through a bottom-up process	Covered under SO 3.1 through SO 3.4					no indicator
SO 3.1 Work and operation of ULTUs and their officials improved based on the new LC, TU Law and national level policies and strategies	OTC 9. National strategy/guidelines on the operation of ULTUs and TU officials in IR and in regard to GTU adopted	4 (4Q 2014)	4			in 2014
Output 3.1.1. TU manual and guidelines produced focusing on role of ULTUs	OTP 3.1.1 Handbook produced with guidelines for responding to unfair Labour practices	1	1			200 copies distributed during IR Forum & 300 copies to tripartite partners during Aug 2016
		500 (copies)	500			
SO_3.2 Representation capacity of TUs strengthened by improving workers' empowerment and the role of ULTUs.	OTC 10. Evidence of scale-up implementation or plans for each of the new pilot approaches.	Pilot 1 no target number set but through regulation VGCL Pilot 2 integrated into work of VGCL P3 through VGCL regulation or reform of LC 2017 P 4 no plan for scale up	Pilot 1, 3 and 2 prepared			Pilot 1 (May 2016 scale up at 497 enterprises) Pilot 3 (Plans for scale up Danang, HCM and Hai Phong; Labour Code reform to include ME CBA) Pilot 2 (VGCL regulation expanding bottom up approach)
Output 3.2.1 Pilot 1: New GTUs established by VGCL in non-unionized enterprises through bottom-up method	OTP 3.2.1a: Level of participation and role of workers in new GTUs; and level of interference of employers	15 out of 27 GRTUs achieve substantial bottom up approach				TBC August 31, 2016 - internal evaluation pilot
	OTP 3.2.1b: No of TUs formed in new methods as a result of pilots	27	26		on 96%	

	OTP 3.2.1c: No of members recruited in the new method	5,000	43,530		on 7706%	10,131 in 4 pilot IZ's or 41,161 nationally (May 2016) and 3,006 in 2014
	OTP 3.2.1d Types of consultation with workers	3 types				TBC August 31, 2016 - internal evaluation pilot
Output 3.2.2 Pilot 2: 50 weak unions re-structured	OTP 3.2.2: Change in structure and representation capacity of the GTUs compared with the baseline among pilot GTU's	30 out of 43	32 in 2014; data for 2016 TBC			TBC August 31, 2016 - internal evaluation pilot
Output 3.2.3 VGCL Pilot 3: MECB processes achieved in 5 FoL/IZ among targeted enterprises	OTP 3.2.3 (1) Level of coordinated multi-enterprise CBA achieved	1 CBA signed via coordinated bargaining process at the same time by all participating GTU and enterprise managers	3		on 200%	2 in 2015; 1 in 2016
		2 Coordinated process of CB between multi enterprises, but single enterprise CBAs signed	0			
	OTP 3.2.3 (2) No of CBAs concluded and number of provisions above the law negotiated	2 MECBA, 12 enterprise CBA	3 MECBA, 31 enterprise CBA			3 MECBA's (Danang -12 contents favourable, Hai Phong - 16 and HCM -3) and 31 single enterprise CBA's with provisions greater than the law in 2014
	OTP 3.2.3 (3) Types and frequency of consultation with workers in developing CBA	75%				TBC August 31, 2016 - internal evaluation pilot
SO 3.3 Good practices of TU work disseminated and institutionalized by development and implementation of national-level policies, strategies and actions						no indicator

Output 3.3.1 Trade Union action plan produced (completed)	OTP 3.3.1 National action plan to establish mandatory dialogue mechanisms is produced	1 (2014)	1			1 VGCL Guideline No1755
Output 3.3.2 CB campaign conducted - covered in SO 3.2						no indicator
SO 3.4: Wage negotiation practices developed and implemented	OTC 11: No of enterprises with either annual wage agreements or CBA's as a result of coordinated wage negotiations	22 (51%)	13		59%	13 (9 Hai Phong, 4 - Danang) and planing 9 possible by September 2016
Output 3.4.1: Wage negotiation strategy developed	OTP 3.4.1: Wage negotiation strategy documented and shared nationally	1	1			1 part of evaluation Report 31 August, 2016
IO4 Facilitate effective and sustainable MW fixing and determination system (NWC)	OTC 12: NWC established and functioning with social partner participation	1	2		on 100%	1 - 2013 and 1 - 2016
SO 4.1 Technical capacity of MW deliberation improved	OTC 13: Wage related studies conducted informing deliberations of the NWC	3 (studies)	10 (studies) & 1 (research)		on 233%	2014: 6 (Torm x 2 + Anker x 1/VCCI ILSSA/VCCI Implementation at Provincial level/ILO bargaining principles in MWF) 2015: 2 (TC NWC on improved method determining mln of workers/VCCI on consolidating views of employer group to MW) 2016: 2 (VCCI assess impacts of MW adjustment on labour cost, business performance SME's/translation of Global MWS Report of ILO)
Output 4.1.1 Wage surveys conducted by MOLISA in collaboration with GSO	Covered by OTC 13					no indicator
SO 4.2: MW fixing and enforcement mechanism reformed and established	OTC 14: Official recommendations for minimum wage adjustment produced and communication plan developed	3	4		on 33%	4 PM Decrees on minimum wage adjustment during 2013-2016/1 every year

Output 4.2.1 Studies and Workshops to develop rules of operation and improved operation of the NWC including study of other countries	OTP 4.2.1 (1) NWC operating according to regulation with plan of work	4	4			2013-2016
	OTP 4.2.1 (2) No of studies workshops study tours	4 workshops/seminars	12 workshops/seminars		on 300%	1 Planning workshop (2013); 5 workshops (2 workshops MLN and MW and AEC + 1 roundtable VCCI + 2 VGCL Workshops MLN) (2014); 1 Seminar Malaysia on Implementation of MW & 3 workshops (VCA MW Policy Coops +1 Tech committee on 2 studies and MLN) (2015), 2 Workshops (1 (VGCL) + 1 Technical committee) (2016)
		2 international study tours	2 international study tours			1 Study tour Korea (2013) & 1 Study tour Singapore (2014)
		0	1 National Conference on Wage		on 100%	National Wage Conference in 2015
		0	5 NWC sittings		on 500%	2 sittings of NWC (2013), 1 sitting of NWC (2014), 1 sitting of NWC (2015), 1 sitting of NWC (2016)
SO_4.3 Social partners are able to participate effectively in the minimum wage fixing mechanism	OTC 15. Representatives of VGCL, employers submit minimum wage adjustment proposals for the deliberation of the NWC	1 (every year on Jul-Aug)	1 (every year on Jul-Aug)			Once a year, starting from 2014
Output 4.3.1 Minimum wage proposals developed	OTP level not required as this output is included in the SO 4.3 above.					no indicator
Output 4.3.2. VCCI and VGCL trained for effective participation in the NWC	OTP 4.3.2: No. of trainings for VGCL & VCCI on evidence-based approaches to minimum wage consideration	2	4		100%	3 in 2014; 1 in 2015
SO_4.4 New minimum wage law is developed (aligned with C.95 and C.131)						no indicator
Output 4.4.1: Comparative studies conducted	OTP 4.4.1: Translation of ILO comparative studies on minimum wage law	1	1			Existing ILO study translated into Vietnamese

IO 5. Promote the use of CB resulting in signed CB agreements	OTC 16. IR capacity development is positively assessed in a review report on the status of CB	0	0			Discontinued in 2015
SO_5.1 Government is active in promoting CB and dialogue at the enterprise level	OTC 17: MOLISA report on CB and sectoral and MECB drafted and widely distributed	1	0			
SO_5.2 SD at the enterprise level is promoted through government and tri-partite support and participation	OTP 5.2.2 A government plan to promote and establish mandatory dialogue adopted	1 Decree/2Q 2016	1			1 Decree adopted in 2013
SO 5.3 SD practices at different levels (consultation structure and process at enterprise level) established and operational	OTC 18: % of firms in VGCL/VCCI pilot program broadly in compliance with decree 60 mandated periodic SD	20% (43 enterprises)	42% (43 enterprises)		on 133%	VCCI Pilot: 18 enterprises out of 43 enterprises have all 3 regulations & Workers congress
Output 5.3.3 Pilot 4: Pilot initiatives in tri-partite/bi-partite SD and consultation completed	OTP 5.3.3 (1) Changes documented in social dialogue system and procedure in pilot enterprises (comparison with baseline)	50% of pilot enterprises/Sample 32 pilot enterprises	54% of pilot enterprises/sample 43 enterprises		on 44%	Decree 60 Democratic regulation developed in 30% pilot enterprises (13/43) Workers conference organized in 65% pilot enterprises (28/43) Periodic dialogue commenced in 67% pilot enterprises (29/43) (28 enterprises in pilot initially but Vinh Phuc scaled up the number of enterprises in pilot by 15)
	OTP 5.3.3 (2) Reports documenting the progress of the pilot initiatives are produced and submitted to the official decision-making body of the national-level organization (VGCL)	6	6			2 in 2014; 2 in 2015; 2 in 2016
SO 5.4 Capacity of employers' organizations	OTC 19: Employer guideline on SD and/or CB developed and approved by VCCI	1	1			in 2016
		some (level of collaboration)	high (level of collaboration)		on 50%	

improved to engage in, or support their members to engage in, CB and SD at different levels	OTP 5.4 Employer organizations (VCCI and sectoral BA's) improved networking and dialogue	5	5			2 in 2014; 2 in 2015; 1 in 2016
Output 5.4.1 Employers' organizations at different levels (in at least 3 provinces) produce CB and/or wage negotiations or dialogue guidelines or advisory statement ahead of CB or WN at the member enterprises.	OTP 5.4.1 № of employers active in IR pilot	30	43		on 43%	2014: 35; 2015: 28 and 2016: 18
	OTP 5.4.1 Change in capacity of BA's in pilot to provide IR services and advice to members	3 improved capacity of BA's/VCCI branches	3			in 2016
	OTP 5.4.1 % of change in IR within the enterprises in pilot	40% (17 pilot enterprises)	0			Change was identified in SD and big improvements in turnover rates in some enterprises
SO 5.5 Legislation, institutions and practices reviewed with a view to identifying challenges in giving effect to C 98	OTP 5.5. Review report on status of CB and representational capacity of social partners identifies challenges in giving effect to C 98 and produced on time	1 (3Q 2016)				discontinued due to resource limitation
	OTP 5.5 Position papers / studies among tripartite partners to C 98 and C 87 and implications for each of the tripartite partners in terms of structure and functional challenges	3	3			1 in 2015; 2 in 2016
SO 5.6 Effective infrastructure established for government services to promote CB, dialogue and IR in general	OTC. 20: № of provincial IR Master Plans developed and adopted	5	6		on 20%	4 in 2014; 2 in 2015
	OTC 21: Research and consensus building on institutional reform required to give effect to C87 and C 98	5	5			5 workshops in 2015
Output: 5.6.1 Periodic IR Bulletins and IR report for 2015 published	OTP 5.6.1 IR database in operation: IR bulletin, IR report produced and distributed	8 IR Bulletins 1 IR Report	18		on 1000%	2014: 8 IR Bulletins, 2015: 6 IR Bulletins, 2016: 4 IR Bulletins and 1 IR Report

SO_5.7 IR mediation, conciliation and arbitration services and IDS mechanisms improved	OTC 22: No of mediators trained and active in proactive work on dispute resolution in enterprises pilot	10	24		on 1400%	2014 - 3 (DN) and 2015 - 21 (HCM + BD)
	OTC 23: No of provinces that reflect wildcat strike recommendations in their policies	2	2			1 in 2015; 1 in 2016
	OTP 5.7.1 No of changes Labour Court Proceedings adopted as per ILO recommendations	30%	0			Based on the interviews, there was high level of take up of ILO suggestions in relation to trade union representation on court proceedings, reverse onus of proof in some areas, adoption of lay judges; however, official data is awaiting
SO 5.8 IR research capacity improved to support capacity of actors engaged in CB, SD and dispute resolution						no indicator
Output 5.8.2 IR scholarships/prizes provided	OTP 5.8.2 No of scholarships/prizes provided for academic work on industrial relations issues	7	7			7 in 2015
Output 5.8.3 Research studies disseminated among academic circles and the media	OTP 5.8.3 No of research papers and project reports published and disseminated	10	15		on 50%	2 in 2014, 2 in 2015, 11 in 2016

Annex 7.8. List of implementation decrees developed and type of support provided by ILO

Title of Decree	Department	Technical Support provided
Decree No. 41/2013/ND-CP dated May 08, 2013 on Enterprises where strike is not allowed	Wage Dept, MoLISA	Support from the beginning, written comments directly on the draft Decree, reference paper (4 draft Decrees, 1 final adopted one, 1 of narrative paper)
Decree No. 43/2013/ND-CP dated May 10, 2013 on the rights and responsibilities of the trade union in representing, caring for and protecting the legitimate rights and interests of the workers according to the Article 10 of the Trade Union Law	Wage Dept, MoLISA	Support from the beginning, oral comments at workshop on the draft Decree (4 draft Decrees, 1 final adopted one)
Decree No. 44/2013/ND-CP dated May 10, 2013 on Labour contract	Wage Dept, MoLISA	Support from the beginning, oral comments at workshop on the draft Decree, reference paper (4 draft Decrees, 1 final adopted one, 3 of narrative papers)
Decree No. 46/2013/ND-CP dated May 10, 2013 on Labour dispute settlement	Wage Dept, MoLISA	Support from the beginning, written comments directly on the draft Decree, reference paper (6 draft Decrees, 1 final adopted one, 2 of narrative papers)
Decree No. 49/2013/ND-CP dated May 14, 2013 on Wage and National Wage Council	Wage Dept, MoLISA	Support from the beginning, written comments directly on the draft Decree, reference paper (5 draft Decrees, 1 final adopted one, 3 of narrative papers)
Decree No. 55/2013/ND-CP dated May 22, 2013 on Labour Sub-leasing	Legal Dept, MoLISA	Tremendous Support from the beginning even at the stage of labour law revision since 2011, written comments and oral comments at the workshop on the draft Decree, reference papers (8 Draft Decrees and 1 final adopted one, 2 of narrative papers)
Decree No. 60/2013/ND-CP dated June 19, 2013 on Democratic regulation at workplaces	Wage Dept, MoLISA	Support from the beginning, written comments directly on the draft Decree, reference paper (5 versions of draft Decrees, 1 final adopted one, 3 of narrative papers)
Decree No. 95/2013/ND-CP dated August 22, 2013 of the Government on penalties of administrative violations in labor, social insurance and overseas manpower supply by contract	Legal Dept, MoLISA	Support from the beginning, written and oral comments at workshop on the draft Decree (2 draft Decrees and 1 final adopted one)
Decree No. 27/2014/ND-CP dated April 7, 2014 on domestic workers	Wage Dept, MoLISA	Support from the middle of the process, written comments and oral comments at the workshop on the draft Decree (2 draft Decrees and 1 final adopted one)
Decree No. 53/2014/ND-CP dated May 26, 2014 on national tripartite consultation	Wage Dept, MoLISA	Support from the middle of the process, written comments and oral comments at the workshop on the draft Decree (2 draft Decrees and 1 final adopted one)
Decree No. 119/2014/ND-CP dated December 17, 2014 on denunciation	Inspectorate, MoLISA	Support from the middle of the process, written comments and oral comments at the workshop on the draft Decree (1 draft Decrees and 1 final adopted one)

Decree No. 05/2015/ND-CP dated Jan 12, 2015 on implementation of a number of Articles in the Labour Code	Wage Dept, MoLISA	Support from the middle of the process, written comments and oral comments at the workshop on the draft Decree (2 draft Decrees and 1 final adopted one)
Decree 88/2015/ND-CP to revise Decree 95/2013/ND-CP	Legal Dept, MoLISA	Support from the middle of the process, written comments and oral comments at the workshop on the draft Decree (1 draft Decrees and 1 final adopted one)
Decree 85/2015/ND-CP on Female workers	Legal Dept, MoLISA	Support from the middle of the process, written comments and oral comments at the workshop on the draft Decree (2 draft Decrees and 1 final adopted one)

Source: ILO-IR project Phase II records

Annex 7.9. Case-Studies on Pilots

Case-study 1: VGCL Pilot in Da Nang

Type of Pilot	VGCL Pilot	Location	Da Nang
Pilots participated in	Pilot 1 ('bottom-up organising' pilot) Pilot 2 (restructuring and strengthening the enterprise union by immediate UTUs) Pilot 3 (Multi-employer bargaining under the coordination of UTUs) Pilot 4 (Promoting bipartite/tripartite dialogue at enterprise or IZ level)		
Major results achieved	<p><i>Pilot 1</i></p> <p>Da Nang PIU has registered to establish TUs with a bottom-up approach at 4 enterprises: Da Nang Liwayway Food Industry Co.,Ltd, Insulpack Da Nang Co., Ltd , Novotel Da Nang Premier Han River, Ngu Long Company., Ltd. (Brilliant Hotel). Now 1 enterprise unionized on 100% and others on average on 90%. After seeing the effectiveness of new method, Danang PIU scaled up adding two more enterprises to establish trade unions at Oshi Co. Ltd and Seto Co. There are 5 GTUs have been established among Da Nang Liwayway Food Industry Co.,Ltd, Insulpack Da Nang Co., Ltd , Novotel Da Nang Premier Han River, Ngu Long Company., Ltd. (Brilliant Hotel) and Seto Co. Among of them the Liwayway Food Industry Co. and Novotel Da Nang Premier Han River have elected executive committee members and organized the 1st TU congress. The Insulpack Da Nang Co., Ltd, the Ngu Long Company., Ltd. (Brilliant Hotel) and Seto Company are preparing to organise the TU congress.</p> <p><i>Pilot 2</i></p> <p>There were four enterprises in this pilot. There were difficulties which are useful for lessons learnt more broadly. The Foster Electric Co. Ltd (in Hoa Khanh district and Hoa Cam district) had the plan to establish the TU group but has not yet been able due to changing business structure of the company. The issue of maintaining group structure stability within changing businesses is an important issue arising from this pilot. The Sinara Vietnam Co., Ltd: has elected executive committee members.</p> <p>Criteria for selection of pilot enterprises for Pilot 2 and 4:</p> <ul style="list-style-type: none"> • Size of the company (200-300 employees) • Type of hotels (120 hotels – 3 stars now, but in 2013 there were only 60) • Year of establishment of hotels and the ones which do not have changes of owners • IR have some problem (role of TU limited, some potential dispute between employer and workers) • Collaborated with Da Nang Department of Tourism and Tourism Business Association to discuss the list of companies <p><i>Pilot 3</i></p> <p>The first ME CBA has been concluded in December 2015 and signed on January 14, 2016 between 4 enterprises in Da Nang which are Vietnam Vitours Tourism JSC; The Phuong Dong Viet Tourism JSC; The Phu An Think Trade and Tourism Co., LTD and the Saigon tour hotel JSC.</p> <p>Criteria for selection of pilot enterprises for Pilot 3:</p> <ul style="list-style-type: none"> • Size of the company (200-300 employees) • Type of hotels (120 hotels – 3 stars) • Year of establishment of hotels and the ones which do not have changes of owners • Stable IR at enterprise 		

Owners of pilot enterprises are Vietnamese. Selected this sector as per Social Economic Develop Strategy (hospitality sector is the leading sector). More than 538 hotels of all types in Da Nang owned by 500 investors (120 hotels of 3 or 5 stars and only 3 hotels are owned by foreigners). Most of them are hotel operators (1 star-5 stars). Out of 4 enterprises – 3 enterprises are 3-stars’ hotels and 1 hotel 5-star hotel. The agreement is signed for 2 years. Initially came up with 36 issues, but agreed at the end with 14 issues.

Content of ME CBA:

1. jobs stabilization (advanced notice about new position which should be given in 7 days about new position),
2. min wage (employer applies min 3.3% higher than min wage for unskilled labour provide by the Gov’t and 10.5% for skilled labour that by the Gov’t)
3. salary for probation period (5% higher than the Gov’t regulation (90% for probation period instead of 85%)
4. notice for resignation (2 days in advance)
5. payroll (decree 49 and circular 17 regarding payrolls level, did not have specification about the level), establish 10 level salary scale (wanna to apply 6% instead of 5% for each level)
6. raise of the salary (consideration of raise of the salary every 2 years of some positions)
7. allowances for different positions
8. bonus
9. 13th month salary
10. meals allowances (agreed on 20 000 VND per day)
11. difficulties support (from 500 000 to 2mln VND)
12. support in case of marriage (from 500 000 to 1mln VND)
13. support for funeral and parents
14. vacation and team buildings events

Main factors that contributed to success:

- Had support from the provincial department of Tourism (state authority and voice quite strong) and Tourism Business Association
- Make employers to understand the potential benefit for participation in CBAs (limit turnover of workers, increase in productivity)
- IZ TUs act as the bridges for facilitating the CBAs in HCM and Hai Phong, while in Da Nang it was done by Da Nang VCGL (engaging the negotiations on CBA on workers’ side) and Tourism Business Association on behalf of employers

After the signing ceremony, Da Nang FOL coordinated with 4 enterprise TUs to carry out the implementation of ME CBA. They focused on disseminating information of ME CBA in many kind of media: Da Nang newspaper, Website of Da Nang FOL and other related agencies as Department of Culture – Sport and Tourism and Tourism Association as well as video clip on Da Nang VTV and VTV4 nationally. There were a total of 30 news and articles on different kinds of media covering the ME CBA of Da Nang. Da Nang FOL also organized two review workshops among enterprises in Da Nang city to transmit messages on the 12 favorable contents of the ME CBA for workers, to promote these for GTU’s in other enterprises. The four enterprises in the ME CBA group have organized information sharing meetings with workers on the favorable content of ME CBA. All Tus have published the content of the ME CBA on their company’s websites, bulletins and information boards in order workers can follow and supervise the implementation. Additionally, right after the signature of ME CBA, all 4 employers made the adjustments in their internal policies in line with the content of the ME CBA and did not wait for 2 months for entering it into force.

	<p><i>Pilot 4</i></p> <p>Da Nang PIU has assisted 4 enterprises to issue dialogue regulations at workplaces and has organized training courses on social dialogue for 3 enterprises. 4 enterprises have organized workers' conferences.</p>																																								
Main challenges faced	<ul style="list-style-type: none"> ▪ Number of human resources is limited in the FOL and spent a lot of overtime time for implementation of pilots. ▪ ILO financial management procedure was quite complicated to receive to get paid and it took months to get payment. ▪ No materials for reference for Pilot 3 and ME CBA is not legally binding requirement ▪ Difficulties with organization of social dialogue according to the provision of Decree 60 under Pilot 4 																																								
Collaboration with ILO	Very satisfied with cooperation with ILO and technical support received.																																								
Follow up	<p>Replication plan for Pilot 1-3</p> <p>Based on instruction on VCGL by the end of 2016 plan to establish 136 more TUs and 30% of them should be established using bottom-up approach. By the end of July 2016, 83 TUs were established including 25 GTUs.</p>	<p>Replication plan for Pilot 4</p> <p>By the end for 2016 FOL plans to extend the current ME CBA by additional 10 enterprises. Developed the guidelines procedure on ME CBA for tourism and services and submitted it to MOLISA.</p>																																							
Good practices & Lessons Learnt	<p>Da Nang FOL: Organisational approach to organising</p> <p>Initially, the organisers of Da Nang FOL and IZU approached groups of workers, middle-aged and younger all together. But their efforts were not successful. They found out that the older workers had stronger voice than the younger ones, influencing the attitude of the whole group of workers. The older workers who experienced the poor performance of unions in their previous workplaces were usually negative about the prospects of unions protecting their interests. Their pessimistic and negative views affected the younger workers. The organisers then tried to split the younger workers from the middle-aged ones and emphasized on the specific benefits of unions for the young generation. This approach was finally successful as the younger workers became the core group of union establishment.</p>																																								
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Case-study 2: VGCL Pilot in Hai Phong

Type of Pilot	VGCL Pilot	Location	Hai Phong
Pilots participated in	Pilot 1 ('bottom-up organising' pilot) Pilot 2 (restructuring and strengthening the enterprise union by immediate UTUs) Pilot 3 (Multi-employer bargaining under the coordination of UTUs)		
Major results achieved	<p><i>Pilot 1 (implementation period from February 2014 to May 2016)</i> Hai Phong PIU have established 3 GTUs in 3 enterprises in the pilot which are S.I.K Vietnam Co. Mtd; Bridgestone Co. Ltd and Dongbu Steel Co. Ltd with 1,246 members among 1.757 workers. Up to May 2016 they have also scaled up Pilot 1 and established 41 GTUs with 5.108 members. The performance of GTUs after establishing is reported as quite good because they are elected by the workers. The information exchange mechanism between trade union and members is also reported as very effective; The role of trade union executive committee members is improved. The rights and benefits of workers have been reported to be improved through collective bargaining and social dialogue.</p> <p><i>Pilot 2</i> The initial target for this pilot was 8 enterprises; however, with scale up the number of GTUs that have been strengthened, restructured and improved operational quality in the period totals 114 GTUs. This includes: (1) Number of GTUs where Executive Committee has been restructured: 52 and (2) Number of trade union group leaders have been re-elected and trained: 94. In addition, the procedure and method of nominating and electing executive committee members has been standardized. The working regulation of TUs has been issued with the active participation of trade union members; the trade union density is increasing. Most of the GTUs have regulation in dialogue at workplaces, most have monthly dialogue mechanism. As evident from interviews with Hai Phong PIU members, about 70% of TUs have 'excellent' performance, others 20% 'moderate' progress and only some (10%) 'unsatisfactory'.</p> <p><i>Pilot 3 (implemented during September 2015-June 2016)</i> On 19th June 2016 the Multi-Employer Collective Agreement has been signed between Haiphong Economic Zone Trade Union and 5 Korean enterprises in Trang Due. This is the first time a group of foreign invested enterprises have sat down and negotiated with trade unions, beyond individual enterprise, to decide basic conditions of work, including recognition of union rights. This is also the first time the ME CBA process has been carried out simultaneously with organizing workers to establish TUs, following the new methods of VGCL ('bottom-up' worker centred approach). At the time of concluding the ME CBA, 5 enterprises had also formed TUs. As well as other Pilot Units in other provinces, the process of ME CBA in Hai Phong has started since February 2014 with selection of 6 Japanese Enterprises. However, after doing surveys the HP EZTU realized that all enterprises already have trade unions and the minimum level of policies for the workers in those companies are quite good. Following a regular review workshop and training in June 2015 they decided to change to 7 Korean enterprises in Trang Due IZ with the aim to mobilize workers to establish TUs and sign CBA at the same time. After selecting 7 Korean enterprises Hai Phong EZTU undertook surveys, planning approaching workers, approaching workers, working with managers, negotiating ME CBA. In most enterprises ME CBA process went same time as with forming TUs. At the end of 2015, Hai Phong EZTU dealt with the strike in BlueCOM VINA. Through the process of approaching and consulting with workers at BlueCOM VINA, Hai Phong EZTU decided to add BlueCOM VINA in the process of negotiating ME CBA so BlueCOM VINA became the 8th company in ME CBA group in Hai Phong. On June 17, 2016, the last negotiation with the last company was concluded. On June 19, 2016 there was a Signing Ceremony for ME CBA between 5 Korean enterprises which are HKTМ Vina Co., Ltd, Comet Vietnam CO., Ltd, HI Logistics Vietnam Co., Ltd, Dong Yang Eletronics Hai Phong Co., Ltd and Bluecom Vina. The ME CBA will bring benefits to 2.447 workers among of them 1.973 trade union members and contains a range of benefits in salary, allowances</p>		

	<p>and conditions for the trade union. There are 3 Korean enterprises who have not yet agreed to sign ME CBA for various reasons.</p> <p><i>Pilot 4</i> Social Dialogue EZ level The upper level union organized tripartite dialogue mechanism at IZ/EZ level and provincial level. - Total number of conferences on social dialogue: 3 - Type of dialogue: tripartite/Bipartite - Content for dialogue: 1/ how to implement decree 60 of Government on social dialogue. Participants: President of People’ Committee, employers, trade union, workers 2/ Social Insurance – Employers – Trade Union and Workers 3/ Dialogue Hai Phong EZ Trade Union and Employers Through dialogue the proposals and recommendations of employers, TUs and workers have been collected and many issues resolved. Support GTUs to organize dialogue at workplaces: While not selecting specific enterprises for Pilot 4, the Hai Phong EZTU has worked to scale up dialogue according to VGCL regulation and Decree 60 at enterprise level, with the result that 119 enterprises have issued the periodical regulation and democratic mechanism at workplaces and organized periodical dialogue. Type of dialogue: monthly dialogue between employers, trade union and workers; Some of enterprises organize separate dialogue; Other combine dialogue with review meeting of enterprises monthly, quarterly or annually. The content of dialogue includes: issues related to business situation, IR related issues. Through the dialogue EZTU reports workers feel more respected as they can share urgent matters with employers; The role of GTUs have been improved; The working conditions and interests of workers have been taken improved.</p>
<p>Main challenges faced</p>	<ul style="list-style-type: none"> ▪ No precedents of applying ME CBA ▪ Lack of willingness of employers to participate in CBA plus the companies targeted did not have knowledge of Vietnamese and used interpreters. However, there were some difficulties with translation of some terms from Vietnamese into Korean. ▪ Mandate of confederation of labour is huge, but the number of staff is limited; therefore, Tus from industrial zones ▪ Delays with disbursement of funds from ILO ▪ Insufficient budget to cover all the activities
<p>Collaboration with ILO</p>	<p>Very satisfied with ILO technical support. However, the budgets allocated for implementation of pilots were quite limited and insufficient amount was budgeted for travel costs to hold meetings with employees. In addition, there was delays with disbursement of funds. In average the delay was 3-4 months due to difficult financial procedures.</p>
<p>Follow up</p>	<p>Bottom-up TUs establishment set a target for 2016 (should establishment another 60 TUs using this approach). As of July 2016, established 81 TUs (including 39 TUs from the pilots). From the point of view of interviewed members of Hai Phong PIU, the most valuable for them was Pilot 3, because conclusion of ME CBA helps to ensure less of staff turnover, kept away strikes as apply the same policies, ensures the same level of wages in the one set of enterprises. There is a need to develop further ME CBAs, but there is a need to develop sector CBAs as well. Sector CBAs exist in Vietnam, but only so far in the garment sector. In future, it is also important to use the combination of meetings (individual and group) during negotiations with employers, but it would be beneficial to involve more representatives of state management agencies in negotiations to put more pressure on enterprises.</p>
<p>Good practices & Lessons Learnt</p>	<p><i>Hai Phong EZU: Networking of unionists as the foundation for organising</i> Understanding the situation of a new workplace is the first and important step for the union organisers. Hai Phong EZU has developed a special and reliable source of</p>

	<p>information in this aspect by keeping close contacts with the former unionists of companies inside the economic zones. Hai Phong EZU has a facebook page and keep contact details of all the unionists in the economic zones and update them once a unionist has changed job. When the Hai Phong EZU needs to organise a new workplace, they are able to figure out if any former unionist is working for that company. These former unionists are invited to meet the organisers of EZU to share information about the new workplace, laying the ground for the organisers to approach the company better. These former unionists also served as the core group to set up the new union.</p>		
<p>List of companies participated in pilots</p>	<p>No</p>	<p>Company name</p>	<p>Pilot</p>
	1	Tire Bridgestone VN Company	1
	2	Fuji xerox HP Company	1
	3	DongJin Techwin Vina Company	1&3
	4	Crystal Sweater VN Company	2
	5	Hanmiflexible Vina Company	2&3
	6	International Fashion Vietnam Company	2
	7	Electronic Sumida VN Company	2&3
	8	Yanagawa Seiko VN Company	2
	9	Rorze Robotech Company	2&3
	10	Fujikura Composites HP Company	2
	11	Synztec VN Company	2&3
	12	Tohoku Pioneer VN Company	3
	13	Sumirrubber VN Company	3
	14	HKTM Vina Co. Ltd	1&3
	15	Comet Vietnam Co. Ltd	1&3
	16	HI Logistics Vietnam Co. Ltd	1&3
	17	Dong Yang Hai Phong Electronic Co. Ltd	1&3
	18	Korg VN Company	3
	19	Lihit Lab VN Company	3
	20	Bucheon VN Company	3

Case-study 3: VGCL Pilot in Dong Nai

Type of Pilot	VGCL Pilot	Location	Dong Nai
Pilots participated in	Pilot 1 ('bottom-up organising' pilot) Pilot 2 (restructuring and strengthening the enterprise union by immediate UTUs) Pilot 3 (Multi-employer bargaining under the coordination of UTUs) Pilot 4 (Promoting bipartite/tripartite dialogue at enterprise or IZ level)		
Major results achieved	<p><i>Pilot 1 (implemented during February 2014-May 2016)</i></p> <p>Target was to establish at least 2 GTUs among 3 enterprises: Tomei Vietnam, Chang Dae Vina and Green Word. Up to August 2014 there has been success in establishing all 3 GTUs at 3 enterprises. Scale up (to May 2016) of the bottom up approach has seen establishment of a total of 40 GTUs with 2,298 members among 2,682 workers. After establishing and training on trade union operational skills and knowledge, almost all GTUs are reported to be strong in developing activities of the union. 18 GTUs have organized trade union congresses according to the Vietnam Trade Union Statute; 5 GTUs have negotiated and signed CBA's; 01 GTUs have organized workers' congress and periodic dialogue. PIU reports high worker satisfaction when they can decide to join union, elect representatives and participate in trade union activities. However, key challenges in the newly established GTUs, formed without interference from employers, is that the managers often do not support and create conditions for trade union officers who are elected by workers; The Dong Nai IZTU coordinated with DOLISA labour inspection to deal with each case according to the law. This has improved the situation according to reports from the IZ Union. Pilot 1 of Dong Nai IZTU has been successfully concluded earlier than the targeted plan. From October 2014 up to May 2016 more 40 GTUs have been established with the bottom-up approach. The rate of workers joining the union with new method is quite high (between 70-100%). The interviews members of PIU underlined that establishing of Tus using bottom up approach is highly effective as GTUs have much more ownership and owned by the workers. Bottom-up approach empowered workers as they can select their representative in management bodies of the TUs.</p> <p><i>Pilot 2 (implementation period 2014-mid 2016)</i></p> <p>There were 15 enterprises in this pilot. However, the PIU added 3 further enterprises as part of scale up. Ten among 15 GTUs have organized trade union congresses; The executive committee have been elected by the workers without interference from managers. There have been training courses on TU in operation skills for all trade union group leaders in 5 of the GTUs in the pilot. The rate of workers who joined trade union have increased. There are some GTUs who have TU density above 90%. In addition, (1) all GTUs issued operational regulation of TU; (2) 9 GTUs organized workers' congress and periodical dialogue; and (3) others regularly organize regular dialogue between trade union and employers.</p> <p><i>Pilot 3</i></p> <p>Dong Nai PIU has selected 5 electronic Japanese enterprises for multi- employer CBA which are Mabuchi Vietnam Company, Fujitsu Computer Products of Vietnam, INC; Nec Tokin Electronics Vietnam, Mitsuba M-Tech Vietnam and Aureole BCD. They have prioritized 4 main contents for ME CBA for negotiation, based on workers' demands, which are Base wage; Annual wage increase; Annual bonus and Shift meal allowance. These contents have been discussed and collected though many steps of collecting information from enterprises and opinions from workers. However, <u>ME CBA has not been concluded</u> due to the following reasons: (1) all General Directors of the 5 enterprises as well as the President of the Japanese Business Association have been replaced during the MECBA process which has led to difficulties in approaching and negotiating with employers to join the ME CBA; (2) Japanese managers prioritize compliance on the Labour Code, but are very reluctant to join ME CBA which is negotiating conditions above the law, and a CBA process (i.e. Multi-enterprise) that is not clearly defined in the labour code; and (3) as there is close cooperation among</p>		

	<p>Japanese enterprises on working conditions, any change in one Japanese enterprise can have flow on effect to other enterprises in Japanese association. Therefore, they are very careful with any favorable change for workers in the CBA, especially the change in wage.</p> <p><i>Pilot 4</i> Dong Nai IZTU has focused on promoting dialogue at workplace level. 9 among 18 GTUs that have issued democratic regulation at workplace level; 6 are preparing to organize workers' conference; 9 GTUs organized periodical dialogue. The type of dialogue could be monthly, quarterly and ad-hoc. The content of dialogue includes all issues related to workers through information collecting and consulting process with workers; The dialogue at workplace play important role in timely solving the arising issues among workers and employers, so that avoid collective labour disputes.</p>															
<p>Main challenges faced</p>	<p>Pilot 1 and 2</p> <ol style="list-style-type: none"> 1. Reluctance of employers in supporting the establishment of GTUs. The main reason for that is that employers do not like the approach of selection of heads of operational level by workers as before it was done by employers. 2. Lack of human resources for supporting the establishment of GTUs. When FOL followed a traditional approach, needed just 1 officer to support the establishment of TU, but now require 3 officers to come and talk with the workers many times to establish GTUs. <p>Pilot 3 (faced with more constraints than under other pilots)</p> <ol style="list-style-type: none"> 3. Changes in pilot targets: Milestones in the planning – at the beginning of this pilot at the planning time (March 2014) – the objective was to conclude CBAs not ME CBA. 4. Changes in staff in ILO and VCGL during implementation of pilots: CTA and national coordinator changed in ILO and within VCGL on the national level there was some changes (one of the departments – Organizing department was switched to IR Department to monitor the pilot 3). 5. No regulation in law on CBAs content. <p>Pilot 4</p> <ol style="list-style-type: none"> 6. Employers themselves are still reluctant to hold direct interaction with the workers. If support not received, it is difficult to organize. 7. No legal provision for enforcement of implementation of regulation on organization of regular labour conferences in LC 															
<p>Collaboration with ILO</p>	<p>In overall, very satisfied with collaboration with ILO; however, consider it would be good in future in case of revision of targets to involve FOL in process of consultation.</p>															
<p>Follow up</p>	<p>FOL plans to continue negotiations with Japanese companies on ME CBA.</p>															
<p>Good practices & Lessons Learnt</p>	<p>Dong Nai IZU: Specialised support to the new enterprise unions The Dong Nai IZU organises 02 specialised teams for Pilot 1: the first team approaches new companies, sets up core organising group, and organises union congress and election; once the new union is set up, the second team comes to provide guidance and training for the new union representatives on how to make the annual plan, manage union fund, establishing union units, election of shop stewards, among others. The support from the immediate UTUs immediately after the union establishment has enabled the new enterprise union leadership to start the union work quickly and in an organised manner.</p>															
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	6	Toptex Company	2&3&4
	7	Epic Designers Vietnam	2&3&4
	8	Unipax Company	2&3&4
	9	Teijin Frontier VN Company	2&3&4
	10	Yupoong Vietnam Company	2&3&4
	11	Kobe En&M Vietnam Company	2&3&4
	12	Fusheng Vietnam Company	2&3&4
	13	Magx Vietnam Company	2&3&4
	14	New Vietnam Company	2&3&4
	15	Seorim Vietnam Company	2&3&4
	16	Tomei Vietnam Company	1&2&3&4
	17	Chang Dae Vina Company	1,2&3&4
	18	Green World Company	12&3&4

Case-study 4: VGCL Pilot in HCM

Type of Pilot	VGCL Pilot	Location	HCM District 12
Pilots participated in	Pilot 2 (restructuring and strengthening the enterprise union by immediate UTUs) Pilot 3 (Multi-employer bargaining under the coordination of UTUs)		
Major results achieved	<p><i>Pilot 2 (implemented during February 2014-May 2016)</i></p> <p>In District 12 HCM FOL, among 10 garment enterprises who are also In Better Work Vietnam. At the beginning, carried out survey among 10 enterprises on the number of unionized workers in GTUs. Figured out that only 50% of workers participated in GTUs, i.e. 4 enterprises out of 10 enterprises. After provided training for GTU HR officers from pilot enterprises to improve the skills of the officers of GTUs.</p> <p>The pilot has gained the following main achievements:</p> <ul style="list-style-type: none"> - The executive committee and TU groups have been strengthened in 10 enterprises - The capacity of GTUs executive committee members have been improved. As per the training results, the executive members’ capacities have been strengthened in the following way: excellent – 25% (presentations, negotiations and listening skills), moderate - 50%, and 25% have not still assess the performance as can’t show the evidence to show the performance. - All the GTUs have formed the working regulations of TUs - The density of TU members has been increased, especially at the enterprises which the upper level union directly approached with workers. <p><i>Pilot 3</i></p> <p>As previously reported on 28th December 2015 the ME CBA was concluded in Ho Chi Minh city which is the second ME CBA in the ILO/VGCL pilot. The Executive Committee Members of 4 grassroots trade unions have been carrying out the information dissemination about the ME CBA to union members and workers; Monitoring the implementation of the ME CBA at 4 enterprises. The district 12 HCM FOL continues to work with the 4 enterprises to add more favorable contents to current ME CBA.</p>		
Main challenges faced	<p>Pilot 2</p> <ul style="list-style-type: none"> ▪ Frequent change of the GTU officers ▪ Inability of the invited GTU officers to participate in the training provided by the upper TU as employers do not allow participation; although there is a specific regulation under the Labour Code that 24 hours per month could be allocated for TU work. 		

	<ul style="list-style-type: none"> ▪ Limited capacity of the GTU officers (communication skills, negotiation skills with the employer, listening skills to understand the concerns of the workers) ▪ Short duration of training courses <p>Pilot 3</p> <ul style="list-style-type: none"> ▪ Most of enterprises did not agree for MCBA as it is not the requirement of the Labour law. 																																	
Collaboration with ILO	<p>Reporting: need to submit ad hoc reports to ILO and it was difficult sometimes to do it due to big volume of work and limited staff</p> <p>Financial disbursements: received in time</p>																																	
Follow up	<p>Consider that sector CBA is more appropriate and would like to continue collaboration with ILO in this area.</p>																																	
Good practices & Lessons Learnt	<p>Due to lack of resources, upper TU is not able to monitor the improvement of the quality of internal regulations in all GTUs, made the monitoring only in 10 pilot enterprises.</p> <p>Trainings were provided only for GTUs management level; however, in the future, it is also necessary to cover operational level.</p>																																	
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Case-study 5: VCCI Pilot in Huen Yen

Type of Pilot	VCCI Pilot	Location	Hung Yen
Description of the pilot(s)	<p>Pilot programme on capacity building for provincial employers' organizations was designed to be implemented in a way that the VCCI headquarter and the province-level employers' organizations will cooperate closely to bring together around 10 enterprises in each province into a core group to develop and carry out a series of joint activities for development of sound industrial relations, human resource management practices, and productivity improvement in these enterprises. The pilot targeted Hanoi, Hung Yen and Vinh Phuc. The present case study covers only 1 target province-level employers' organization, i.e. Hung Yen Business Association.</p> <p>The pilot programme has four objectives:</p> <ol style="list-style-type: none"> 1) Strengthen capacity of employers' organizations through providing direct services to their member companies with the emphasis of labour relations services, bipartite dialogue and collective bargaining processes as well as assisting member companies to improve and strengthen workplace relations - human resource management more generally; 2) Provide knowledge and skills to 30 companies participating in the pilot through improvement and strengthening of the IR and HR system and practices including improved bipartite dialogue systems, coordinated collective bargaining on wage and working conditions and preventing and solving labour disputes; 3) Facilitate, encourage, and promote collaboration frameworks among employers participating in the pilot on issues of industrial relations and human resource management arising from their enterprises with a focus on bipartite dialogue and wage negotiation/collective bargaining and related development of joint position papers/statements by employer organizations ahead of bargaining or wage negotiations 4) A focus - group is established in each participating province (3 total) to conduct regular meetings for sharing practice at enterprise level on improving IR and HR systems and practices including improved bipartite dialogue systems, coordinated collective bargaining on wage and working conditions and preventing and solving labour disputes. The idea is that provincial focal points can maintain and develop these focus groups for information and practice sharing in HR/IR management at enterprises after completion of the pilot program. <p>Duration of pilot: April 2014- April 2016 Number of pilot enterprises: Year 1 – 10 companies, Year 2 – 15 companies (5 additional were selected and added to companies of Year 1). Criteria: company should be labour intensive (300-3000) and from different industries (textile, garment, and animal feeding) Developed own action plan to deliver trainings for BAs and employers orgs on increasing awareness on labour related legislation, improving of FA and CB in order to improve IR; establish HR club which regular working till now</p>		
Major results achieved	<p>Target: capacity of employers' organization is improved to engage effectively in (and/or to support their members to engage in) collective bargaining and social dialogue at various levels.</p> <p>Achievements:</p> <p>All 15 companies were successful and have better IR between employers and workers. Examples include</p> <ul style="list-style-type: none"> • Before the company did not appreciate the roles and functions of TUs, pilot programme changed this approach • High turnover of workers was before the participation in the pilot programme (10%-15% baseline, now than less 5%) 		

Social dialogue

Still maintain the social dialogue quarterly, now it improved. All companies have to follow the Decree 60. Organized as formality, now workers could become more proactive. Pilot programme: helped to develop procedures on how to organize labour conference; before TU was not strong enough to defend the rights and interest of the workers. Before there was almost no follow up of the execution of the labour conference (how many points agreed and implemented). Mid-term review of the project asked most of TUs and workers and confirmed tangible improvements of TUs function. Perception of workers and employers changed. GTUs in pilot programme were top-down approach used. Before the works were the part of TUs – but did not know about their rights and know become more active. Workers and TUs know to whom too and when to talk.

Information exchange mechanism

Before joining the programme workers could give their opinion only through line managers, after pilot have established hotlines and a group of workers can request the meeting with CEO, head of TU receive SMS directly from workers. Workers express their opinion, but now can send e-mail, use hotline and should not wait until conduction of labour conferences. Even some ratio could decline – have day to day info exchange and problems could be addressed better, receive less complaints during conduction of labour conferences. Data for monthly reports received from pilot enterprises, monthly meeting with companies hold and discuss the results, constraints, progress. Datasets do not exist on the level of usage of communication mechanisms. Report on that just based on the feedback from TUs and Bas.

HR club

Established in June 2015, at first had only 3 HR Managers out of 15 pilot enterprises. They served as executive members and include members from other companies as well. Now they have 29 members (including 18 women) from 23 companies. A commitment paper on no strike and slow-down in enterprises is developing and lead by 3 enterprises.

Most of them HR officer and 3 CEO officers:

- Share HR manager experience, good and bad experience
- Have 4 activities: invite HR specialist to share experience on HR management, support each other in day to day work, HR clubs meeting (organized monthly meeting and sometime could hold ad hoc meetings), 70%-80% participation level in the meetings.
- Have more knowledge and skills in facilitating CB and can better contribute to strengthening of IR in enterprises. Have the working regulation for the club and action plan for the HR Club developed. Founding HR club members and inform about established of HR club and encourage to participate.
- HR Club is totally volunteer and application form prepared and new members need to fill it to join the HR club.
- Master Action Plan for HR Club developed – orientation of the club, benefits for participation, and have annual action plan (how many new members need to acquire and number of meetings to be held). Did not collect any fees for membership in HR Club. Hung Yen BA is not for profit org and can't support on their own. Asked for some financial support from ILO for HR Club activities, but have not supported.
- Since the HR Club has been established, various meetings were organized to provide trainings on communication skills, information

	<p>exchange between employers and HR staff with workers; labour code and Decree 60/ND-CP advocacy at enterprises for workers; advocacy on against discrimination; trainings on HR management.</p> <p><i>Strengthening of support provided by BAs to employers</i> Received the finance and technical assistance (tools and docs); thanks to this support Hung Yen BA could extent the support for its members. E.g. inform members about ILO key conventions, participate in ILO/VCCI training programme could communicate better and can share the knowledge with its members.</p>
<p>Main challenges faced</p>	<ul style="list-style-type: none"> • Perception of selected pilot companies: at the beginning some pilot enterprises did not understand why it is necessary to conduct SD. • Participation of pilot enterprises: 70%-80% in project activities; some of them have not been physically present on the meetings, however shared with minutes of the meetings via e-mail. Participation is a bit higher, but still not ideal. Rotate the member for participation in activities of the pilot (no consistency in representation from pilot enterprises). • Financial disbursement of funds: ILO financial procedure was sophisticated. As long as fulfil all the requirements receive the payment. 6-7 disbursements were received. Time for receiving disbursement as per ILO policies – less than 2 months. Need 2-3 weeks to collect the invoices and after submission they received the money.
<p>Collaboration with ILO</p>	<p>Very satisfied with ILO collaboration and received timely responses from the project team (National project coordinator)</p>
<p>Follow up</p>	<ol style="list-style-type: none"> 1) Informed ILO about maintains of HR Club: it will be continued only in case of receipt of further financial and technical support from ILO. HY BA would like to have ToT for core team of HR Club and can further deliver trainings at the enterprises. 2) Hung Yen has 5,000 companies and only 15 participated in pilot. HY BA would like to have the extension of pilot in order to increase the number of companies covered. Currently support only employers, not workers. 3) Scope of the next pilot programme should be the same methodology and areas, but add one more target group. Training was very short but with a lot for content to cover. Not 1- day training but 2-3 days' trainings; more specialized trainings on CB and social dialogue and sub-skills which could link to the social dialogue. Duration of pilot under next programme should 3-5 years (one generation of workers could train the younger generation). 4) Since have a quite sophisticated legislation framework, ILO could support with training on labour law legislation