

# Mid-term Review of Project “Developing a New Industrial Relations Framework in respect of the ILO Declaration on Fundamental Principles and Rights at Work”

Review Report

Ha Noi, February 2019

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## List of Abbreviations

BEA	Bureau of Employers' Activities
CBA	Collective bargaining agreement
CPTPP	Comprehensive and Progressive Trans-Pacific Partnership
EPZ	Export Processing Zone
EVFTA	EU-Vietnam Free Trade Agreement
FDI	Foreign Direct Investment
FOL	Federation of Labour
FPRW	Fundamental Principles and Rights at Work
FTA	Free trade agreement
GoV	Government of Vietnam
GSO	General Statistics Office
GTU	Grassroots Trade Union
HCMC	Ho Chi Minh City
HR Club	Human Resources Officers' Club
IA	Implementing agreement
ILO	International Labour Organisation
IR	Industrial relations
IZ	Industrial zone
IZTU	Industrial Zone Trade Union
MECBA	Multi-employer collective bargaining agreement
MESD	Multi-employer social dialogue
METU	Multi-employer trade union
MTO	Medium-term objective
NIRF	New Industrial Relations Framework
PIU	Pilot Implementing Unit
SD	Social dialogue
STO	Short-term objective
TAC	Technical Advisory Committee
TU	Trade Union
USD	United States Dollar
VCCI	Vietnam Chamber of Commerce and Industry
VGCL	Vietnam General Confederation of Labour
VND	Vietnamese Dong



## Executive Summary

The New Industrial Relations Framework (NIRF) Project was designed to assist Vietnam in its global integration process, in which fundamental ILO labour standards are at the centre. The Project's overall goal is to build the legal and institutional foundations for a new industrial relations framework based on ILO FPRW Declaration, with a special focus on C.87 and 98, and in full consideration of national contexts effectively established in Vietnam. With the start-to-finish period from January 2017 to December 2019, the project was more than half way through the implementation. This mid-term review was carried out to assess the progress and draw lessons learnt as well as recommendations for the remaining implementation period. A team of two researchers, Mr. Pham Quang Nam and Mr. Vu Van Tien, were commissioned to conduct the review. The team employed three methods for data collection and analysis: literature review, in-depth interview of key informants, and presentation with feedback.

The review finds that the project is progressing well toward achieving the stated outputs, outcomes and objectives. All the pilots are in good tract to be completed within the project time frame.

The review finds that the project remains fully relevant to Vietnam's labour regulations, ILO fundamental convention and priorities in Vietnam, Vietnam General Confederation of Labour(VGCL)'s and Vietnam Chamber of Commerce and Industry(VCCI)'s development strategies, workers' needs and interests. As for employers, they perceive the project as less relevant.

The review finds that the project design is logical and coherent. However, having almost all output and outcome indicators as quantitative fails to fully capture project achievements, which are mostly **qualitative**.

The review finds that the pilots are worthy of replication, but for the replication to take place, the following barriers need to be addressed:

1. Weak legal position of Multi-employer collective bargaining agreement (MECBA) in the current labour law
2. Low demand for social dialogue (SD) and collective bargaining agreement (CBA) among employers
3. Economic calculation of unionizing workers in micro enterprises does not look promising
4. High costs of doing pilots.

The review finds that project finances are well managed and efficiently used.

The review finds that the project management arrangement is well constructed to facilitate information sharing, cooperation, pilot replication, communication and advocacy. However, the reporting burden is perceived to be too high for Pilot Implementing Unit (PIU) members.

The review finds that little is done to mainstream gender into project activities.

The review proposes the following recommendations for the remaining period of project implementation and possibly future phases, which are divided into two groups:

**Immediate actions:**

1. Accelerate the planning and approval of activities for their implementation in the second and third quarter of the year. Avoid as much as possible the last quarter (the project practice up to now).
2. Support Binh Duong PIU to complete the social dialogue pilot among furniture companies.
3. Build organizational capacity and collective bargaining capacity of the METU in Quang Nam province.
4. Enhance cooperation between the project two components (VGCL and VCCI) to achieve greater efficiency. For example, FOLs are engaging VCCI, business associations and HR Clubs in the process of persuading companies to join MECBA or MESD.
5. Strengthen the enforcement of labour regulations related to SD and CBA by labour inspection work. This could be done by working with the USDOL component on labour inspection (MTO 3).
6. Cooperate with the Better Work project to recognise MESD/MECBA as of equal value as enterprise SD/CBA.
7. Cooperate with the Score project to link compliance with labour standards to productivity issue to gain greater interest from employers.
8. Transfer all training contents done by international trainers to national trainers.
9. Strengthen capacity of PIUs in reporting to meet ILO standards
10. Support VGCL to advocate for MESD/MECBA in the revised Labour Code as an equal option to enterprise SD/CBA that employers can choose to do.
11. Integrate gender equality and non-discrimination principles into project training and contents for HR Clubs.
12. Revise the project's outcome indicators to reflect the qualitative contributions of the project in the field of IRs. Examples of such indicators include:
  - Evidence of adoption of piloted approaches in the revised labour legal framework.
  - Evidence of adoption of piloted approaches in renovation plans of VGCL and VCCI.
  - Evidence of linkages between advocacy issues promoted by VGCL and VCCI and the pilots supported by the project.

**Long-term actions:**

13. Conduct a research on direct election to find a cost-effective way to replicate the approach.

14. Advocate for VGCL to recognise workers in micro enterprises as a special group of concern, so that separate organisational and membership development targets can be put in place for this group.
15. SD and CBA in the context of multiple workers' organisations.

## Introduction to the Project and the Mid-term Review

The New Industrial Relations Framework (NIRF) Project was designed to assist Vietnam in its global integration process, in which fundamental ILO labour standards are at the centre. The Project's overall goal is to build the legal and institutional foundations for a new industrial relations framework based on ILO FPRW Declaration, with a special focus on C.87 and 98, and in full consideration of national contexts effectively established in Vietnam.. It has four medium-term objectives (MTO) as follows:

- MTO 1: National labour laws and legal instruments are consistent with the ILO Declaration on Fundamental Principles and Rights at Work
- MTO 2: Labour administration system effectively administers new industrial relations framework
- MTO 3: Labour inspectorate effectively enforces and promotes compliance with national labour laws in employment and industrial relations
- MTO 4: Workers and Employers representative functions reinforced under the new IR framework

The first three MTOs are funded by the US Department of Labor, and the last MTO by the Government of Japan. The Japan Component started in January 2017 and is planned to finish by December 2019. This mid-term review concerns only MTO 4, which was further described in the following five short-term objectives (STO):

- STO 4.1: Bi-partite/tripartite social dialogue strengthened to improve industrial relations through sharing experiences and lessons learnt
- STO 4.2: VGCL increased engagement in law reform and activated renovations of trade unions organizational and operational structure for better performance
- STO 4.3: Trade unions at all levels enhanced their capacity in organizing, collective bargaining and social dialogue through pilot initiatives
- STO 4.4: VCCI and business associations increased engagement in labour law reform and renovation plans
- STO 4.5: Cooperation mechanism enhanced between business and employers' community, and workplace IR improved in pilot localities

The main objective of the mid-term review, according to the Terms of Reference, is “to review the project progress and likelihood of achieving the projects’ outcomes and to inform the project manager of the necessity of adjusting the project design, implementation, or project management in the second half of the project.” The specific objectives of the review are:

1. Assess the continued relevance of project’s interventions and specify whether it is still valid within the current development circumstances in Vietnam;



2. Assess the progress made towards achieving its planned medium- and short-term objectives, and the possibility of achieving those objectives by the end of the project;
3. Assess effectiveness of project implementation and management, identify factors that hinder or facilitate the project delivery;
4. Identify areas that should be adjusted or changed in the second half of the project life for improvement as well as emerging good practices and lessons learnt.

A team of two consultants, Mr. Pham Quang Nam, as the team leader, and Mr. Vu Minh Tien, was commissioned by the ILO Vietnam Office to conduct this review.

## Changes in the project context

Vietnam continues the trajectory of high economic growth and deeper global integration. In 2017 and 2018, the GDP growth rate was 6.81 and 7.08 percent respectively, higher than the annual average of less than six percent in the period 2011-2016<sup>1</sup>. The Government of Vietnam (GoV) aims to maintain this accelerated economic growth by removing unnecessary barriers and conditions for business start-up and operation, simplifying administrative procedures and speeding up the application of information technology in payment and government services<sup>2</sup>. As a result, the number of newly registered enterprises increased at an average rate of 15 percent in the period of 2015-2018, and total registered capital increased at 37 percent per year in the same period<sup>3</sup>. Vietnam continues to attract large streams of FDI, with the total realized capital of 17.5 billion USD in 2017 and 19.1 billion in 2018, an increase of 9.1 percent.

Vietnam's economy is among the most open economies in the world. In the period of 2012-2018, the country's export grew by an average of 14.2 percent per annum, to a value of 243.5 billion USD in 2018, and these numbers for the import are 12.2 percent and 236.7 billion USD. Export and import growing faster than GDP causes the ratio of two-way trade to GDP to increase from 1.50 in 2011 to 1.96 in 2018 (See Figure 1). Vietnam's deeper integration into the global economy is evident through the fact that the country has already ratified nine multilateral and three bilateral free trade agreements (FTA), and concluded negotiations for four<sup>4</sup>. Among those FTAs, the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) and EU-Vietnam Free Trade Agreement (EVFTA) are regarded as new-generation FTAs, with higher standards not only in traditional trade aspects, such as tariffs, non-tariff barriers, intellectual property protection, but also in labour, environment and sustainable development. Those new-generation FTAs have direct impact on the project being reviewed.

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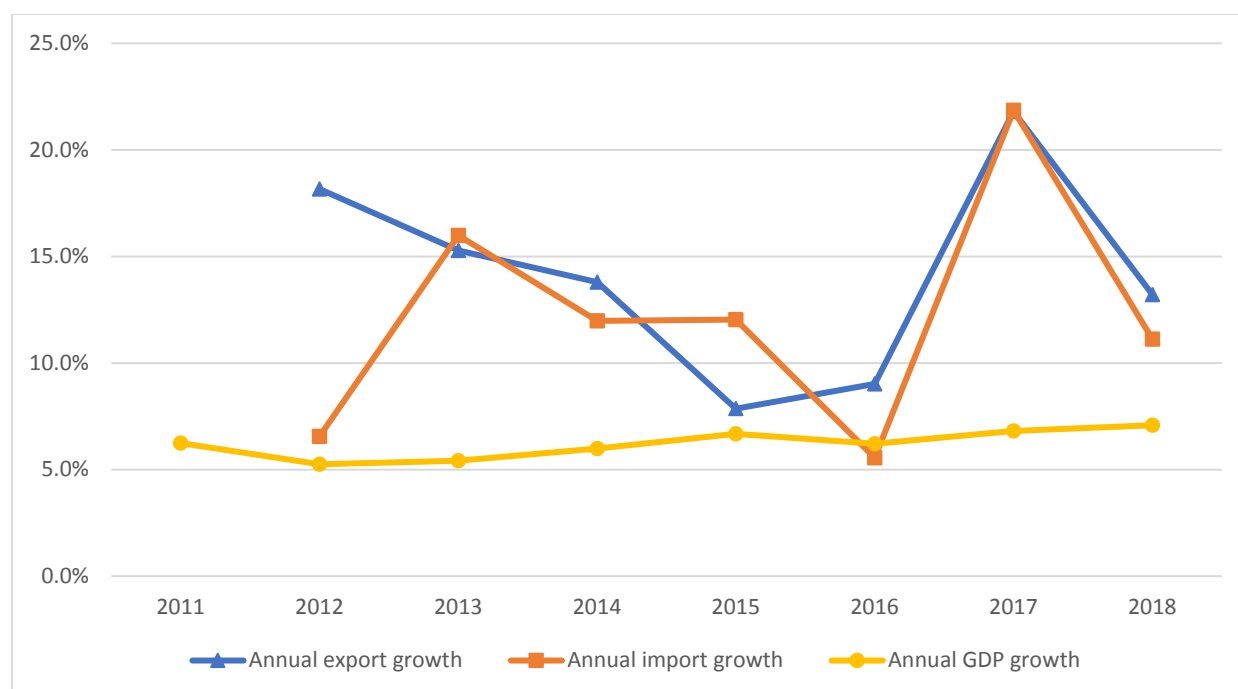
<sup>1</sup> General Statistics Office (GSO), Statistical Yearbook of Viet Nam 2017, Hanoi: Statistical Publishing House.

<sup>2</sup> GoV, Resolution 02/NQ-CP on Continuing the Implementation of Major Duties and Measures to Improve Business Environment and Enhance National Competitiveness by 2019 and Vision to 2021.

<sup>3</sup> <https://dangkykinhdoanh.gov.vn/en/Category/616/business-registration-updates.aspx>, accessed on 24 January 2019.

<sup>4</sup> <http://www.trungtamwto.vn/fta>, accessed on 24 January 2019.

Figure 1: Vietnam's annual export, import and GDP growth rates in the period of 2012-2018 (in percentages)



(Source: GSO and the Department of Customs)

On 12 November 2018, Vietnam's National Assembly unanimously passed a resolution ratifying the CPTPP. The agreement entered into force for Vietnam on 14 January 2019, 60 days after the GoV notified the Government of New Zealand, the CPTPP Depository, of the completion of the ratification. As a party to CPTPP, Vietnam commits to adopt and maintain in its laws and practices the fundamental rights as stated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (ILO FPRW Declaration). Those rights are:

1. freedom of association and the effective recognition of the right to collective bargaining;
2. the elimination of all forms of forced or compulsory labour;
3. the effective abolition of child labour and, for the purposes of this Agreement, a prohibition on the worst forms of child labour; and
4. the elimination of discrimination in respect of employment and occupation<sup>5</sup>.

The commitment requires the country to amend its Labour Code 2012 to allow the formation of workers' organisations not under the umbrella of the Vietnam General Confederation of Labour (VGCL), define the process of such formation, stipulate the right of workers to join non-VGCL workers' organizations, and provide a framework for dialogue, collective bargaining and labour dispute resolution in a multi-union context. Amendment of the Trade Union Law will follow to

<sup>5</sup> Article 19.3, Chapter 19, Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

ensure a consistent legal framework governing workers' organizations and industrial relations (IR)<sup>6</sup>. Those revisions must be made within five years from the time the CPTPP agreement entered into force for Vietnam, otherwise other CPTPP parties may suspend some benefits that the country enjoys under the agreement.

Vietnam and the European Union concluded negotiations for the EU-Vietnam Free Trade Agreement (EVFTA) in December 2015. The text of the agreement was adopted by the European Commission on 17 October 2018 and submitted to the Council of the EU on 12 November. Once the Council agrees to sign the agreement (probably early in 2019), the next step will be European Parliament consent. There are some concerns within the European Parliament about Vietnam's human rights record, including implementation of ILO core conventions. At an October 2018 hearing organised by the EP's International Trade Committee, representatives of the Vietnamese government explained that Hanoi has an action plan to ratify the three remaining ILO core conventions, and to this end is currently working on a comprehensive overhaul of its Labour Code, expected to be adopted by October 2019<sup>7</sup>.

Like the CPTPP, the EVFTA says that the EU and Vietnam reaffirm their commitments to respect, promote and effectively implement the principles concerning the fundamental rights at work, as stated in the ILO FPRW Declaration. The difference with CPTPP is that under the EVFTA, Vietnam pledged to make continued and sustained efforts toward ratifying all fundamental ILO conventions. As of 2018, Viet Nam has ratified 5 out of 8 ILO fundamental conventions. The remaining non-ratified conventions include Convention 98 on the Right to Organize and Collective Bargaining, Convention 87 on Freedom of Association and Protection of the Right to Organize and Convention 105 on Abolition of Forced Labour.

From one side, ratifying the CPTPP and concluding EVFTA negotiations with high labour standards are evidence of Vietnam's reform commitment in the field of labour and IR. From the other, they provide further impetus to accelerate this reform. The responsibility of the Government is to make necessary efforts to ratify the remaining ILO fundamental conventions and align the country's legal framework with the accepted international labour standards. Workers' and employers' organizations are affected by this process and must adapt as well.

Once every five years, the Vietnam General Confederation of Labour (VGCL) organizes a congress to define its strategy and select leaders for the next five-year term. In September 2018, the XII Congress of Vietnam Trade Union was held in Hanoi with the attendance of 946 delegates representing officers, union members, civil servants and workers across the country. The

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<sup>6</sup> Appendix 3, Resolution 72/2018/QH14 of the National Assembly on the Ratification of the Comprehensive and Progressive Trans-Pacific Partnership.

<sup>7</sup> <http://www.europarl.europa.eu/legislative-train/theme-a-balanced-and-progressive-trade-policy-to-harness-globalisation/file-eu-vietnam-fta> accessed on 24 January 2019.

Congress adopted a resolution setting key targets for 2018-2023 period, among which, those relevant to the project are as follows:

- Expand the membership of the Trade Union by additional two million members;
- Establish grassroots unions in all (100 percent) enterprises with 25 workers or more;
- Strive to have union structures in enterprises with 10 workers or more;
- Every year, at least 60 percent of non-state enterprises organize workers' conference, more than 70 percent of non-state enterprises organize workplace dialogues;
- More than 70 percent of enterprises with union structures sign CBAs, and at least 45 percent of those CBAs are assessed with B and upward category<sup>8</sup>.

Those targets show that developing TU structures and membership base, promoting dialogues between workers and company managers, and CBAs are strategic objectives of the TU. By setting a hard target for establishing grassroots unions in big enterprises with more workers (25 and more), the TU sees them as the low hanging fruits to be harvest first. The softer target "Strive to have union structures in enterprises with 10 workers or more" indicates that those enterprises are the next priority. Enterprises with less than 10 workers are not yet on the radar of the TU for the next five years.

A second observation is that although the Labour Code and implementing decrees make it mandatory for employers to organize workplace dialogues and workers' conference, a large proportion of non-state enterprises have yet to adhere to the regulations. Even if all the relevant targets of the TU will be achieved by 2023, dialogues and workers' conferences would not have been organized in about one third of non-state enterprises. This aspect of IR will be discussed more in the subsequent parts of the report.

The Vietnam Trade Union is one of the six organisations that are categorised as socio-political organisations within Vietnam's political system. As such, VGCL and local FOLs are directly impacted by state-wide personnel and restructuring policies. In October 2017, the Central Committee of the Communist Party of Vietnam adopted a resolution on continuing renovation and reorganization of the apparatus of the political system to enhance effectiveness and efficiency (Resolution 18/NQ-TW). The resolution sets a goal of workforce reduction by at least ten percent in all party, state and socio-political organisations by 2021 compared to the 2015 level. The resolution also compels organizations under the umbrella of the Vietnam Fatherland Front to reorganize to eliminate ineffective divisions and define clearer roles and responsibilities of the remaining ones. This determination of the Party affects VGCL in a profound way, forcing it to achieve more with fewer personnel, and thus, making efficiency an important issue as ever

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<sup>8</sup> <https://laodong.vn/cong-doan/toan-van-nghi-quyet-dai-hoi-cong-doan-viet-nam-lan-thu-xii-632949.lido>, accessed on 29 January 2019.

before. This affect the implementation of the project under review, as will be discussed in the subsequent parts of the report.

In November 2016, the Prime Minister approved a new charter of VCCI, which lists, for the first time, promoting the development of harmonious labour relations as one of its mandates<sup>9</sup>. Through its Bureau of Employers' Activities (BEA), which was established in 200x, VCCI brings employers' voices into three-partite dialogues with the VGCL and government agencies in the National Wage Council and other policy making processes. The Bureau's responsibilities include helping employers resolve conflicts, disputes through negotiation and mediation, promoting their adherence to labour regulations, and enhancing their knowledge and capacity in labour management, human resource management. With the Government increasingly focusing on improving the business environment and country's competitiveness, VCCI is gaining greater hearing on business policy matters. In 2018, the Chamber actively participated in drafting committees of 16 important policy documents, organized nearly 320 conferences and workshops to provide inputs to laws and policies, and solicited comments of the business community on 128 draft legal documents<sup>10</sup>.

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<sup>9</sup> Decision 2177/QĐ-TTg of the Prime Minister dated 11 November 2016 Approving the Charter of the Vietnam Chamber of Commerce and Industry.

<sup>10</sup> <http://vcci.com.vn/vcci-da-hoan-thanh-tot-nhiem-vu-chinh-tri-duoc-dang-va-nha-nuoc-giao-pho-trong-nam-2018> accessed on 29 January 2019.

## Methodology and Limitation

The mid-term review employed three main methods for data collection and analysis. Those methods were designed to ensure usefulness, impartiality, independence and quality of the review.

1. **Document review:** the consultant team reviewed all project-related documents, including the project document, annual plans and reports, baseline survey reports, reports and products of project activities, such as training courses or pilots. Besides, relevant documents of the two key project partners, VGCL and VCCI, were also reviewed to analyse changes in strategic objectives and direction of those organisations. Lastly, the team reviewed new legal documents, statistics and papers to analyse any changes in the project context.
2. **Key informant interview:** in selecting key informants for interviews, the consultant team strived to ensure that perspectives from all project stakeholders at every level of the project implementation were included. The sample selection allowed the team to analyse every pilot supported by the project twice, for the sake of triangulation. In every pilot, the team sought to listen to all parties involved. For example, on the pilot supporting direct election of GTU president, the team talked to the president being elected, company's management, ordinary union members and upper-level TU to understand their perceptions and opinions about the pilot. In summary, the following organizations have been interviewed at various levels:
  - At the national level: the ILO Vietnam Office (leader and project managers), VGCL (leader and technical departments) and VCCI (Bureau of Employers' Activities);
  - At the provincial level:
    - Pilot Implementing Units (PIU) under FOL in Da Nang, Quang Nam, Ho Chi Minh City (HCMC), Long An and Hai Phong;
    - PIU under VCCI in Da Nang and HCMC;
  - At the direct implementation level:
    - Two companies participating in the multi-employer collective bargaining agreement (MECBA) pilot in Da Nang and Hai Phong (Representatives of TU and company management);
    - Two companies participating in the direct election pilot, one in Quang Nam and one in Hai Phong (Representatives of TU and company management);
    - Four companies participating in the social dialogue pilot, three in HCMC and one in Binh Duong (Representatives of TU and company management);
    - Two kindergartens participating in the multi-employer trade union formation pilot in Quang Nam (Representatives of TU and business owners);

- Two HR Clubs, one in Da Nang and one in Binh Duong (leaders and members of the clubs);
- Network of Industrial Zone Trade Unions (members of the network in Long An and Hai Phong);
- Network of Legal Advisors (member of the network in Dong Nai).

A complete list of all meetings and interviews conducted during the review is included in the Annex 2.

3. **Presentation and feedback:** findings and recommendations of the review were presented to and discussed in two workshops with representatives of key project stakeholders. Their inputs and comments were incorporated in the final draft of this report.

The review's fieldwork was carried out in December 2018. Usually, the end of the year is most pressing period of time for the TU, as they have to organize many activities to support their members before the Tet festival. In addition to that, year-end administrative responsibilities also demand their attention and energy. The same is true for VCCI chapters and enterprises. Some key informants were unavailable, and some meetings needed to be shortened to accommodate their busy schedules. This, to certain extent, negatively affected the amount of information collected and the depth of the discussions on relevant aspects of the project.



## Main findings of the review

### Project progress and effectiveness

The project uses a strategy of piloting innovative solutions to improve industrial relations between workers and employers. The pilots serve as a platform for building capacity of workers' and employers' organisations. The results of the pilots help VGCL and VCCI engage in policy dialogue and advocacy with relevant government agencies. Some pilots are a continuation and expansion of the initiatives already implemented in the previous phases of the project, and some are new, started in this phase only.

The **MECBA pilot** in the tourism sector in Da Nang was started in the previous phase of the project. The sector is characterised by high growth of an average of 30 percent per year. This high growth is associated with labour shortage and high rate of turnover. In January 2016, four tourist enterprises, under the moderation of Da Nang FOL, started negotiations and then signed a MECBA in January 2016. According to the president and members of the TU in Sai Gon Tourane Hotel, one of the four enterprise participants, both the company management and workers abide by the written commitments in the agreement, which contributed to a minimum wage higher than that stipulated by law, better shift meals, higher salary incremental rates and nicer holiday trips for workers. The validity of the MECBA was two years, meaning that it was expired in January 2018. However, the both sides continued to honour their obligations under the agreement while negotiating for a new one.

This project expanded the number of participating enterprises to ten, with greater diversity of tourist companies. While the previous four participants are either former or current state-owned enterprises, which are traditionally supportive to TU activities, the new participants include 5-star privately-owned hotels and resorts. Different working conditions and wages between 3-star and 5-star hotels made it difficult to agree on reasonable terms of the agreement. The Da Nang FOL initiated the process leading to the signing of the MECBA. They persuaded companies' managers to join, which, according to FOL's staff members, was hard and time-consuming. From the initial 16 companies, six dropped out in the process, citing their specific business conditions for not joining.

Through the grassroots TUs, the FOL consulted workers on the issues they would like to negotiate and come to an agreement with employers. After identifying common issues from the workers' side, the FOL brought them to the employers to solicit their opinions and perspectives. A few rounds of such consultations produced a viable draft of the agreement that warranted a formal negotiation meeting between representatives of the trade unions and company management of the ten companies. The agreement was signed on 22 December 2018, concluding the whole process.

The new MECBA is the same as the MECBA 2016 in all substantive matters, although both do offer workers higher minimum wage, better salary scales and enhanced conditions of work compared to the labour regulations. This means that the four companies participating in the previous agreement have only extended the validity period of the agreement for additional two years, and the six new companies have only agreed to join the agreement.

*Table 1: Comparison between MECBA 2018, MECBA 2016 and labour regulations*

Issue	MECBA 2018	MECBA 2016	Labour regulations
Notification time before moving workers to another job	7 days	7 days	3 days
Minimum wage for unskilled workers	3.3 percent higher than the regional minimum wage stipulated by laws.	3.3 percent higher than the regional minimum wage stipulated by laws.	Setting minimum wage by regions.
Probation period	Probation salary at least 90 percent of job salary. Two days notification for cancelling job contract during probation.	Probation salary at least 90 percent of job salary. Two days notification for cancelling job contract during probation.	Probation salary at least 85 percent of job salary. No notification needed.
Salary scale and steps	The salary scale shall have at least ten steps, with the distance between steps at least six percent.	The salary scale shall have at least ten steps, with the distance between steps at least six percent.	No number of steps required in the salary scale, the distance between steps at least five percent.
Time for moving up in the salary scale	Two years	Two years	Not regulated
Shift meal	20,000 VND	20,000 VND	Not regulated

Compared to an enterprise-level CBA in a five-star hotel, one of the parties to the MECBA, the MECBA does not repeat what is already in labour regulations, therefore it is shorter, easier to read and more meaningful. In contrast, the enterprise-level CBA is long, mostly repeats labour regulations (minimum wage is exactly the same, for example), so workers with lower education would probably find it difficult to go through the document. In short, the quality of the MECBA is higher.

The MECBA defines the bottom level of wage and benefits, meaning that the participating companies, both new and old, are free to offer better conditions as they see fit. If an enterprise CBA contains lower stipulations than the MECBA, it must be revised to be at least equal within three months after the signing of the MECBA. In one way or another, the MECBA brings benefits to workers even in companies that offers above-the-average conditions of work. Workers at Furama, a five-star resort, are reported to have shorter probation periods as a result of MECBA negotiations. The agreement, according to union members at Furama, provides workers with greater sense of security, because they know that even in unfavourable business conditions, the company will strive hard to keep the terms of the agreement.

For employers, the MECBA is expected to reduce job hopping, which is quite common in a fast-growing sector like tourism in Da Nang. Participation in negotiations leading to the signing of the agreement facilitates information sharing between companies, and they are better aware of wage and benefits that other enterprises are offering to workers, in comparison with theirs. This knowledge, in turn, help company managers adjust their policies and better respond to workers' needs and grievances. On the workers' side, knowing that their and other companies have agreed on a common minimum framework of wage and benefits, assured of comparable conditions that they currently enjoy, workers are less inclined to hop jobs. Discussions with TU president and members at Sai Gon Tourane Hotel showed that the relationship between the management and workers had reportedly improved and the attention of the management on the well-being of workers had been strengthened.

The MECBA between electronic companies in Trang Due Industrial Zone in Hai Phong also started in 2016 with five companies participating. They were FDI companies in the supply chain of LG, the biggest investor in Trang Due IZ. Unlike the MECBA in Da Nang, which started with companies sympathetic to union activities, the labour relations in Trang Due were not harmonious at the time of starting MECBA negotiations. In 2016, workers at Bluecom company, one of the five companies, went for a two-day strike, after the management repeatedly resisted the formation of a union and failed to create better working conditions. After that incidence, the company changed its approach: formation of a union was no longer resisted, and the company management decided to join the negotiations leading to an MECBA.

The Trang Due MECBA was facilitated by Hai Phong IZTU. The process leading to the signing of the MECBA was shared similar characteristics with the one in Da Nang:

1. The IZTU conducted a workers' survey to gauge the issues to be included in the agreement. Workers also voiced their needs through the TU structure, from TU cells to grassroots TU to IZTU.
2. The list of negotiation issues, once compiled, was consulted again with workers to gain their feedbacks and comments.

3. Representatives of GTUs and company management came together to negotiate the agreement, with the IZTU as the facilitator.

The 2016 MECBA, like the one in Da Nang, offered workers better wage and non-wage benefits than labour regulations. Examples include higher probation salary, 13<sup>th</sup> month salary, commuting allowance, a short shift break, and vacation days in addition to annual leave. The agreement was well implemented by the five participating companies, as assessed by the respondents at Bluecom as well as by the IZTU.

As the time of the review, the IZTU was preparing to negotiate and sign a new MECBA. When asked why the IZTU did not do it sooner, before the expiration of the previous MECBA in June 2018, the president of the IZTU explained that it would be better to conduct negotiations on wage and benefits around the year end, because that was the time for enterprises to decide on those matters for the upcoming year. The process leading to negotiations and signing of the agreement will remain the same as with the previous MECBA, with the inclusion of new companies. The IZTU will survey workers on the need to update the terms of the previous agreement, and introduce it to new companies. Once this task is complete, the negotiations between representatives of the TUs and company management will start.

In both Da Nang and Hai Phong, the project organized training in negotiation and collective bargaining for TU officers. Members of the GTU executive committees in MECBA enterprises attended the training, together with upper-level TU officers. They learned about steps in negotiation and their application. The respondents reported that they viewed the training as practical and very useful.

The **multi-employer trade union (METU) pilot** was planned in Quang Nam and Long An provinces. In Quang Nam, teachers and workers in 10 family-based childcare establishments in My An ward, Tam Ky city, agreed to form a TU with a total of 26 members and a three-person executive committee. The city FOL led the whole process, applying the bottom-up approach that VGCL piloted, with ILO's support, and then institutionalized with the adoption of Article 17 of the Charter of the Vietnam Trade Union. The meeting to officially create the union took place on 22 July 2018, and soon after, the city authority issued a decision to formally recognize it and give it a legal status.

The childcare establishments are micro employers, each one usually employs from one to three teachers and, sometimes, a cook. Some of them have the owner working as a teacher too. The micro size of the labour force gives the employer the flexibility to pay worker's social and medical insurance or include it in the salary. Some of the childcare establishments choose the second option, which is allowed by laws but often means in practice that workers have no insurance at all. Small labour force also makes annual leave a difficult problem to solve, because if one worker takes leave, then one third or even one half of the labour force is absent. This is especially evident

in those centres taking care of smaller children (from 18 to 48 months), because those children, unlike the older ones, do not have “school holiday”. Average salary of the teachers hovers around 4.6 million VND per month, slightly lower than the 2018 minimum wage as stipulated by laws of 3.53 million VND for Tam Ky city, if social and medical insurance<sup>11</sup> is included. Noteworthy is the fact that the minimum wage was established for unskilled workers, while most of the teachers possessed at least basic training in preschool education. Working in a micro business often means that the relationship between the employer and employee is quite close, which makes it uneasy to use more confrontational approaches to negotiation on wage and other conditions of work, especially in the cultural context of Vietnam.

The vulnerabilities of workers in the kindergartens in Tam Ky city reflect the reality of millions of those working in micro businesses. According to the 2017 Economic Census by GSO, as of January 2017, the total number of active enterprises was almost 518 thousand, among which 385 thousand are micro enterprises<sup>12</sup>, accounting for 74 percent. They employed 1.5 million people, or 11 percent of over 14 million people employed in all enterprises<sup>13</sup>. Another research conducted collaboratively by the United Nations University – World Institute for Development Economics Research, Institute of Labour Science and Social Affairs under the Ministry of Labour, Invalids and Social Affairs, Department of Economics under the University of Copenhagen and the Central Institute for Economic Management in 2015, showed that micro enterprises had the lowest productivity per worker, as measured by two criteria: annual revenue per worker and annual value-added per worker<sup>14</sup>. Not surprisingly, micro enterprises offer least social benefits to workers compared to small and medium ones, as shown in Table 2. Only 16.6 percent of micro enterprises offer maternity leave with pay, while this percentage is 60.9 for small enterprises and 91.4 for medium enterprises. As for annual leave with pay, micro enterprises are three times less likely to offer this benefit than small enterprises and four times less likely than medium enterprises.

*Table 2: Social benefits offered by small and medium enterprises (SMEs), broken down by size (percent)*

	All SMEs	Micro	Small	Medium
Contribution for social insurance	28.3	9.7	60.9	98.2
Contribution for medical insurance	28.1	9.9	59.8	97.0
Unemployment insurance	25.7	8.1	56.3	92.7

<sup>11</sup> Total contribution from the employer and employee is 32 percent from the base salary.

<sup>12</sup> According to the Government’s classification, an enterprise is regarded as micro enterprise if it employs 10 employers or fewer (Decree 56/2009/NĐ-CP, effective at a time of conducting the 2017 Economic Census).

<sup>13</sup> GSO (2018), Result of the 2017 Economic Census, Statistical Publishing House, p. 125 and 127.

<sup>14</sup> UNU-WIDER, ILSSA, DoE – University of Copenhagen, CIEM, Characteristics of the Vietnamese Business Environment: Evidence from a SME Survey in 2015, page 58.

Direct compensation for workplace accidents and occupational diseases	28.7	13.2	56.3	85.4
Sick leave	41.9	22.6	66.7	92.0
Maternity leave with pay	36.6	16.6	60.9	91.4
Maternity leave without pay	35.8	36.3	33.7	39.3
Annual leave with pay	38.3	19.8	61.8	87.1
One-time retirement pay-out	26.3	10.4	44.8	74.2
Death allowance	37.2	20.4	57.8	84.0
Having at least one social benefit in 2015	49.4	34.9	82.5	99.4
Having at least one social benefit in 2013	55.7	43.4	83.8	100.0

(Source: Characteristics of the Vietnamese Business Environment: Evidence from a SME Survey in 2015, page 82)

Looking at the objectives of VGCL for the next five years, one can conclude that workers at micro enterprises are absent in the organization's union development targets. VGCL aims to establish GTUs in all enterprises with 25 workers or more, and strive to have union structures in enterprises with more than ten workers, leaving enterprises with ten or fewer workers untouched. Not that workers in such enterprises do not need union protection and representation, quite the opposite, their need for union is even stronger, as explained above.

The pilot of multi-employer trade union is the first attempt to support VGCL to reach workers in micro enterprises. Discussions in Quang Nam and Long An provinces, where this pilot is implemented, agreed on the point that time and efforts invested in the formation of such a union were much higher than the traditional union formation in bigger enterprises, with fewer headcounts on membership development. The pilot in Quang Nam yielded a tangible result, with a union formed and legally recognized, while in Long An it failed to materialize in a union, despite much effort had been invested. The main reason for the failure, as explained by the members of the PIU, lied in the choice of two Japanese companies in different sectors but with the same owner. The conditions of work in one of those companies were sufficiently good, so the workers were not motivated to form or join a union. In piloting new things, failures are part of the learning process, and should not be viewed as something negative.

By the time of the review, the METU of childcare workers in Quang Nam had organized only one activity to celebrate the Vietnam Women's Day on 20 October 2018. The activity had a character of strengthening bond and relationship between union members, together with kindergarten owners. The role of representation, negotiation and defending legitimate rights of the members had not been activated yet, although the TU executive committee participated in a training on negotiation supported by the project.

The **pilot on direct election of TU president** was implemented in Hai Phong city and Quang Nam province. In Hai Phong, the pilot was implemented in Thien Nam Garment Company, while in Quang Nam, it was implemented in Sedo Vinaco company, which also produce garments and other textile products.

The traditional way of electing a president of a GTU is that the congress elects members of the executive committee, and then the executive committee elects the president. The size of the executive committee varies, from three members in a small GTU to a maximum of 19, according to the Charter of the Vietnam Trade Union. The direct election allows the congress to elect the president, after it has elected members of the executive committee. This is a way to promote direct democracy in a GTU, with the following advantages:

1. TU members have greater confidence in the elected president, and feel that they have a say in choosing their leader.
2. The elected president gains greater respect from the workers as well as from the company managers. This facilitates their work of representing workers and negotiating with the company.
3. It reduces the risk of undue management interference in the election of the GTU leader. It is always easier to influence a small number of people in the executive committee than influence hundreds of participants of the congress. This would make the GTU leader more independent vis-à-vis the company management.

In the two cases of direct election supported by the project, the above advantages were confirmed by GTU presidents as well as by members. In the two companies, the GTU presidents have been re-elected, meaning that they were elected in both the traditional way and the new way. They both felt that their position had been strengthened by direct election.

Field interviews indicated that the process of nominating candidates for the position of the president was well facilitated in a democratic manner. Every union member had the right to nominate him/herself or someone else to the position. Those who got the most support ended up on the list to be voted for the executive committee via secret ballots. The candidate that received the highest number of votes was presented as the nominee for the president position. The nominee went through a vote of confidence (lấy phiếu tín nhiệm) before the final official voting to confirm him/her as the GTU president.

The VGCL is also piloting the direct election model in many other places. Guidelines were given to localities on how to conduct direct election, but it was up to localities to choose an approach that deemed suitable for local conditions. This resulted in diverse approaches in nominating candidates and voting. One locality presents two nominees for the congress to elect one, other localities decide to present only one nominee who goes through two voting rounds, one vote of

confidence and one final vote. One locality lets the representative congress<sup>15</sup> of a GTU select the president through a secret ballot, and another lets all TU members choose their president by placing ballot boxes near their work stations. Assessing pros and cons of all approaches and coming up with a uniform, easy-to-implement and cost-effective procedures is needed for the pilot to become a standard practice of democracy in the TU system. Unlike other pilots, this one is implemented in a large enough number to warrant such an assessment.

One very key question that needs to be answered to gain greater support for the replication of the pilot is how to reconcile the direct election with the principle of ensuring the leadership of the Vietnam Communist Party over the Vietnam Trade Union. The organisation's Charter recognizes the leadership role of the Party by placing itself as a part of the political system under the Party's leadership. In practice, this means that the Party leads personnel and leadership decisions at the national and local levels. The chair of the VGCL is always a member of the Central Committee of the Communist Party, and chairs of provincial- and district-level FOLs are members of the provincial- and district-level Party Committee. Consequently, nominating a candidate for the president of a GTU should be the prerogative of the corresponding Party cell, if such exists. Such dilemma is not easy to solve, but can stand on the way to the replication of the pilot.

The **pilot on social dialogue** is implemented with six garment companies in Linh Trung Export Processing Zone (EPZ) in HCMC and with eight furniture companies in Binh Duong province. The garment companies in Linh Trung EPZ are FDI companies, while the furniture companies in Binh Duong are domestic ones.

It should be emphasized that workplace dialogue between employer and employees is mandatory under Vietnam's labour laws. According to Decree 60/2013/NĐ-CP, effective at the time of the review, the employer has the responsibility of organizing workplace dialogue with the workers' organization every three months. New decree 149/2018/NĐ-CP to replace Decree 60, effective from 01 January 2019, removes the "three months" stipulation, but still makes workplace dialogue compulsory. Decree 95/2013/NĐ-CP imposes a fine between four and ten million VND on enterprises that do not organize regular workplace dialogues with employees. According to Decree 88/2015/NĐ-CP, the penalty for enterprises who refuse to organize a negotiation/dialogue at a request of the trade union is between 20 to 40 million VND.

In practice, however, those legal stipulations have not been enforced. It is up to employers to decide whether to organize workplace dialogues or not, and failing to do so does not entail any consequences from labour law enforcement agencies. Countrywide, no fine has ever been issued for not organizing workplace dialogues. In Hai Phong, interviews with key informants indicated

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<sup>15</sup> There are two forms of organizing congresses of GTUs: full congress for small GTUs (up to 200 members) and representative congress for bigger GTUs.



that labour inspection teams did notice the issue of no workplace dialogue, but did not include it in their inspection reports. So, the legal pressure on employers to organize workplace dialogue is quite low.

In this legal context the project is implementing the pilot. In Linh Trung EPZ, garment enterprises share many common characteristics: large workforce, complicated IRs, to the point that sometimes strikes took place in them. The project worked with six companies in the social dialogue pilot. Those companies also take part in the Better Work project. After consultation with workers through respective GTUs, the HCMC IZTU, the dialogue facilitator, comes up with three proposals for dialogue and agreement with the employers as follows:

1. To increase the spending for the shift meal by 2,000 VND, meaning that if an enterprise is currently spending 16,000 VND to buy a shift meal for workers, it will add 2,000 VND more, which will result in a better-quality meal.
2. To increase workers' wage by at least 230,000 VND, higher than the 200,000 VND increase of the minimum wage in 2019, as stipulated by Decree 157/2018/NĐ-CP.
3. To announce the holiday dates for the Lunar New Year (Tet) 1.5 months in advance, so that workers can plan their trips home and secure tickets well ahead of the time. (Note: around 70 percent of workers of the six companies are migrant workers).

The dialogue in Linh Trung was planned for December 2018. As explained by the PIU, they waited for the official issuance of Decree 157 on minimum wage to conduct the dialogue. This timing was not well coordinated with the enterprise financial planning cycle, because by December, usually enterprises have already submitted proposals on workers' wages for the next year to their parent companies. Any agreement regarding advanced announcing of holiday dates for Tet will be applied for 2019.

In Binh Duong, the eight furniture companies participating in the social dialogue represent quite diverse business and labour conditions. Some companies do not make profits and are forced to reduce their workforce and workers' benefits, while other companies are doing well financially and have a good package of workers' compensation. The companies also participate in ILO's SCORE project that aims to improve productivity and working conditions in small and medium enterprises. With each of them, the PIU worked with both the management and the GTU, presenting the case for social dialogue. Through consultation meetings with workers and GTUs, three issues will likely be brought up in the upcoming dialogue: wage adjustment according to the new decree on minimum wage, the cost of the shift meal and Tet holiday. According to the PIU, the dialogue was planned for December 2018, however, by the time of the review, the negotiation issues had not been clearly defined and discussions with the participating enterprises regarding the dialogue date had not been initiated.

As part of the process leading toward the dialogue, the project organized training in social dialogue for TU officers and company representatives to equip them with understanding about dialogue, its principles and process, and essential skills to make it a success. According to training participants, the skills they learned from the training, such as presentation skills, communication skills, persuasion, were not only useful and applicable in TU works, but also in their lives as well. Some concepts, translated from English to Vietnamese, were too abstract for some GTU officers, but the overall perception was that the training was useful.

The PIUs in HCMC and Binh Duong see the pilot on social dialogue as a precursor to a MECBA. Those two pilots share the same nature: a group of employers negotiate and agree on certain issues with their GTUs. In both the pilots, the upper-level TU assume the role of support and process facilitation. The difference between the two models is the scope and outcome of negotiation: the social dialogue is less comprehensive, can be organized more often, and its outcome can be a meeting minutes that all sides agree to, while the MECBA is a legally binding document. As the group of enterprises regularly dialogue with respective GTUs, the process could well lead to a meaningful collective bargaining agreement.

The **sector-based HR Club** is the only pilot in the VCCI component. The project supports this new form of HR clubs in Da Nang and Binh Duong. In fact, HR Club initiative was already implemented in the previous phase of the project, with HR clubs established in Vinh Phuc and Hung Yen provinces as a multi-sector support for enterprises in these provinces. The purpose of the new HR Club with single sector focus is to facilitate information and experience sharing and peer learning among HR officers from businesses of the same sector and from the same province. The HR Club in Da Nang gathers together HR officers in the city's tourist companies under the auspices of the Da Nang Tourism Association, while the members of the club in Binh Duong work in furniture companies under the Binh Duong Furniture Association (BIFA).

The HR Club in Da Nang was officially created in May 2018. In its opening ceremony, the clubs in Vinh Phuc and Binh Duong were invited to share their experiences. Some HR officers in the neighbouring Quang Nam Province were also invited to join, with an intention to create a similar club in the future. Since the creation, the Club has proved successful collaboration between the ILO, VCCI Da Nang and Da Nang Tourism Association to organize:

1. Three quarterly meetings to update the members on new regulations on labour, wages and their implications, and to share experiences on social dialogue, collective bargaining and other matters of mutual concern.
2. One training course to develop and enhance skills for workplace dialogue and negotiation.
3. One workshop on human resources management in the tourist sector in the new context of the Industrial Revolution 4.0.

With the creation of the club, the level of sharing and cooperation among HR officers in the tourism sector has been elevated from informal level based on personal networks to a new, official and more organized level. Building on that, the club plans to expand its activities to vocational training and development of human resources in the tourism sector. Together with the Da Nang Tourism Association and vocational schools, the club aims to improve the training quality according to the Vietnam Tourism Occupational Skills Standards (VTOS). The club also plans to help HR officers in tourism companies in Hoi An city to establish a similar club.

The HR Club in Binh Duong was created at the end of 2017 with 50 members, mostly from big wood processing and furniture manufacturing enterprises. By the time of the review, the club had organized five regular meetings/workshop on the topics of social insurance, recruitment, developing salary scales, collective bargaining and dialogues. For domestic wood processing factories in the province, highest priorities related to workforce and labour are:

1. Cost of labour – the industry is quite labour intensive, with labour costs accounting for a large proportion of the overall costs. Fierce competition and increased costs of raw materials eat up the profit margin. In the company visited by the review team, the net profit margin is reported to be around three percent. This means that a slight increase in labour costs may cause the company to end up in the red.
2. Skills of labour force – for most furniture companies, continual improvement in workers' skills is essential for profitability.
3. Supply and stability of labour – the recent trade war between the United States and China provides additional incentives for Chinese furniture companies to move to Vietnam to avoid tariffs. Many of them come to Binh Duong, that compete with existing companies for skilled labour, causing labour shortage. Workforce turnover in many companies is quite high, and the trend shows no signs of slowing down.
4. Productivity – this is the amount of output that workers produce in a specific period of time. Workers' salaries in furniture companies in Binh Duong are low, but because of low productivity, the ratio of workers' earnings to productivity in Vietnam is among the highest in the region, only after China and Malaysia, as a leader of BIFA pointed out.

In this context, IR seems to be not an immediate concern for company managers and HR officers. This explains why the SCORE project, which supports SMEs to raise productivity and improve working conditions by implementing good production practices, draws greater enthusiasm than the NIRF project. According to the leader of the HR Club, greater balance between addressing the felt needs and emphasizing compliance would strengthen club members' motivation to participate.

The **network of legal experts** aims to strengthen the work of communicating legal information to workers and giving them legal counsel as needed. It plays a crucial role in fulfilling the most

important mandate of the Vietnam Trade Union: representing and defending legitimate rights and interests of workers. VGCL has been focusing on developing those functions for many years, with more and more resources being devoted for the task. In many provinces, Legal Advisory Centres have been created under the provincial FOLs, with the mandate of disseminating legal information, providing legal advisory services and representing workers in court litigations as appropriate. At lower levels, legal teams have been formed to assist workers when needed. However, the system is still weak in capacity and not able to meet the legal needs of workers as labour relations are getting more and more complicated.

The project helps VGCL to address this weakness by supporting the network of legal experts. Two training courses have been organized, one for union legal experts from the pilot provinces in organizing mobile advisory services and dissemination of legal information, and the other for union lawyers in litigation skills. Both areas are of vital importance, according to the director of the Legal Advisory Centre under the Dong Nai FOL. Mobile advisory services and dissemination, organized in factories or dormitories, increase workers' access to legal information, so that they know their rights and what to do when those rights are violated. As labour disputes and violations of labour rights become more common, litigations are increasingly used when other modes of conflict resolution fail to bring satisfactory results. In June 2016, VGCL issued a guidance for TUs to initiate and participate in legal proceedings in labour disputes, such as disputes over dismissal, employment contract, social insurance etc. FOLs in some southern provinces, such as HCMC, Long An, Dong Nai and Ba Ria Vung Tau, have brought serious labour disputes to the court, while local authorities in other provinces do not show a preference for such approach, fearing that it would negatively affect investment, especially FDI flows.

The two trainings integrated the theory with practice, the principles with application. After the training in mobile advisory services and dissemination, the project provided a small amount of funding for FOLs in pilot provinces to organize mobile legal counselling sessions. In Dong Nai, one session was organized in Tokin company with 50 workers and the second was in Neighbourhood 1, Long Binh ward, Bien Hoa city with 80 participants. In the second training, a mocked trail was simulated to help participants go through the process and apply skills learned.

The context in which the Legal Expert Networking operates is undergoing some major changes. The personnel reduction and reorganization mandated by the Communist Party's resolution caused FOLs in some provinces, such as Nghe An, Long An and Bac Can, to dissolve the Centre for Legal Counselling and merge it with the Law and Policy Unit. However, the function of law education and counselling remains an important priority for the VGCL. The organisation aims to have 50 lawyers active to defend workers in cases brought up to the court and currently is working on a plan to integrate the legal work with other support services for workers.

Another network supported by the project is the **network of IZTU**. At the present, Vietnam has about 300 industrial, export processing and economic zones (hereafter referred to as industrial zones), with over 10,000 operating enterprises and three million workers. These zones are concentrated in key industrial areas around HCMC (HCMC, Binh Duong, Dong Nai, Long An, Ba Ria Vung Tau), Hanoi (Hanoi, Bac Ninh, Hung Yen, Hai Duong, Hai Phong, Quang Ninh, Thai Nguyen) and Da Nang (Da Nang, Quang Nam, Quang Ngai). Usually one IZTU is established to oversee union activities in all industrial zones in a province. In the organizational structure of the Vietnam Trade Union, the IZTU is at the same level as district FOL. The difference between the two organizations is that the IZTU focuses exclusively on union activities, while the FOL, being part of the local political system, has to assume some non-union responsibilities, for example army draft or elections.

Informal networks of IZTU in IZ clusters around big cities emerged spontaneously when union leaders and officers connected with each other to share information and experience. Informal cooperation among southern and northern IZTU was shaped about 10 years ago. To promote this cooperation further, the project organised two workshops, one in the North and one in the South, for the IZTUs to discuss the reality union works in industrial zones and the need to strengthen IZTU cooperation. This resulted in an official decision of the VGCL (Decision No 1151/QĐ-TLD) on piloting the establishment of the IZ Trade Unions Network, comprised of 50 IZTU, together with temporary regulations for the organization and operation of this network.

The table below summarizes the implementation status of the pilots, with the work ahead to achieve their intended goal.

*Table 3: Summary of implementation status of the pilots*

Pilot	Implementation status and remaining work
MECBA among tourist companies in Da Nang	MECBA has been signed and is being implemented.
MECBA in Trang Due IZ in Hai Phong	Preparations undertaken, negotiations will take place at the beginning of 2019 and then signing.
METU in Tam Ky city, Quang Nam province	The METU was officially established and recognized. However, the union character (representing and defending workers' rights) has not been built yet. Further organizational strengthening and capacity building in collective bargaining are needed.
Social dialogue in Linh Trung EPZ	Dialogue took place between representatives of GTUs and company management in January 2019.

Social dialogue in Binh Duong	Negotiation issues have not been determined and the possible dates for negotiation have not been discussed with the companies.
Direct election in Sedo Vinaco company in Quang Nam	Completed.
Direct election in Thien Nam company in Hai Phong	Completed.
METU in Long An	Failed because of reasons outside PIU control
HR Club in Da Nang	Officially created and functioning
HR Club in Binh Duong	Officially created and functioning
IZTU Network	Officially created and functioning
Network of Legal Experts	Created and functioning

The pilots, together with other activities such as researches, workshops, position papers, policy proposals, have undoubtedly contributed to the achievement of most STO indicators, and indirectly, the achievement of STOs themselves, as explained in the following table.

*Table 4: Progress toward achieving STO indicators and STOs*

STO	STO indicators	Comments on the achievement of STO indicators and STOs
STO4.1: Bipartite/tripartite social dialogue strengthened to improve industrial relations through sharing experience and lessons learnt	Number of effective social dialogue models at different levels implemented and functional at pilot localities disaggregated by type, level and localities	A total of seven bipartite/tripartite social dialogues involving government agencies, VGCL and VCCI were conducted at the national and provincial levels. In addition, two social dialogue pilots in HCMC and Binh Duong were implemented, as described earlier.
STO4.2: VGCL increased engagement in law reform and activated renovation	Degree of Trade Union Statute revision disaggregated by topic	The Labour Code is being revised, with an expectation for it to be

of TU's organizational and operational structure for better performance.	Target: at least 5 provisions related to VGCL operational and organizational reform included in the Statute and the guideline	voted in the National Assembly in the 2019 Autumn session. The revision of the Trade Union Law will take place after the new Code is adopted. All the outputs for this STOs have been achieved. However, the STO indicator can only be measured after the new Labour Code and the Trade Union Law have been passed.
STO4.3: TUs at all levels enhanced their capacity in organizing, CB and SD at all levels though pilot initiatives	<p>Number of GTUs with executive committee members elected through democratic election disaggregated by localities</p> <p>Target: at least 2</p> <p>Number of workers getting benefits from MECBAs disaggregated by gender</p> <p>Target: 1,000</p> <p>Number of members of newly established TUs disaggregated by localities</p> <p>Target: 50</p> <p>Number of CBAs concluded with the support of IZTUs networks disaggregated by localities</p> <p>Target: 2</p>	The pilots, as described earlier, have strengthened TUs from the grassroots to the national level in their capacity for collective bargaining and social dialogue. All targets have been achieved, except the target for number of members of newly established TUs, which is only 27, because the attempt to form a METU in Long An has not been successful.
STO4.4: VCCI and business associations increased	<p>VCCI members satisfaction rate</p> <p>Target: at least 20% increase from baseline</p>	The project assists VCCI to effectively engage with the process of the Labour Code revision through organizing

engagement in law reform and renovation plans		expert meetings and consultation workshops to consolidate opinions and comments of businesses onto the law. However, the STO indicator cannot be assessed due to the lack of a baseline.
STO4.5: Cooperation mechanisms enhanced between business and employer's community, and workplace IR improved in pilot localities	<p>Number of initiatives implemented on collective bargaining and social dialogue disaggregated by localities</p> <p>Target: 3 initiatives</p> <p>Number of improvement plans initiated by the Employers' network disaggregated by localities</p> <p>Target: 2 improvement plans</p>	Cooperation between employers' and workers' organizations was initiated and carried out in Da Nang, HCMC and Binh Duong in the MECBA, MESD and HR Club pilots.

Achieving all the STOs is likely by the end of the project, so is the progress toward achieving the medium-term objective of “Workers and Employers representative functions reinforced under the new IR framework”. The pilots accelerate the reform process of VGCL, reorienting TUs at different levels toward IR to a greater extent. Their capacity on collective bargaining and social dialogue has been improved. Through networking, providing capacity building services and organizing workshops to raise awareness on IR, VCCI is in a better position to support business and business associations on IR issues.

#### Relevance

The project was highly relevant to Vietnam at the time of its design and approval, and continues to be so in the context of changes that took place in the country in the last two years. This relevance can be observed in the following dimensions:

1. **Full alignment with country's labour laws and policies:** the Labour Code 2012, together with the implementing decrees, and the Law on Trade Union all emphasize the right of workers to join the TU, to have dialogues with employers, to negotiate and sign CBAs via



their representative organizations. The pilots of METU, MECBA and social dialogue are fully aligned with those regulations.

2. **Full alignment with ILO fundamental conventions and priorities in Vietnam:** the pilots of METU, MECBA and social dialogue contribute to the realization of the right to organize and the right to collective bargaining (Convention #98). All the pilots contribute to achieving Outcome 3.1 “Effective industrial relations systems built in line with international labour standards and fundamental principles and rights at work” and Outcome 3.4 “Deepened commitment to ratify and apply international labour standards” of the Vietnam Decent Work Country Programme 2017-2021 of the ILO.
3. **Full alignment with VGCL’s and VCCI’s development strategies:** as mentioned earlier, the 12<sup>th</sup> Congress of the Vietnam Trade Union, organized in September 2018, adopted a resolution that contains key objectives, targets and solutions for the next five years. Those targets include membership development, organizational development, workplace dialogue and collective bargaining. After the Congress, the VGCL developed a programme to strengthen the implementation of its responsibility to represent and defend workers’ legitimate rights and interests. Among the key tasks and solutions to be implemented, the programme lists the following:
  - a. Create a Law and Policy Advisory Council under VGCL and a network of legal collaborators at the provincial level.
  - b. Actively and effectively participate in the process of revision of the Labour Code, the Trade Union Law, and other laws related to workers and unions.
  - c. Actively participate in the process of assessing and ratifying ILO conventions.
  - d. Expand negotiation and sign MECBA in the whole TU system, strive for each province and sector with high numbers of workers to sign at least one MECBA.
  - e. Improve the quality and effectiveness of the work of legal counselling and representing<sup>16</sup>.

It can be easily observed that the project objectives and pilots correspond very well with the objectives and plans of the VGCL. Interviews with PIUs and VGCL Departments confirmed this observation: they view the project as very relevant to VGCL national and local priorities. Relevance leads to ownership and commitment, as the implementers see the project as contributing to their own objectives.

As for VCCI, the new Charter approved in 2016 defines the promotion of harmonious labour relations in enterprises as one of the organisation’s mandates. VCCI functions include representing employers in tri-partite dialogues on wages and other conditions of

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<sup>16</sup> Programme 2494/CTr-TLD Strengthening the Implementation of the Responsibility to Represent and Defend Workers’ Legitimate Rights and Interests, Period 2018-2023.

work, and raising awareness of employers on labour regulations and standards. The review found that the project is relevant for VCCI.

4. **High relevance to workers' needs and interests:** in all interviews with presidents and members of GTUs, the review team found that project activities and support are very aligned with their needs. Workers want higher wages, better shift meals, longer advance notice about holiday dates, a leader that they have confidence in. That is exactly what the project strives to achieve. In all the pilots, the needs of workers are the starting point: they own the issues to be negotiated/dialogued with employers, they are the ones who decide to join a trade union, they are the ones who select their leader. This bottom-up approach reinforces the operation principle of the Vietnam Trade Union: putting the worker at the centre and upper levels serving lower levels.
5. **Low to medium relevance to employer's needs and interests:** many employers view labour standards merely as a compliance issue, and are disposed to put it down in their priority list. This is a short-sighted position, but still common among entrepreneurs and business managers. The review team noted this both directly and indirectly. Directly, as one business manager stated, "if the project continually emphasizes compliance, many business managers will lose interest over it". Indirectly, as TU officers shared their difficulties, sometimes even frustration, in persuading companies to join the MECBA or social dialogue. Sometimes companies change their practice only after workers took drastic actions. A good example is Bluecom in Trang Due Industrial Zone: the workers went for a two-day strike after many attempts to establish a GTU were resisted by the company management. Very soon after this strike, the company did not only allow the GTU to be created, but also decided to join the MECBA.

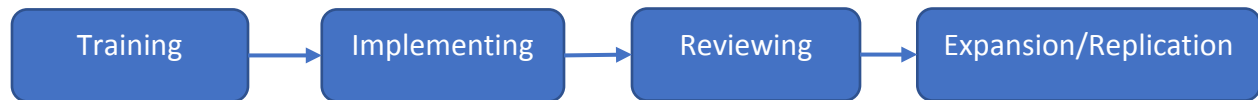
#### Validity of the project design

The Japan-funded NIRF project is part of a four-component project. The first component focuses on making national laws and legal instruments consistent with the ILO Declaration on Fundamental Principles and Rights at Work, the second and third components – on strengthening labour administration system and labour inspectorate, while the last component (NIRF Japan) – on reinforcing workers' and employers' representative functions under the new IR framework.

The NIRF Japan project has two components, one focusing on the VGCL (workers' representative function) and the other on VCCI (employers' representative function). In each component, the project supports the respective organizations to (1) engage in law reform and renovation plan, and (2) build capacity and enhance cooperation for better IR.

The project's strategy for achieving results relies on implementing innovative pilots at the local level, which serve as a platform for capacity building and provide evidence for replication and advocacy. The pilots introduce new IR solutions that have seldom been tested before. Those solutions require new knowledge and skills for those involved in implementing them, so the

project organized training for the stakeholders. They then put what they have learned into practice by implementing pilot activities. Afterwards, the pilot is reviewed, lessons drawn and recommendations proposed for expansion and replication.



The review finds that the project strategy is valid. Interviews with stakeholders involved indicate that the process worked as planned. Some pilots have gone through the whole sequence, for example the MECBA in Trang Due IZ, while other are still in stage two, such as the METU in Tam Ky city. Based on the review workshop of the MECBA in Trang Due, the IZTU in Hai Phong plans its expansion to include more enterprises and aims to replicate the model in Dinh Vu IZ with 5-6 enterprises in the same sector participating.

The review finds the project design to be coherent and logical. There is a logical flow between the outputs, outcomes, STOs, MTOs and the overall goal. However, the current design of STO 4.2 (“VGCL increased engagement in law reform and activated renovation of TUs organizational and operational structure for better performance”) and STO 4.4 (“VCCI and business associations increased engagement in law reform and renovation plans”), together with their outcome and output indicators, makes it extremely difficult to separate project contributions from what those organisations do without project support.

VGCL and VCCI already actively participate in law and policy making. Membership of the drafting board for the revised Labour Code includes representatives from VGCL and VCCI. The Trade Union Law says that the Vietnam Trade Union has the right to participate in the process of developing policies and laws related to union and workers. The law also mandates state agencies to seek Union’s opinions and comments when developing such policies and laws. In 2018, VCCI actively participated in drafting committees of 16 important policy documents, organized nearly 320 conferences and workshops to provide inputs to laws and policies, and solicited comments of the business community on 128 draft legal documents.

Both organisations bring their contributions to law and policy making via consultative processes. VGCL consults with lower level TUs, while VCCI consults with their members (companies or business associations), either through workshops, if finances allow, or in writing. Then they develop their positions, which may take a form of a position paper or a less corroborated document. A good example is the meeting of the National Wage Council in August 2018 to decide on the minimum wage for 2019. VCCI proposed an increase of two percent, citing on potential negative impact on viability of businesses if labour costs rise too much, while VGCL proposed this

increase to be eight percent, based on a survey on workers' living standards indicating that the current minimum wage ensured only 90-92 percent of worker's basic needs<sup>17</sup>. The number of VGCL/VCCI workshops, conferences and position papers on policy issues may vary from year to year, but certainly it is a high number.

VGCL and VCCI are dynamic organisations that are constantly adapting to the fast-changing business and social environment in the country. VGCL is under pressure to redefine itself when the possibility to create independent workers' organisations was accepted by Vietnam's political leadership. VCCI has to constantly develop itself to meet ever greater expectations of its members, and also the Government that is very keen to improve the country's business environment. Renovation is on-going in both organisations, with new proposals, plans and programmes every year.

The project contributions to VGCL's and VCCI's engagement in law reform and renovation have rather quality, not quantity, character. The innovations that the pilots bring include:

1. Charting new waters by introducing a way to create a METU in micro enterprises (less than ten workers). Earlier analysis in this report showed that workers in micro enterprises are the most vulnerable and invisible in VGCL's five-year targets.
2. Introducing multi-employer approach to collective bargaining and social dialogues. In this approach, upper-level TUs can provide support to many GTUs at a time. More often than not, GTUs do not have sufficiently independent position vis-à-vis employers, so that their negotiation power is quite weak. Support from upper-level TUs brings concrete improvements in the quality of CBA and social dialogue, as it is evident in the MECBA and MESD pilots. Ideally, upper-level TUs should support every GTU in negotiation/dialogue with the employer to increase their negotiation power, but it is practically impossible, given limited and decreasing human resources of upper-level TUs. The multi-employer approach allows upper-level TUs to achieve more results with the same level of resources, thus increasing their efficiency. This is very important given the fact that the Vietnam Trade Union is forced to cut its workforce at every level.
3. Creating platforms to facilitate information sharing, peer learning and collaboration by forming and strengthening three networks: IZTU Network, Network of Legal Expert, and HR Club.

The project outcome and output indicators, especially those under STO 4.2 and 4.4, largely fail to capture the qualitative aspects of project contributions and achievement, because all of them are quantitative. The review recommends adding qualitative indicators, such as:

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<sup>17</sup> <https://vietnambiz.vn/hom-nay-co-the-chot-phuong-an-tang-luong-toi-thieu-vung-2019-71708.html>, accessed on 20 February 2019.

- Evidence of adoption of piloted approaches in the revised labour legal framework.
- Evidence of adoption of piloted approaches in renovation plans of VGCL and VCCI.
- Evidence of linkages between advocacy issues promoted by VGCL and VCCI and the pilots supported by the project.

The project document states that STO 4.4 “VCCI and business associations increased engagement in law reform and renovation plans” will be measured by the satisfaction rate of VCCI members. The target is an increase of at least 20 percent from the baseline. There are two problems with this outcome indicator. The first is the lack of baseline survey, which alone would prohibit a proper measurement of the STO achievement. The second problem is that the project work with VCCI is quite limited in the context of VCCI normal operation: creating and supporting two HR Clubs, and organizing 6 other activities (one training assessment, two expert meetings and three workshops). Therefore, expecting their satisfaction rate to increase by 20 percent, assuming a baseline exists, is unrealistic.

Impact orientation, replication and sustainability

The role of a pilot is to try something new to see how it works, what results it produces and whether the results are worth the costs involved. After piloting and assessing the pilot, one can conclude that the pilot is worth replicating. The opposite conclusion on unworthiness for replication is also possible. Both conclusions can be valid and are a result of learning through piloting.

In this project, the review finds the pilots to be worthy for replication, for the following reasons:

1. MECBA and MESD could be an efficient way for GTUs and their immediate upper-level union to work together to negotiate with employers. This would bring greater independence to the negotiation compared to the traditional model of GTU-employer negotiation in intra-enterprise CBA or SD. Greater independence has the potential of improving the quality of the collective bargaining agreement or social dialogue, as the MECBA and MESD pilots have shown.
2. METU has the potential to unionise workers in micro enterprises for collective bargaining. Those workers are more vulnerable than those working in small, medium or large enterprises.
3. Direct election promotes democracy in the union structure, strengthens the position of the GTU leader and reduces undue interference of the employer in the election process.
4. Horizontal networks facilitate information flow, sharing experience and learning from peers. With strong networks, good practices and innovative solutions have greater chance of replication.

The impact of the project would be seen in the adoption of the piloted approaches by the implementers (VGCL and VCCI), starting from a relatively narrow scale and gradually evolving to

become a standard way of doing thing. One pilot supported by ILO has gone through the whole process, that is the bottom-up unionisation approach. It was piloted many years ago, and now, with the inclusion of Article 17 into the Charter of the Vietnam Trade Union, it becomes a standard method for grassroots union formation. For the pilots in this project to be like that, the following barriers need to be addressed:

1. The legal position of MECBA is weak. The current Labour Code lists three types of CBA: enterprise CBA, sectoral CBA and other CBA. Obviously a MECBA is not an enterprise CBA, it does not have a large enough number of enterprises in a sector to be classified as a sectoral CBA, so it falls into the group of “other CBA”. It does not replace enterprise CBA, that means that it can be viewed by companies as an additional burden. “Why do I have to join a MECBA while I already have a CBA in my company?” – a business manager may ask. Elevating the legal weight of MECBA is needed to get more buying in from companies.
2. As already discussed in earlier analysis in this report, employers’ demand for SD and CBA is quite low, even though labour regulations make dialogue with employees mandatory. One of the reasons for many employers to simply discard this obligation is weak enforcement of the stipulation by labour inspection teams. Even if they notice the violation of not dialoguing, they don’t put it in the inspection report, and there has been no incidence of imposing a financial penalty for such violation nationwide, as allowed by laws. Weak enforcement of laws reduces companies’ motivation for dialogue with employees to a certain extent.
3. The METU approach to reach workers in micro enterprises has a solid rationale for replication in the fact that workers in micro enterprises enjoy lower wage and less benefits compared to their peers in small, medium or large enterprises. However, one must be aware of the economics of this approach: the time and efforts devoted to form a METU comprising of workers from a few micro enterprises are ten times higher than form a GTU in one enterprise with more workers, as the members of the PIU in Long An estimated. The membership gain from a METU is relatively small, and does not make a dent in achieving membership targets. This economic calculation can negatively affect TU officers’ motivation to pursue this approach, unless TU targets include specific organisational and membership development in micro enterprises as a separate category to offset it.
4. A pilot can afford to run on high costs, because of its trial character. However, pilot replication will fail if the costs have not been brought down to a reasonable level. Discussions in the field indicate that the costs of direct election, in terms of time invested by the stakeholders, are too high for wider replication. This efficiency issue becomes even more acute in the context of workforce reduction in the TU system. Another cost issue relates to having international trainers. The review noted that majority of the project training utilizes in-country, and even in-house, training resources, but the training in

negotiation, collective bargaining and social dialogue was done by international trainers. As far as replication is concerned, it is highly unlikely that VGCL will be able to secure fees and associated costs for international trainers from its own resources. This means that transferring of training contents from international to national trainers is required for pilot replication.

It is, therefore, recommended that the project does the following to boost the likelihoods of replication and impact of the pilots:

1. Increase employers' demand for SD and CBA by:
  - a. Supporting VGCL to advocate for MESD/MECBA in the revised Labour Code as an equal option to enterprise SD/CBA that employers can choose to do.
  - b. Strengthening the enforcement of labour regulations related to SD and CBA by labour inspection work. This could be done by working with the USDOL component on labour inspection (MTO 3).
  - c. Cooperate with the Better Work project to recognise MESD/MECBA as of equal value as enterprise SD/CBA.
  - d. Cooperate with the Score project to link compliance with labour standards to productivity issue to gain greater interest from employers.
2. Conduct a research on direct election to find a cost-effective way to replicate the approach.
3. Advocate for VGCL to recognise workers in micro enterprises as a special group of concern, so that separate organisational and membership development targets can be put in place for this group.
4. Enhance cooperation between the project two components (VGCL and VCCI) to achieve greater efficiency. For example, FOLs are engaging VCCI, business associations and HR Clubs in the process of persuading companies to join MECBA or MESD.
5. Transfer all training contents done by international trainers to national trainers.

#### Efficiency of resource use

Various efficiency issues have been analysed in this report, and this section focuses on financial efficiency.

As stated in the project document, the project funding will be executed by the ILO in accordance with:

- the ILO's financial rules, regulations and procedures;
- the Viet Nam Government's financial rules;
- the ILO's grant agreement with the Government of Japan

- EU – UN Cost Norms (*the UN-EU Guidelines for Financing of Local Costs in Development Cooperation with Viet Nam*) are applicable to activities that are approved in the project work plan and implemented by implementing partners and other counterparts in Viet Nam

The review finds that the budgets for project activities were developed and executed according to those principles. Cost items are reasonable and appropriate. Internal control, both by the national implementers and ILO, is adequate to ensure proper use of funds and prevent misuse.

#### Project management

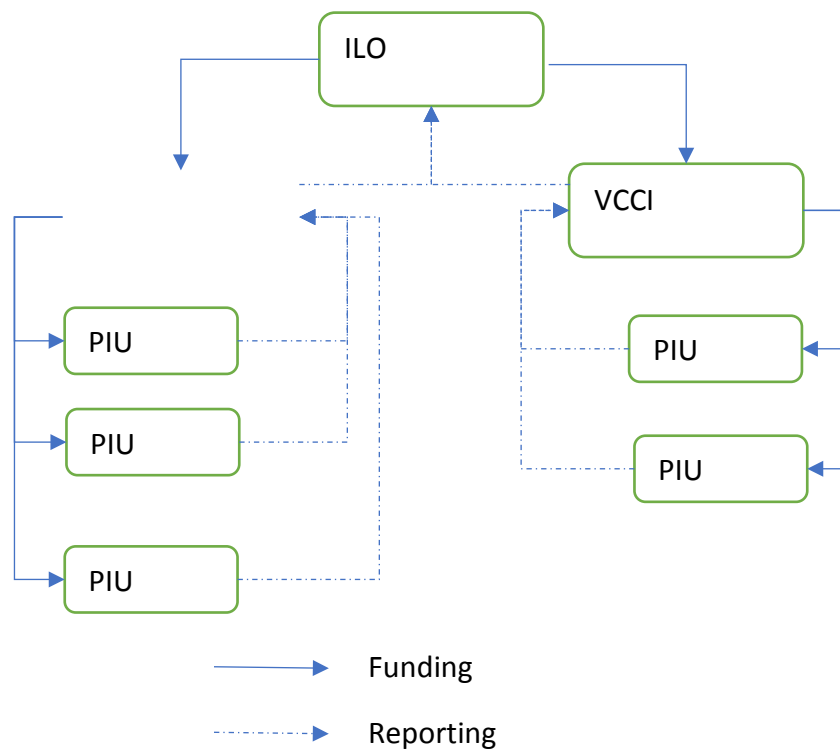
Compared with the previous phases of the NIRF project, this phase uses a different approach to implementation arrangement. A Technical Advisory Committee (TAC) was established at the national level at VGCL<sup>18</sup>. Relevant technical departments are members of TAC, under the leadership of a senior organisation's leader. Project funds flow from the ILO through TAC at VGCL and VCCI as the intermediaries, and then disbursed to PIUs. Project reports go in the opposite direction, from PIUs through TAC to the ILO. The relationships are illustrated in the following diagram.

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<sup>18</sup> VCCI did not create a TAC because of the limited scope of activities in this component.



Figure 2: Project's funding and report flow



The diagram above depicts only the flows of funding and reporting, which are very structured. With regards to communication and technical advice, the flow can be direct between ILO and PIUs, between VGCL and PIUs, as well as horizontally between PIUs themselves. The TACs support the PIUs in provinces by providing technical expertise, and in many cases, TAC members worked side by side with PIU members at key events. This management arrangement has advantages as follows:

1. With VGCL's position and authority, TAC members have the convening power to invite FOLs from other provinces to join significant activities of a pilot for the purpose of learning and experience sharing. This happened with the pilot on direct election of TU president in Quang Nam province. When the grassroots TU organized its congress, the TAC member in charge, who is also a vice-director of the Department of Organization, invited FOLs from five neighbouring provinces to participate. After the congress was over, he convened a meeting with FOL officials to discuss the pilot, analysing what went well and what could be improved. This made the pilot a direct learning experience, so that other provinces can learn from, adjust and apply in their own context.
2. Greater involvement of VGCL's technical departments through TAC facilitates information flow and cooperation, both horizontally between departments and vertically between

VGCL and lower level TUs. Horizontally, because technical departments know what other departments are piloting. The Organizational Department knows about the MECBA, social dialogue and the Network of Legal Experts that the Department of Labour Relations is implementing. The Department of Labour Relations, in turn, is informed of the METU, direct election and the IZTU Network that the Organizational Department is implementing. This cross knowledge is very useful, because some pilots lay foundations for other pilots to be realised, for example a MECBA is a natural next step for the METU pilot. Vertical information sharing and cooperation becomes stronger through participation and involvement of all four levels of the union (VGCL, provincial FOL, immediate upper-level TU and GTU) in almost all pilots.

3. The close involvement of VGCL in the implementation of the pilots at the provincial level makes it easier for the piloted approaches to become (1) advocacy issues in the process of revision of the Labour Code and the Trade Union Law; and (2) operational plans of the Vietnam Trade Union. Regarding the first point, VGCL confirmed that they would advocate for a greater legal weight of MECBA by mentioning this type of CBA explicitly in the revised Labour Code, instead of dumping it in the category of “other CBAs” as the current law. Regarding the second point, some of the piloted approaches have already been reflected in VGCL operational plans. For example, Programme 2494/CTr-TLĐ on strengthening the representation function of the TU mentions MECBA as a target.
4. The involvement of VGCL’s Communication Department as a member of TAC and subsequent communication works help spread the knowledge of the project works and achievements, both inside the TU system and outside.

One very important aspect of management is communication between the stakeholders. The review finds that communication is open and timely. The project uses various modes of communication, such as emails, Zalo, Whatsapp, Viber or other social media apps.

Overall, the review finds that the project management arrangement is well constructed to facilitate the implementation. However, there are a few issues that need improvement.

1. Reporting work is perceived to be problematic. From the VGCL and ILO viewpoint, reports from provinces often come late and do not meet the required standards. From the PIU viewpoint, they consume too much time, up to 50 percent of staff time. In the Vietnamese system that VGCL and VCCI are operating, reports often contain only inputs, for example number of participants attended a training. The ILO system requires reporting on outcomes and results, and that is what the PIU members find difficult. Examining some report templates, the review team does not find them to be excessively complicated. The problem may lie in the fact that PIU members are unfamiliar with this type of outcome reporting and struggle to address some report questions. At the beginning, the project organized a training in narrative and financial reporting, but this appeared to be not

enough. Further capacity building in this aspect is needed, so that PIU members don't need to spend a big chunk of their time for reporting and thus can devote more time for impact creation activities in the field.

2. According to the implementing agreement between the ILO and national partners, the ILO will advance 30 percent of total funding, and then transfer the remaining 70 percent when all the activities have been completed, the reports submitted and approved. In order to complete all the activities using the money advance, the national partners prioritise payments to external suppliers first. This means that partners' staff members have to work through the entire cycle of the IA cycle without the financial allowance of the project. In some places this negatively affects staff's motivation. If ILO procedures do not allow to change the 30/70 proportion, then the project needs to communicate better to PIU members that their allowance is only postponed, not forfeited.

#### Gender consideration

As reported by the ILO Project Manager, the project integrates gender issues only by having disaggregated data. This is necessary, but more can be done to mainstream gender into project activities. The following are a few suggestions to strengthen the gender aspect:

1. To emphasize repeatedly (one time mentioning is not enough) in training in negotiation, collective bargaining and social dialogue that male and female workers may have different needs and priorities. TU officers need to consult with men and women, together or separately if needed, to inquire about their distinct needs in the process of developing negotiation positions with employers. The IZTU in Hai Phong is aware of this aspect when they proposed to include a time of rest for female workers during their menstruation period in the MECBA, but such provision turned out to be difficult to implement. Certainly, not all TU officers have this kind of awareness.
2. To integrate the principle of equality of opportunities and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof, as expressed in ILO Convention #111, into the content for HR clubs, so that HR officers will keep it in mind when designing workplace HR policies.

## Conclusions and Recommendations

The review finds that the project is progressing well toward achieving the stated outputs, outcomes and objectives. All the pilots are in good tract to be completed within the project time frame.

The review finds that the project remains fully relevant to Vietnam's labour regulations, ILO fundamental convention and priorities in Vietnam, VGCL's and VCCI's development strategies, workers' needs and interests. As for employers, they perceive the project as less relevant.

The review finds that the project design is logical and coherent. However, having almost all output and outcome indicators as quantitative fails to fully capture project achievements, which are mostly quantitative.

The review finds that the pilots are worthy of replication, but for the replication to take place, the following barriers need to be addressed:

1. Weak legal position of MECBA in the current labour law
2. Low demand for SD and CBA among employers
3. Economic calculation of unionizing workers in micro enterprises does not look promising
4. High costs of doing pilots.

The review finds that project finances are well managed and efficiently used.

The review finds that the project management arrangement is well constructed to facilitate information sharing, cooperation, pilot replication, communication and advocacy. However, the reporting burden is perceived to be too high for PIU members.

The review finds that little is done to mainstream gender into project activities.

The review proposes the following recommendations for the remaining period of project implementation and possibly future phases, which are divided into two groups:

### **Immediate actions:**

1. Accelerate the planning and approval of activities for their implementation in the second and third quarter of the year. Avoid as much as possible the last quarter (the project practice up to now).
2. Support Binh Duong PIU to complete the social dialogue pilot among furniture companies.
3. Build organizational capacity and collective bargaining capacity of the METU in Quang Nam province.
4. Enhance cooperation between the project two components (VGCL and VCCI) to achieve greater efficiency. For example, FOLs are engaging VCCI, business associations and HR Clubs in the process of persuading companies to join MECBA or MESD.

5. Strengthen the enforcement of labour regulations related to SD and CBA by labour inspection work. This could be done by working with the USDOL component on labour inspection (MTO 3).
6. Cooperate with the Better Work project to recognise MESD/MECBA as of equal value as enterprise SD/CBA.
7. Cooperate with the Score project to link compliance with labour standards to productivity issue to gain greater interest from employers.
8. Transfer all training contents done by international trainers to national trainers.
9. Strengthen capacity of PIUs in reporting to meet ILO standards
10. Support VGCL to advocate for MESD/MECBA in the revised Labour Code as an equal option to enterprise SD/CBA that employers can choose to do.
11. Integrate gender equality and non-discrimination principles into project training and contents for HR Clubs.
12. Revise the project's outcome indicators to reflect the qualitative contributions of the project in the field of IRs. Examples of such indicators include:
  - Evidence of adoption of piloted approaches in the revised labour legal framework.
  - Evidence of adoption of piloted approaches in renovation plans of VGCL and VCCI.
  - Evidence of linkages between advocacy issues promoted by VGCL and VCCI and the pilots supported by the project.

#### **Long-term actions:**

13. Conduct a research on direct election to find a cost-effective way to replicate the approach.
14. Advocate for VGCL to recognise workers in micro enterprises as a special group of concern, so that separate organisational and membership development targets can be put in place for this group.
15. SD and CBA in the context of multiple workers' organisations.

### **Key lessons learned and good practices**

**Promotion of direct democracy in a GTU through direct election of GTU president** has the potential of improving the effectiveness of GTU operation in the relationship with workers and employers. The advantages of such election model include:

1. TU members have greater confidence in the elected president, and feel that they have a say in choosing their leader.
2. The elected president gains greater respect from the workers as well as from the company managers. This facilitates their work of representing workers and negotiating with the company.

3. It reduces the risk of undue management interference in the election of the GTU leader. It is always easier to influence a small number of people in the executive committee than influence hundreds of participants of the congress. This would make the GTU leader more independent vis-à-vis the company management.

**Active engagement and support of upper-level TU enable GTUs to negotiate with employers more effectively.** Data collected from the review show that CBAs with active support from upper-level TUs are of better quality than CBAs without this support. The first type of CBAs tends to offer better conditions of work, are more concise and easier to read. Support from an upper-level TU strengthens the negotiating position of the GTU, bringing in better knowledge of relevant legal framework governing labour relations, and enhancing negotiation skills.

**MECBA and MESD approaches allow for one upper-level TU to support multiple GTUs.** This is very important for enhancing efficiency of TU operation, in the context that workforce of the Vietnam Trade Union is reduced because of the state personnel policy of the Party and Government. MECBA and MESD have the potential of saving time and costs for employers, because one CB process in multiple businesses can replace multiple CB processes going on in each business. However, for MECBA and MESD to have better chance of replication, they should be recognized by laws as equal to enterprise-level CBAs.

**METU approach is an effective way to unionize workers in micro enterprises.** The review finds that those workers are most vulnerable to labour right violations. Unionizing them is much more costly than unionizing workers in larger enterprises. Additionally, workers in micro enterprises are invisible in the unionization targets of the Vietnam Trade Union. To replicate this approach, VGCL needs to recognise workers in micro enterprises as a special group of concern, so that separate organisational and membership development targets can be put in place for this group.

## Appendices

### Terms of Reference



### TERMS OF REFERENCE MIDTERM PROJECT EVALUATION

<b>Project Title</b>	Developing and Implementing New Industrial Relations Framework in respect of the ILO Declaration on Fundamental Principles and Rights at Work (NIRF/Japan project)
<b>ILO Project Code</b>	VIE/16/06/JPN
<b>Administrative Unit in charge of the project</b>	Country Office-Hanoi
<b>Type of Evaluation</b>	Midterm Project Evaluation
<b>Timing of Evaluation</b>	November - December 2018
<b>Project Period</b>	31 December 2016 – 31 December 2019 (36 months)
<b>Total Project Budget</b>	US\$1,500,000
<b>Funding Agency</b>	Government of Japan

### Background and Justification

1. Viet Nam is entering new era of global economic integration which requires adjustment of not only economic and trade policies, but also social and labour policies for sustainable and inclusive growth with social justice at global and national level. As a member of the ILO since 1992, Viet Nam has committed itself to respect and promote the 1998 ILO Declaration on Fundamental Principles and Rights at Work (FPRW). The country has ratified a number of ILO Conventions and undertaken progressive reforms and steady improvements in its law, policies and practices over the last 10 years.
2. The Government of Viet Nam has expressed its strong political commitment for institutional and legal reforms in its socio-economic development tasks for 2016-2020 as

well as the Viet Nam Strategy for International Integration up to 2020 with the vision to 2030. This commitment is not only because of Viet Nam's international obligations but more importantly, comes from its needs for industrial relations renovation to serve workers, employers and society in a market economy with deeper global integration.

3. Yet, the IR system in Vietnam has so far not fully responded to the challenges in a new era of global economic integration. 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. Despite over 25 years of reforms affecting the formation and developments in the labour market, the legal framework for the industrial relation 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. At the same time, two parallel industrial relations 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. 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.
4. In response to the problem of industrial unrest, Labour Code provisions dealing with dispute settlement and strikes has been constantly amended since 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 industrial relations system, including its legal framework and institutions, in the context of a transition market economy.
5. Since 2009, ILO has provided technical and financial support to the Government of Vietnam to modernize the industrial relations system, mainly through jointly implementation of technical cooperation projects. The Developing a New Industrial Relations Framework (NIRF) in respect of the ILO Declaration on Fundamental Principles



and Rights at Work (NIRF Japan Project) is one of those, and a part of NIRF Programme which consists of four objectives, of which the first three objectives (the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Objectives) are implemented by the NIRF USDOL project and the 4<sup>th</sup> objective is covered by the NIRF/ Japan project. The overarching goal of the programme is to build the legal and institutional foundations for a new industrial relations framework based on ILO FPRW Declaration, with a special focus on C.87 and 98, and in full consideration of national contexts effectively established in Vietnam

6. The NIRF Japan project focuses on technical and institutional capacity building for Vietnam General Confederation of Labour and Vietnam Chamber for Commerce and Industry so that they can perform their representation function and mandate effectively and to strengthen sound industrial relations in Viet Nam. The project started in December 2016 and its end-date will tentatively be in December 2019. The project contribute to realizing the Country Priority 3 of the ILO and Vietnam Decent Work Country Programme (DWCP) for 2017-2021: “Building effective labour market governance compliant with fundamental principles and rights and at work” and the following DWCP outcomes:
  - Outcome 3.1 Effective industrial relations systems built in line with international labour standards and fundamental principles and rights at work.
  - Outcome 3.2 Labour inspection strengthened and preventative OSH culture instilled with a view to increasing decent work for women and men, and particularly young workers.
  - Outcome 3.3 Decent work opportunities increased through integrated approaches to compliance and workplace innovation applied at sectoral and workplace level.
  - Outcome 3.4 Deepened commitment to ratify and apply international labour standards.
7. This project supports the One Strategic Plan of the United Nations in Vietnam which aims to contribute to development assistance for 2017-2021 primarily under Outcome 3.2: *“Inclusive labour markets and expansion of opportunities for all* - which expresses that by “2021, a fairer, inclusive labour market ensures decent work and opportunities for all, particularly for excluded groups and disadvantaged geographic areas.” Further, to some extent, this project supports Outcome 3.1: *“New economic growth model* - which expresses that by 2021, “Viet Nam’s growth policies and institutions support a new economic model, which is inclusive and more productivity-led reaping gains from trade liberalization, international integration and migration”.
8. The project will make contribution to the following Sustainable Development Goals (SDGs) at the country level, in particular, in the following SDG indicators:
  - SDG Indicator 8.8.2: Increase in national compliance of labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation, by sex and migrant status
  - SDG Indicator 10.4.1: Labour share of GDP, comprising wages and social protection transfers.
9. As per ILO standards and the commitments with the Government of Japan, the project conducts the midterm evaluation in order to inform the project management team at ILO and counterparts of the likelihood of the project’s objectives achievement, and adjustment of management and

programming necessary in the second half of the project. The evaluation will be conducted and managed in conformance with the ILO evaluation policy guidelines and UN Norms and standards, and ethical safeguards

## Overview of the Project Design

The Project's overall goal is **to promote the development of an effective legal and institutional foundation for a new industrial relations framework in Vietnam compatible with the ILO FPRW Declaration, with a special focus on Freedom of Association (C.87) and Rights to Collective Bargaining C.98), and in full consideration of the socio-economic conditions of the country.**

The overall goal will be pursued through the achievement of the following interlinked medium term objectives supported by Short Term Objectives:

**Medium-Term Objectives (MTO) 1:** National labour laws and legal instruments are revised to be compatible with the ILO Declaration on Fundamental Principles and Rights at Work in full consideration of the socio-economic conditions of the country

**Medium-Term Objective 2:** Labour administration develops effective national industrial relations policy.

**Medium-Term Objective 3:** Labour inspectorate effectively enforces and promotes compliance with national labour laws in industrial relations

(These three medium-term objectives are under the coverage of the NIRF USDOL project).

**Medium-Term Objective 4:** Workers and Employers representative functions reinforced under the new IR framework

Short-term Objective 4.1: Bi-partite/tripartite social dialogue strengthened to improve industrial relations through sharing experiences and lessons learnt

Short-term Objective 4.2: VGCL increased engagement in law reform and activated renovations of trade unions organizational and operational structure for better performance

Short-term Objective 4.3: Trade unions at all levels enhanced their capacity in organizing, collective bargaining and social dialogue through pilot initiatives

Short-term Objective 4.4: VCCI and business associations increased engagement in labour law reform and renovation plans

Short-term Objective 4.5: Cooperation mechanism enhanced between business and employers' community, and workplace IR improved in pilot localities

**Project locations:**

Project activities have been implemented at different level: central level, provincial level, industrial zone level, and enterprise level. Hai Phong, Quang Nam, Da Nang, Dong Nai, Long An, Binh Duong, and HCMC are provinces/cities where selected industrial zones (IZs) participate in the project.

**Key project partners:**

Viet Nam General Confederation of Labour (VGCL), provincial federations of labour and grassroots trade unions in pilot localities, network of trade unions in industrial zones, and network of trade union legal experts;

Viet Nam Chamber of Commerce and Industry (VCCI), VCCI branches in pilot localities and target business associations;

Ministry of Labour, Invalids and Social Affairs (MOLISA) and Department of Labour, Invalids and Social Affairs (DOLISA) in pilot provinces;

**Beneficiaries of the project:**

- Social partners' organizations (VGCL and VCCI);
- Union organizers and negotiators at grassroots and upper level;
- Employers and business representatives in various segments of global supply chains;
- Officials in the labour administration (MOLISA and DOLISA) at central and provincial levels;
- Law-makers;

## **Purpose and Objectives of the Evaluation**

The main purposes of this midterm evaluation is to review the project progress and likelihood of achieving the projects' outcomes and to inform the project manager of the necessity of adjusting the project design, implementation, or project management in the second half of the project. At the same time, the evaluation will promote the accountability to the ILO and local implementing stakeholders and enhance learning culture in both parties. Overall, the evaluation will help guide the NIRF Japan project team in planning for the second part of the project.

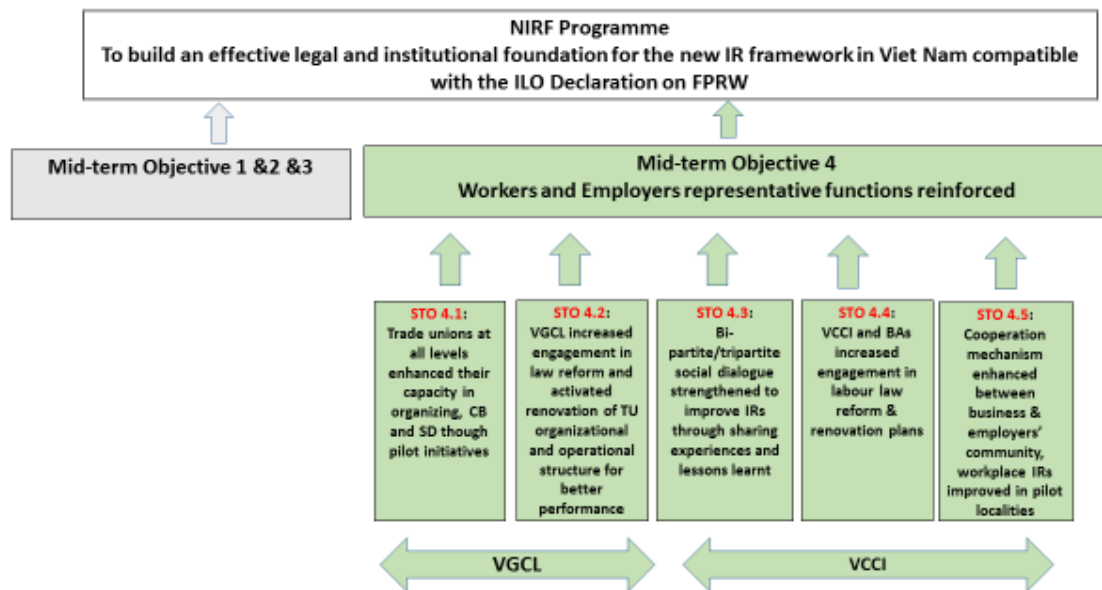
Specific objectives of the evaluation are to:

- (i) Assess the continued relevance of project's interventions and specify whether it is still valid within the current development circumstances in Vietnam;

- (ii) Assess the progress made towards achieving its planned medium- and short term objectives, and the possibility of achieving those objectives by the end of the project;
- (iii) Assess effectiveness of project implementation and management, identify factors that hinder or facilitate the project delivery;
- (iv) Identify areas that should be adjusted or changed in the second half of the project life for improvement as well as emerging good practices and lessons learnt.

## Evaluation Scope

1. The evaluation will cover the Medium-term objective 4 and its 5 Short-term objectives-. The graph below depicts the structure of NIRF Japan project and the area in green is the focus of this evaluation.



2. The timeframe of the project used for this evaluation is from December 2016 till 31 December 2019. The geographical coverage for this evaluation is Hanoi and selected provinces among Hai Phong, Quang Nam, Da Nang, Binh Duong, Long An, Dong Nai and HCM, where the trade union's pilot activities are taking place.
3. The midterm evaluation findings, conclusions and recommendations will be primarily used by the ILO's NIRF Japan project team, VGCL, and VCCI. Secondary users are the Government of Japan, ILO EVAL and other stakeholders.

## Evaluation Criteria and Questions

Suggested evaluation criteria and evaluation questions are summarized below:

### *Validity of the project's design and the relevance of the interventions*

1. To what extent are the project strategy and approach at both national and provincial levels relevant to the needs of the government, workers' and employers' organizations and the ILO?
2. Does the design and performance indicators need to be modified in the second half of the project? If yes, why and how?

### *Intervention progress and effectiveness*

3. Is the project making sufficient progress towards achieving its planned objectives? Will the project be likely to achieve its planned MTO and STOs by the end of the project?
4. Are there any external and internal factors that hindered or facilitated the achievement of the project objectives

### *Effectiveness of project management and monitoring*

5. How effective is communication and cooperation between the project team, the ILO and the national implementing partners in managing and implementing the project? Does the project receive adequate political, technical and administrative support from the ILO and its national implementing partners during the implementation process?
6. To what extent have stakeholders, particularly workers' and employers' organizations been involved in project design, planning and implementation? Is there a clear understanding of roles and responsibilities by all parties involved? v
7. How effectively does the project management monitor project performance and results?

### *Efficiency of resource use*

8. Have resources (funds, human resources, time, expertise etc.) been allocated/ used strategically to achieve its MTO and STOs?
9. Have project funds and activities been delivered in a timely manner? If not, what were the factors that have hindered timely delivery of outputs and the measures to improve?

### *Sustainability*

10. To what extent the project's major outcomes and outputs are likely to be durable or even scaled up and replicated after the project's end? How can the project's sustainability strategy be improved?
11. How effective has the project been in establishing national ownership?

Also, within the scope of this evaluation, a number of intervention models are interested for review with evaluation questions as below

- Level and coverage (locality, sectors, areas) of support of VCCI towards its members and business associations, in particular, support in providing consultancy services, involving members in policy advocacy: what have been the results so far? What need to do for improvement? What are the hindering or facilitating factors?
- Human Resource (HR) club – To what extent the project's support to HR club is relevant to its needs? Any adjustment needed and how?
- Trade Union Champion (or Industrial Zone Trade Unions) networks - To what extent the project's support to the networks is relevant to their needs? Any adjustment needed and how?
- Pilots of organizing trade union in small MEs and expansion of MECBA – what is the progress of these pilots? Any achievements have been seen so far? Any adjustment is needed and how?

Gender equality, non-discrimination

- To what extent has gender equality has been mainstreamed in the project design and implementation? What should be done in the second half of the project for improvement?

The evaluation criteria and questions can be adapted but any fundamental changes needs to be agreed between the ILO project manager and the evaluator, and reflected in the inception report and evaluation report.

## Methodology

1. The evaluation will comply with evaluation norms, standards and follow ethical safeguards, as specified in the ILO's evaluation procedures. The ILO adheres to the United Nations system of evaluation norms and standards as well as to the OECD/DAC Evaluation Quality Standards.

2. Both qualitative and quantitative evaluation approaches should be considered for this evaluation. Data shall be disaggregated by sex where possible and appropriate.
3. A detailed evaluation methodology, as part of the inception report, will be elaborated by the evaluator on the basis of this Terms of Reference. The detailed methodology should include key and sub-question(s), methods, sampling, data collection instruments and data analysis plans.
4. 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 male and females in data collection, analyses and if possible within the evaluation team.

## **Main Deliverables**

5. The evaluators will provide the following deliverables and tasks:

Deliverable 1: Inception report and evaluation tools. The inception report will include among other elements the evaluation questions, evaluation design, data collection methodologies and techniques, and the list of evaluation tools (interview guides, questionnaires, etc.). The instrument needs to make provision for the triangulation of data where possible.

Deliverable 2: Draft evaluation report. Evaluation report should include action-oriented, practical and specific recommendations assigned to audiences/implementers/users.

Deliverable 3: Final evaluation report, together with other supporting documents, raw data..). The evaluator(s) will incorporate comments received from ILO and other key stakeholders for the draft evaluation report into the final version. The report should be prepared in the structure agreed with the ILO and should not exceed 50 pages (350-400 words per page) exclusive of annexes.

6. The reports and all other outputs of the evaluation must be produced in English. All draft and final reports including other 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 is with the ILO. The copy rights of the evaluation report rests exclusively with the ILO.

## **Management Arrangements and Work plan**

1. NIRF Japan team at the ILO will manage this evaluation and handle administrative contractual arrangement with the evaluator(s) and provide necessary logistical and other assistance. In particular, the NIRF Japan team will be responsible for the following
  - Manage the evaluation and make the payment once the deliverables submitted with satisfactory quality and timeline
  - Provide project background materials to the evaluators;
  - Review and accept the evaluation deliverables
  - Engage the implementing partners into the evaluation
  - Schedule meetings for field visit and coordinate logistical arrangements;
  - Review and provide comments on the draft evaluation reports;
  - Provide logistical and administrative support to the evaluators, including travel arrangements and all materials needed to provide all deliverables.
2. The consultant is responsible for conducting the evaluation according to the Terms of Reference. He/she will also:
  - Report to the ILO Project Manager during the evaluation;
  - Deliver the key aforementioned deliverables to the ILO project manager at the timing agreed and with the quality level at ILO's satisfaction.
  - Respect ILO's policy and Codes of Conducts when conducting this evaluation
3. Below are indicative inputs and tasks to be completed, and **estimated** numbers of working days foreseen for evaluator(s). The number of working days can be adjusted on negotiation basis after the inception report developed by the evaluator is accepted by ILO.



	Tasks	estimated # of working days	Proposed Timeline (by end)	Key deliverable(s)
1	Desk review of project related documents; briefing with project manager and ILO ROAP Specialist; Prepare inception report with budget and tools	4	by 24 Nov. 2018	1. Inception report with evaluation tools
	Conduct Field work to collect data in Hanoi, and selected provinces among Ho Chi Minh City, Dong Nai, Long An, Binh Duong, Da Nang, Quang Nam and Hai Phong	11	by 12 Dec. 2018	2. Field work plan 3. Raw data
	Analyse data and draft report	7	23 Dec. 2018	4. Draft report
	Present at stakeholders meeting	1	26 Dec. 2018	5. PPT/presentation
	Finalize the report including explanations on why comments were not included	2	31 Dec. 2018	6. Final report
	<b>Total</b>	<b>25</b>		

## Qualifications requirement

- No previous involvement in the delivery of the ILO/NIRF projects funded activities;
- Master Degree with minimum 5 years of strong and substantial experience in project evaluation or research;
- Experience in at least one project areas in which the ILO/NIRF Japan project is currently supporting will be an advantage (evaluator can team up with other experts if necessary)
- Knowledge of ILO's roles and mandate, as well as UN evaluation norms is a plus;
- Extensive knowledge of and experience in applying, qualitative and quantitative research methodologies;
- Excellent analytical skills and strong study report writing skills in English;
- Commit to be available to deliver this evaluation at highest level of quality during October and December 2018;

List of people interviewed

#	Full name	Sex	Organization	Position
1	Nguyễn Thị Viễn Hương	F	Saigon Tourane Da Nang	GTU President
2	Trần Minh Tuấn	M	Saigon Tourane Da Nang	GTU member
3	Phạm Thị Ngọc Dung	F	Saigon Tourane Da Nang	GTU member
4	Hoàng Hữu Nghị	M	Da Nang Federation of Labour	Vice President
5	Lê Văn Lâm	M	Da Nang Federation of Labour	Vice Director of the Policy and Law Division
6	Lữ Trọng Phương	M	Da Nang Federation of Labour	Vice Director of the Organizational Division
7	Phạm Thanh Hiền	M	Da Nang Federation of Labour	Staff member of the Policy and Law Division
8	Phan Đức	M	Furama Vietnam	GTU President
9	Huỳnh Ngọc Trí	M	Furama Vietnam	GTU Vice President
10	Nguyễn Thị Thanh Nhường	F	Furama Vietnam	GTU member
11	Phạm Thị Như Hiền	F	Furama Vietnam	GTU member
12	Huỳnh Khánh Vân	F	VCCI Da Nang	Vice Director
13	Trần Thị Hiền Dung	F	VCCI Da Nang	Staff member
14	Dương Ái Thanh	F	Fusion Maia	HR Director
15	Nguyễn Thị Minh Tâm	F	Furama Vietnam	HR Director
16	Lê Hoàn Anh Bình	M	SEDO VINAKO	GTU President
17	Nguyễn Trường Kiên	F	SEDO VINAKO	GTU member
18	Nguyễn Thị Nga	F	SEDO VINAKO	GTU member
19	Nguyễn Thị Thu Hồng	F	Ha Anh Daycare Centre	Owner
20	Phan Thị Diệu	F	Ha Anh Daycare Centre	Teacher, GTU President
21	Bùi Tôn Kim Phượng	F	Tuoi Tho Xanh Daycare Centre	Owner
22	Đỗ Thị Thủy Trinh	F	Tuoi Tho Xanh Daycare Centre	Teacher, GTU Vice-President
23	Phan Minh Á	M	Quang Nam Federation of Labour	Vice President
24	Trần Văn Tĩnh	M	Quang Nam Federation of Labour	Director of the Organizational Division
25	Lê Thị Mỹ Linh	F	Quang Nam Federation of Labour	Vice Director of the Policy and Law Division

26	Phan Dương Nhứt	M	Tam Ky Federation of Labour	Vice President
27	Hồng Đức Cường	M	Kollan Hugo Garment Factory	GTU President
28	Trần Thị Dung	F	Kollan Hugo Garment Factory	GTU full time officer
29	Nguyễn Văn Phe	M	Domex Garment Factory	GTU President
30	Hồ Py Hoán	F	Domex Garment Factory	HR Director
31	Lê Văn Thu	M	Quint Major Garment Factory	GTU Vice President
32	Mrs. Phương	F	Quint Major Garment Factory	HR Director
33	Huỳnh Văn Tuấn	M	HCMC IZTU	President
34	Nguyễn Thụy Trúc Mai	F	HCMC IZTU	Vice President
35	Phạm Văn Hiền	M	HCMC IZTU	Member of the Executive Committee
36	Cao Thị Thanh Huyền	F	HCMC IZTU	Full time officer
37	Phan Thị Mộng Thường	F	HCMC IZTU	Full time officer
38	Nguyễn Phi Hổ	M	HCMC Federation of Labour	Vice Director of the Policy and Law Division
39	Bùi Thị Ninh	F	VCCI BEA HCMC	Director
40	Bùi Thị Ngọc Trang	F	Long An IZTU	President
41	Nguyễn Thị Thanh Thuý	F	Long An IZTU	Vice President
42	Nguyễn Văn Quý	M	Long An FOL	President
43	Lê Văn Ẩn	M	Long An FOL	Vice Director of the Policy and Law Division
44	Phạm Ánh Nga	F	Long An FOL	Staff member of the Policy and Law Division
45	Nguyễn Thái Hoà	M	Long An FOL	Vice Director of the Finance Division
46	Nguyễn Bảo Vân	F	Long An FOL	Staff member of the Organizational Division
47	Vũ Ngọc Hà	M	Centre for Legal Consultation – Dong Nai FOL	Director
48	Lê Minh Hoàng	M	Tan Uyen FOL	Vice President

49	Đỗ Tất Đạt	M	Binh Duong FOL	Vice Director of the Policy and Law Division
50	Nguyễn Thanh Lam	M	Lam Viet Furniture Company	Deputy General Operation Director
51	Nguyễn Thị Thảo An	F	Lam Viet Furniture Company	Human Resources Director
52	Phan Kim Tịnh	M	Lam Viet Furniture Company	GTU President
53	Phạm Thị Phương	F	Lam Viet Furniture Company	GTU member
54	Mr. Liệt	M	Lam Viet Furniture Company	GTU member
55	Lê Văn Minh	M	Binh Duong Furniture Association (BIFA), Binh Duong HR Club	Vice President of BIFA, President of Binh Duong HR Club
56	Đinh Ngọc Phượng	F	Binh Duong Furniture Association	Secretary
57	Trần Thị Lan Anh	F	VCCI – Bureau for Employers’ Activities	Deputy Secretary General of VCCI Director General of BEA
58	Huỳnh Tấn Vinh (interview by phone)	M	Da Nang Tourism Association, Furama Resort	President of Da Nang Tourism Association, Director General of Furama Resort
59	Bùi Thị Phương	F	Bluecom Company	Human Resources Director
60	Bùi Văn Tú	M	Bluecom Company	GTU President
61	Đào Thị Thu Thủy	F	Bluecom Company	GTU Member of the Executive Committee
62	Phạm Thị Hường	F	Bluecom Company	GTU Member of the Executive Committee
63	Trịnh Quang Minh	M	Innotek Company	GTU President
64	Mr. Sùng	M	Innotek Company	GTU Member of the Executive Committee
65	Đào Cường Việt	M	Innotek Company	Human Resources Director
66	Phạm Thị Nguyệt	F	Thiên Nam Company	GTU President
67	Hoàng Đình Long	M	Hai Phong FOL	Vice President

68	Nguyễn Công Hoà	M	Hai Phong FOL	Director of the Policy and Law Division
69	Lê Thị Thanh Thuỷ	F	Hai Phong FOL	Director of the Organizational Division
70	Phạm Thị Hằng	F	Hai Phong IZTU	President
71	Trần Thị Thanh Hà	F	VGCL	Deputy Director of the Labour Relations Department
72	Nguyễn Vinh Quang	M	VGCL	Head of the Labour Relations Division
73	Nguyễn Duy Vũ	M	VGCL	Deputy Director of the Organizational Department
74	Đặng Trung Dũng	M	VGCL	Deputy Director of the External Relations Department
75	Hà Thị Phương Thảo	F	VGCL	Deputy Head of the Project Division
76	Ngô Duy Hiếu	M	VGCL	Vice President
77	Chang-Hee Lee	M	ILO Vietnam Office	Director
78	Tạ Thị Bích Liên	F	ILO Vietnam Office	NIRF Japan Coordinator – VGCL Component
79	Nguyễn Bá Lâm	M	ILO Vietnam Office	NIRF Japan Coordinator – VCCI Component