

MANUAL ON SOCIAL DIALOGUE AT WORKPLACE

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The 2012 Labour Code and Decree No. 60/ND-CP/2013 have been implemented for two years. Some enterprises conduct monthly or quarterly dialogues but most of the others remain perplexed about implementation method and not yet fully aware of the benefits of periodical social dialogue (SD) to industrial relations (IR) in enterprises. Some enterprises, which have not organized any direct dialogue with workers, do not understand clearly the benefits and impacts of periodical social dialogues to building labour-management relations at enterprises. Regarding the enterprises having similar types of labour-management dialogues, they are unclear about how to combine new periodical SD with their available dialogue system.

Viet Nam General Confederation of Labour (VGCL) issued Guideline No. 1755/2013/HD-TLĐ and No. 1499/2015/HD-TLĐ which aim to give detailed instructions for GTU officers on developing and implementing the grassroots democracy regulation, including periodical SD. Many GTU officers proactively work with employers to organize periodical SD. In some places, however, trade union officers still struggle with modality of organizing periodical SD, especially the question of how to make it fit for workforce characteristics of enterprises, how to balance employers' and workers' collective interests in dialogue, or linkage between periodical SD and available dialogue mechanisms.

Under the 2012 Labour Code, periodical SD is a compulsory social dialogue form. Periodical SD can help to build harmonious labour-management relations only if the enterprise builds a dialogue system between workers and employer to become a dialogue culture and democracy at the workplace. For enterprises which really look forward to developing a harmonious IR system, periodical SD will be a useful regulation contributing to creating a regular and democratic dialogue environment with workers.

The ILO's Industrial Relations Project, Viet Nam Chamber of Commerce and Industry (VCCI) and Viet Nam General Confederation of Labour (VGCL) develop the Manual on Social Dialogue at Workplace which aims to provide reference and supplementary information about dialogue at workplace in general and periodical SD in particular. On that ground, it will support enterprise's management and GTU officers to well implement periodical SD regulations as well as developing and improving dialogue system at workplace.

The *Manual on Social Dialogue at Workplace* contains two parts: *Part 1* is guidelines for managers and *Part 2* is guidelines for TU officers. Each part covers two key issues:

1. **Periodical SD:** Introduction on how to build dialogue regulation, how to organize workers' collective to nominate and elect their representatives for dialogue, the process of periodical and ad-hoc SD implementation and practical experiences of enterprises in different industries with different characteristics having implemented periodical SD. With expectation of supporting enterprises in finding out the most suitable dialogue method between workers and employers to their business characteristics and the most effective way to build harmonious IR for workers' benefits and sustainable development of enterprises, the manual also gives some suggestions for different implementation methods with regard to the legal provisions of periodical SD and the way to integrate periodical SD into existing dialogue system of each enterprise.
2. **Developing dialogue system at workplace:** necessary components of a social dialogue at workplace, principles of SD, direct and indirect social dialogue channels and how to operate these channels.

The *Manual on Social Dialogue at Workplace* is a reference for sharing empirical experiences for enterprise management and trade union officers in implementation of periodical SD and dialogue at workplace. This material is not an alternative for legislative documents relating to IR and social dialogue which were issued by the Government. Contents of the manual does not cover all categories of enterprises nationwide. However, it is expected that it can provide the most general information and guidelines for enterprises to set up suitable, practical and effective dialogue system. In line with the process of perfecting IR legal framework and dialogue at workplace, the *Manual on Social Dialogue at Workplace* will be continuously amended and revised in order to convey the most updated information to enterprises.

**VIET NAM CHAMBER OF COMMERCE AND
INDUSTRY**

Vice President

**VIET NAM GENERAL CONFEDERATION OF
LABOUR**

Vice President

ACKNOWLEDGEMENT

For many reasons, the *Manual on Social Dialogue at Workplace* is a special material. Firstly, this is the first time where VCCI and VGCL jointly conduct research and publish one common manual serving both enterprise management and GTU officers. Secondly, the Manual is the output of more than one year discussion among members of drafting team and between the two organizations in order to find out a common guideline which is easy to understand and practical for enterprises and trade union officers.

To complete the *Manual on Social Dialogue at Workplace*, the drafting team would like to express sincere thanks for leadership of Mr Hoang Quang Phong, Vice President of VCCI and Mr Mai Duc Chinh, Vice President of VGCL, support of ILO Industrial Relations Project especially Mr Phillip Hazelton, Chief Technical Advisor and Ms Nguyen Thi Hai Yen, National Project Coordinator. We would also like to thank contribution of industrial relations experts: Mr Phung Quang Huy, Director of VCCI Bureau for Employers' Activities, Mr Nguyen Manh Cuong, Director of Centre for Industrial Relations Development, Mr Le Xuan Thanh, Vice Director of Labour and Wage Department, Ministry of Labour, MoLISA, representatives of business associations and trade union officers from Hung Yen, Bac Ninh and Hai Phong participating in the consultation workshop on the Manual on Social Dialogue at Workplace. Especially our sincere thanks go to enterprises in Hung Yen, Bac Ninh, Binh Duong and Long An which participated directly into the study and contributed to the manual drafting.

Drafting Team

LIST OF ABBREVIATIONS

TU EC	Trade Union Executive Committee
GTU EC	Grassroots Trade Union Executive Committee
BoM	Board of Management
GTU	Grassroots Trade Union
SD	Social Dialogue
FDI	Foreign Direct Investment
ILO	International Labour Organization
IR	Industrial Relations
VGCL	Viet Nam General Confederation of Labour
VCCI	Viet Nam Chamber of Commerce and Industry
MoLISA	Ministry of Labour-War Invalids and Social Affairs

WHY

DO WE NEED DIALOGUE AT WORKPLACE?

Lesson from the Ground No. 1

Benefits of dialogue to Mabuchi Motor Company

Mr. Pham Hoang Duc Nam, Vice General Manager, Mabuchi Motor said: "Through dialogues, we can understand the concerns and interests of our workers, respond immediately and consider a change if finding them reasonable. By doing so, we can prevent wildcat strikes from happening in the first place and thereby minimize damage to the company's production activities."

According to Mr Nam, labour productivity increased 44% in 6 years, from 2008 to 2014 while the turnover rate decreased from 3% in 2008 to 1% in 2014, partly thanks to efficient dialogue mechanism.

Source: www.ilo.org/hanoi

Dialogue between workers and employer at workplace is a necessary activity which brings direct benefits to both workers and enterprise.

As for workers, receiving full information on all aspects of their work shall help them complete their tasks with better quality and productivity. When workers' concerns or recommendations are listened and properly responded by managers, they feel respected, have more satisfaction with their job and show stronger commitment with enterprise.

For enterprises, experiences from Viet Nam and over the world show that the establishment and operation of a complete, diversified and effective dialogue system bring significant benefits. Some key benefits of dialogue at workplace have been proved through national and international studies, including:

Labour dispute prevention. Regular dialogue with workers and their representatives is the most effective way to prevent labour disputes. According to ILO research in 2011, 54% of strikes in Viet Nam lasted less than 01 day and those strikes could be totally prevented by dialogue between employer and workers¹. On the contrary, ineffective dialogues might cause strikes and consequently, enterprises may suffer from enormous damages. Specifically, each strike lasting 01 day at an enterprise with about 2,000 workers can incur a loss of about 2 million US dollar.²

¹ Research on strike trend in 2010-2011 by ILO Industrial Relations project in 2011

² Fast assessment on strike costs, 2013 by Center for Industrial Relations Development (CIRD)

Turnover rate reduction and talented workers retention. Anphabe's survey in 2013 indicates that regular and substantial dialogue creates fair and respectful working environment for workers. This is ranked as the second key factor in retaining talented workers and a top value of a company culture. Research by Better Work Viet Nam also points out that the profit of enterprises where workers are free to give opinions about their job, working environment and conditions, will increase by 7,6% on average³.

Labour productivity improvement. Regular dialogues help workers complete their production tasks better, become more committed to the company, reduce error rate and finish tasks faster. In Better Work Viet Nam programme, workers in enterprises with better working conditions and regular dialogue have completed their production target **40 minutes faster** than workers in other enterprises with poorer working conditions and non-regular dialogue.

Brand equity increase and talent attraction. Regular dialogue is the key element to create enterprise culture and friendly, fair working environment, which is considered as one of the two most important factors to build brand equity. According to Anphabe's Survey in 2013, enterprises with accredited brand equity will be **1.5 times** more attractive to talented workers and have **30%** higher commitment of workers than other enterprises. On average, enterprises with less attractive brand equity must pay wages at the level of 30-50% higher than strong brand enterprises for the same position⁴.

The dialogue system of an enterprise includes many components, from daily information sharing channels, workers' feedback channels, receipt and dealing with complaints and labour dispute settlement. The question of how to set up the most suitable dialogue system to the enterprise's features and culture is based on choice of each company and organization. However, the compulsory periodical SD regulated in Decree No. 60-2013/ND-CP is an useful channel for enterprises' current dialogue system.

As for enterprises, which have conducted similar dialogue forms, they can integrate periodical SD into their existing dialogue system.

As for enterprises, which have not conducted similar dialogue forms, this is an effective mechanism to improve IR and helps enterprises initially form dialogue culture in order to achieve the aforementioned benefits.

³ Research on Working environment, Productivity and Profit: Evidence from Better Work Viet Nam, March 2015

⁴ Survey on 100 best workplaces in 2013, Anphabe
(http://blog.anphabe.com/networking-event/khao-sat-100-noi-lam-viec-tot-nhat-tai-viet-nam-2013-anphab/#.VrGC_FLaxf0)



PART 1

SOCIAL DIALOGUE AT WORKPLACE: A GUIDELINE FOR MANAGERS

DEVELOPING DIALOGUE REGULATION

NOTES ON DEVELOPING DIALOGUE REGULATION

i) According to Decree No. 60/2013/ND-CP, enterprises shall develop Grassroots Democratic Regulation at workplace, Regulation on periodical SD at workplace and Regulation on worker's congress organizing. As these three regulations serve to strengthen democracy and dialogue between employer and workers, enterprises can compile a regulation covering the three above-mentioned regulations. Within the scope of this Manual, we only focus on the content of Social Dialogue Regulation.

ii) Many issues which are not regulated in details in Decree No. 60/2013/ND-CP such as:

- Detailed dialogue issues of each enterprise
- Time for each dialogue session
- Qualifications of dialogue participants
- Number of representatives of each party (at least 3 persons)
- Term of elected dialogue representatives
- Allowance for workers' representatives participating in dialogue which is not held in regular working time

Regarding contents that have not been stipulated in Decree No. 60/2013/ND-CP, employers and representatives of workers' collective need to discuss and reach agreement in dialogue regulation of their enterprise.

Components of Social Dialogue Regulation

Decree No. 60-2013/ND-CP defines that employer is responsible for developing and issuing Periodical Social Dialogue Regulation on the basis of consultation with representative organization for worker's collective⁵ at grassroots level (hereinafter referred to as workers' representative organization). The law does not stipulate either Social Dialogue Regulation form or compulsory components of the form. However, enterprises should include the following components in the social dialogue regulation in order to make periodical SD effective:

Part 1: Principles of dialogue

Dialogue does not only bring benefits to workers but also serve the enterprise's overall benefits and goals. Therefore, principles of dialogue should clearly reflect this meaning. Some key principles are:

⁵ Look up the definition of "worker's collective" in the Labour Code 2012, Article 3.3.

- Fairness
- Mutual trust
- Consensus
- Mutual respect

Part 2: Scope of dialogue content

According to Decree No. 60/2013/ND-CP, the content of social dialogue consists of all issues which are regulated in Article 64, Labour Code 2012. Accordingly, the content of social dialogue is very broad, including three main groups of issues:

- **Matters of rights:** such as implementation of current agreements between employers and workers, including employment contracts, internal rules, regulations and commitments, collective bargaining agreement and other agreements;
- **Matters of interests:** adjustment of working conditions following demands of each party.
- **Matters of information sharing:** Employer shares information on production and business status with workers' collective.

Enterprises should discuss and reach agreement with representative of workers' collective on dialogue issues in the regulation relevant to conditions of enterprise. In fact, enterprises can choose one of two following ways:

Practical lesson No. 2:

Experiences on choosing issues for periodical SD regulation

Issues for open dialogue content: unlimited number of issues and two parties are willing to have dialogues on all issues that are requested by the other. In this case, Social Dialogue Regulation can refer to Article 64 of Labour Code and indicate clearly that the two parties will have dialogue of issues requested by one of them.

Issues for limited dialogue: In case that enterprises need to limit issues for dialogue they should discuss and provide specific explanation for workers' representatives. For example, if the enterprise, as a subsidiary or branch of (international or domestic) holdings, does not have the authority to make decision on wages and some core working conditions of workers and has to get approvals of its holdings' management board on these issues, this limitation should be clearly indicated in Dialogue Regulation. The Board of Management of the subsidiary/branch should specify which working conditions can be decided by the Board of Management of the subsidiary/branch in Vietnam and which must be decided by the holdings and to which extent the Board of Management can affect that decision.

(See Sample of Dialogue Regulation – Annex 1)

Part 3: Dialogue participants

The number of each party's representatives participating in the dialogues is self-decided by the two parties but at least each party should have 3 persons. It is not a must to have equal number of participants from each side.

- Employer's representatives: Employer, legally authorized person for employer and representatives nominated by employers (For example: representatives of Human Resources unit, Production unit and other relevant units).
- Workers' representatives⁶: members of Grassroots Trade Union Executive Committee (GTU EC), or representatives of immediate upper-level trade union for non-unionized enterprises and workers' representatives who are elected at Workers' Congress.
- Chairperson of dialogue: Employer's and workers' representatives take turns to undertake this position or act as Co-Chairpersons.
- Dialogue secretary: Employer's and workers' representatives take turns.

Notes on the number of workers' delegates participating in dialogues

- **With enterprises having multiple branches and plants/factories** located in scattered geographical areas: if enterprises are not able to organize periodical SD for all delegates of all branches, the Regulation on SD of enterprise should indicate specifically the number of delegates (on employer's and workers' side) joining in dialogue at Headquarter Company, at regional level, and/or at each plant/factory (if any). According to paragraph 2(b) Article 12 of Decree No. 60/2013/ND-CP, dialogue session will be conducted with participation of at least 2/3 of number of each party's delegates (in line with enterprise's Dialogue Regulation). Thus, number of delegates in dialogue should be stated clearly in Dialogue Regulation and Decision of organizing periodical SD.
- **With large-size enterprises:** Experience of large-size enterprises with more than 3.000 workers shows that number of workers' delegates in dialogue should be considered. It must both guarantee the representativeness of all different groups of worker and ensure that information of content and results of dialogue will be conveyed fastly and fully to workers after each dialogue session. Hence in Dialogue Regulation, employer and delegate of worker's collective in large-size enterprise need to agree on the number of participants in dialogue which suits enterprises best.

(See Chapter 4 on Organizing Dialogue in large-sized enterprises)

⁶ Workers' representatives are GTU EC in unionized enterprises or EX of immediate upper-level trade union on behalf of workers in non-unionized enterprises

Part 4: Responsibilities of employer and participants on employer's side

- Provide financial support for administrative and organizing cost and arrange meeting room for dialogue
- Provide time for representatives to participate in periodical SD (in case dialogue is conducted within regular working hours, workers participating in the dialogue are fully paid)
- Agree to participate in dialogue at workers request (in case of ad-hoc dialogues)
- Implement all commitments in Dialogue Minutes
- Do not discriminate against or victimize the workers participating in dialogue
- Publish dialogue results to workers' collective

Part5: Responsibilities of participants on workers' side

- Collect opinions of members in their unit before participating in dialogue
- Cooperate with and adhering to the coordination of GTU EC/EC of immediate upper-level trade union during dialogue
- Regularly communicate with members in their units (for example: group, production line, workshop, division) during dialogue
- Consult opinions of members in their unit regarding agreements discussed in dialogues, if necessary
- Directly inform dialogue results to members in their unit
- Monitor the implementation of commitments by employer

Part 6: Organizing dialogue

- Prepare dialogue contents
- Allocate time to conduct periodical SD
- Set time for each dialogue session
- Dialogue process
- Ad-hoc dialogue

Part 7: Concluding dialogue

- Dialogue minutes: sample of dialogue minutes, signature of representatives of each party in the minutes
- Announce dialogue results: method and timeline of announcement

- Implement dialogue commitments: Process of implementing dialogue commitments and process of monitoring
- Handle dialogue issues which fail to reach agreement

PROCESS OF DEVELOPING DIALOGUE REGULATION



Although according to legal provisions, employers shall proactively issue Social Dialogue Regulation. However, in order to ensure effectiveness of dialogue implementation, consultation with workers' representatives and information sharing with workers' collective play a crucial role. The development of Social Dialogue Regulation can follow 5 steps below. It should be noted that Step 3 will be executed by workers' representatives (*For details of Step 3, see the Manual on Social Dialogue at Workplace for Trade Union Officers*).

Step 1: Employer shall proactively develop Social Dialogue Regulation in line with Decree No. 60/2013/ND-CP or collaborate with GTU EC to establish an a joint drafting team and then issue the Social Dialogue Regulation.

Step 2: After having the draft, employer collects opinions of workers' representatives on the draft.

Step 3: Workers' representatives collect workers' opinions on the Draft Social Dialogue Regulation in order to ensure that workers' collective clearly understand and agree on the Social Dialogue Regulation. As a result, feasibility of future dialogue will be improved.

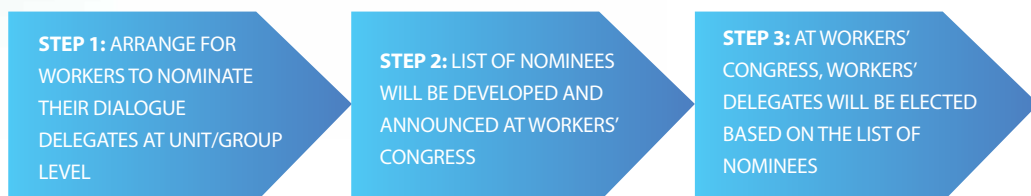
Step 4: Employer and workers' representatives agree on the final draft.

Step 5: Employer makes decision on issuing Social Dialogue Regulation and publishes it to workers.

CHAPTER 2

ROLE OF EMPLOYERS IN THE PROCESS OF NOMINATING AND ELECTING WORKERS' DELEGATES PARTICIPATING IN DIALOGUE

PROCESS OF NOMINATING AND ELECTING WORKERS' DELEGATES PARTICIPATING IN PERIODICAL SOCIAL DIALOGUE



According to Decree 60-2013/ND-CP, workers' delegates participating in periodical Social Dialogue will be elected by workers' collective at Workers' Congress. However, from experience of enterprises having conducted periodical SD, in order to ensure that all workers fully participate in election of dialogue participants, workers should be able to nominate representatives of their unit/group. Then at Workers' Congress, the ballot will be conducted to officially elect workers' delegates based on the list of nominees at unit/group level.

During the process of electing workers' delegates participating in periodical SD, it is necessary for employer to pay attention to the following issues:

Practical lesson No.3

Interfering in the process of electing dialogue delegates or not? Cases of 2 FDI enterprises

A is a Korean company specialized in mechanical engineering. For many times, the company wanted to organize periodical SD with its workers but the dialogue did not happen. It was because the company fears that some persons who often opposed the company's policies may be elected to be dialogue delegates. These people gained reputation among workers because they often fight for workers' rights. Finally, Board of Management found ways to intervene the election results so that those above mentioned people could not be put in the list of dialogue delegates. After the list of dialogue delegates was published, many workers stood up and left to express their objection to the company's intervention.

B is an Indonesian company specialized in packaging. Similarly to Company A, Company B was also afraid of a group of workers who often incited other workers against the company, reacted with managers and even threatened to strike. However, Company B finally organized election meeting in which workers were free to elect their dialogue delegates and did not interfere the election process. Most of the workers thought that this group of workers often cause trouble and cannot be good representatives for them. For that reason, only one worker in that group was chosen for the final list. However, in the following Workers' Congress, that person was not elected as dialogue delegate anymore because he did not complete his tasks well.

Firstly, do not interfere in the process of nominating and electing dialogue delegates at group level. For example: do not assign representatives of Board of Management (even Head of production group or forepersons) to attend election meeting at group level.

Secondly, create conditions for workers to conduct meetings at group level to elect dialogue delegates.

When workers are free to elect their dialogue delegates, it will bring back benefits either for themselves or enterprises. Genuine dialogue delegates who are elected by workers are the only one gaining workers' trust. That's a solid ground for them to represent workers' aspirations in dialogue and make the dialogue be substantial and effective.

Some enterprises are afraid that those who often incite other workers against the enterprise can become workers' delegates in the dialogue and make use of dialogues to cause disadvantages. Therefore, some enterprises find ways to intervene the electing process and exclude those who can bring troubles. Practical experience shows that although those whom the enterprise is afraid of are bad or only wants to protect workers' interests, the enterprise' intervention into the election process is not beneficial. The fact at two FDI enterprises (Practical lesson No. 3) experiencing such situation shows that workers are able to determine who can be the best representatives for them. In contrast, if the enterprise deliberately interfere the election process, this could result in unexpected reactions among workers and cause bad impacts on IR of enterprises.

PROCESS OF ORGANIZING PERIODICAL AND AD-HOC SOCIAL DIALOGUE

A. Preparation

Periodical social dialogue

- Two weeks before periodical SD, enterprise shall facilitate workers' delegates to conduct a meeting at group level to collect workers' opinions. If possible, face-to-face meeting is the best resort, so that workers can raise their opinions for dialogue delegates to take minutes. If it is not possible to arrange face-to-face meetings, opinions can be obtained through questionnaires.
- Workers' opinions shall be summarized and submitted to GTU EC/Upper-level trade union EC by the delegates. GTU EC/Upper-level trade union EC shall select list of dialogue proposals as majority-based, and then the list of dialogue proposals shall be sent to employer's representatives 01 week before dialogue.
- At the same time, employer shall conduct meetings and provide the enterprise's dialogue proposals for GTU EC. Employer should have a meeting among relevant persons participating in dialogue to generate the best response to workers' opinions.
- Two parties should communicate about dialogue participants and set up the time, venue and contents of dialogue session.
- Employer shall grant Decision on organizing periodical SD.

Selection of periodical dialogue contents

In order to ensure the quality of each dialogue session, employer's representatives should agree with workers' representatives on selecting opinions/content of the periodical dialogue. According to experiences extracted by many enterprises, size of enterprise can be considered as a factor to select dialogue contents:

As large-size enterprises: workers' opinions can be numerous and dispersed. Thus, workers'representatives should choose (about 10) matters that catch concerns of workers majority to discuss in dialogue. If there is spare time, dialogue delegates shall discuss on additionally necessary contents.

As small-size and medium-size enterprises: workers' delegates might ask all concerning matters (if there is enough time).

Ad-hoc dialogue

The request for ad-hoc dialogues can be given by either workers or Board of Management. Employer should request for ad-hoc dialogues on the following issues:

- Incurred changes in production and business operations which have impacts on workers;
- Risk of arising collective labour disputes;
- Enterprises encounter urgent situations and have to make decision on important solutions, which have impacts on workers' rights.

Ad-hoc dialogue is often requested in emergency cases, so the enterprise should organize dialogue session as soon as possible. In case employer proposes for ad-hoc dialogue, employer should communicate specifically about information of dialogue content to workers' representatives and dialogue delegates so that they can help inform workers to stabilize workers' spirit, especially in case there are possible risks for collective labour disputes.

If the request for ad-hoc dialogue is given by worker's collective, enterprise should quickly grasp workers' current situation to prepare plans before the beginning of the dialogue.

Practical lesson No. 4

Ad-hoc dialogue preventing strikes

For more than one month, workers at Company S (a Taiwanese company specialized in shoes outwork), especially non-resident workers requested for wages increase due to high inflation rate, increasing housing rental and food price. GTU EC collected workers opinions via trade union groups and found that a dialogue session should be conducted immediately with the Board of Management due to the urgency of the matter. After receiving request for dialogue from the GTU EC, Taiwanese Board of Management contacted the mother company and agreed to conduct dialogue session two days later. The GTU EC immediately informed workers and requested them not to be incited during dialogue time.

In two days of preparation, the Taiwanese Board of Management requested HR Department to provide information in terms of inflation rate, price of main services such as housing rental, food, gasoline, water, electricity, as well as current demands of non-resident workers in the factory.

At the ad-hoc dialogue, GTU EC and workers' delegates requested Board of Management to increase 15% wage for workers. Taiwanese Board of Management informed that they could not raise basic wage but proposed a living allowance of 100,000 VND/month/person and to finance 50% of housing rental for non-resident workers nursing small children. The dialogue results did not satisfy the initial request of workers but could support them to overcome current difficulties. Workers' representatives asked the Board of Management to consider wage increase at the end of the year and persuaded workers to stabilize the work in peace.

B. DIALOGUE SESSION

Some crucial points that needs to be noted in conducting periodical SD

Time:

The time of a dialogue session depends on the determination of both parties and suits the enterprise's conditions. Enterprises, which have conducted periodical SD, inform that dialogue time is from **2-4 hours**.

Workers' representatives involving in dialogue:

As for large-size enterprises, the number of delegates participating in dialogue can be dozens or hundreds of people (See Practical lesson No.5). To have effective dialogue, employer should agree with workers on the arrangement of worker's delegates in the dialogue. There are two options as below:

Option 1: Arrange for all workers' delegates to participate directly the dialogue session. Workers' representatives will invite workers' delegates to take turns to propose questions to employer.

Option 2: Assign workers' dialogue group, including President of GTU and some key delegates. Members of dialogue group will directly propose questions and have dialogue with employer's representatives. Other delegates observe the dialogue and could make questions after the main issues have been discussed.

Process of dialogue session

1. Chairperson introduces two parties' participants in the dialogue
2. Chairperson introduces dialogue agenda
3. Employer's representatives summarizes the enterprise's current situation
4. Workers' representatives propose questions/recommendations
5. Employer's representatives answer workers' questions/recommendations
6. Employer's representatives state Board of Management's opinions on the workers
7. Workers' representatives answer Board of Management's opinions on the workers
8. Open discussion: workers' representatives raise further questions/recommendations, if necessary and Board of Management answers
9. Two parties indicate solutions for issues mentioned, including agreed and disagreed points.
10. Dialogue secretary declares Dialogue Minutes, including: participants, dialogue content, commitments of employer and workers
11. Employer and workers' representatives sign Minutes. Dialogue session ends

Plenary or regional dialogue?

There are many enterprises employing workforce which locate in differentially geographical branches/plants/factories. It poses a great challenge toward enterprises in organizing periodical SD in order to meet all legal requirements, as well as to ensure the effectiveness of dialogue and agreeability to enterprise's characteristics. In fact, enterprises with dispersed large workforce shall apply the following options in order to ensure regular dialogue (*See Practical lesson No.7*):

- Make sure that all groups of worker in all branches will be represented by a proper number of dialogue delegates.
- Negotiate with workers' representatives/GTU about how to organize periodical SD. The dialogue can be organized as regional-based or a cluster of branches every quarter and it also can be rotated to make sure that there is dialogue at least once per three months.
- Negotiate with workers' representatives/GTU about how to conduct periodical SD. If it's possible, dialogue can be conducted as face-to-face meetings. If not, it can be conducted as online meeting/conference.

Practical lesson No. 5

Dialogue in large-size enterprise

CL is Taiwanese-invested Leather Footwear Company with more than 20,000 workers. Before the issuance of Labour Code 2012 which regulated compulsory periodical SD with workers, this company has conducted dialogues between representatives of production groups and Taiwanese Board of Management. Hence, the company decided to integrate periodical SD in accordance with the law into the available dialogue activities. Group delegates were elected at Workers' Congress, and then trained by GTU EC on some skills as collecting workers' opinions skill, charisma skill, meeting organization skill...

Before each dialogue session, GTU EC conducts a meeting with all group delegates to agree on the dialogue plan and task assignment. At the dialogue session, more than 300 delegates and GTU EC directly participate. GTU EC presents main questions which are concerned by the majority of workers for the Board of Management to answer in turns. After that, workers' delegates raise further questions of their own groups. According to the President of CL Company's GTU, that the group delegates participate directly in the dialogues plays the decisive role in the success of this activity.

A dialogue session last in 2-3 hours. Minutes is taken by secretary group and read at the meeting. Dialogue delegates raise their hands to vote for the approval of the minutes. Deputy CEO and President of GTU sign the minutes.

The Company declares the Dialogue Minutes at the Company Bulletin. Within 1 week after the dialogue session, group delegates are responsible for conducting meetings at group level during breaks or after working hours (about 15 minutes) to inform the dialogue content.

Practical lesson No. 6

Dialogue in medium-size enterprise

P.A is a mechanic company with more than 500 workers. Although the IR at the company is quite stable, its workers are very supportive of periodical SD because this is an opportunity for them to have direct conversation with the top management of the company. After Workers' Congress, 12 delegates representing 12 group/units are elected. However, according to the workers' requirements, at each dialogue session, each group will assign 01 more delegate to participate in the dialogues. The second delegate will be assigned in turns in the group so that all workers can have chances to participate in dialogues. In brief, each quarterly dialogue session will have 12 elected delegates, 12 supplementary delegates and the GTU EC.

At the dialogue session, Board of Management summarizes production and business performance of the company in about 30 minutes. After that, 2 hours will be spent for questions and answers. If after 2 hours, there are still unanswered questions, they will be given to GTU EC to submit to Board of Management for written answer later.

Practical lesson No. 7

Dialogue in enterprise having dispersed workforce

M.B is a labour dispatching company with about 10.000 workers, working scatteredly in its branches at 16 provinces. It's very difficult and costly to organize periodical SD for all branches every quarter. So, in its Dialogue Regulation, M.B stipulated that periodical SD shall be organized for 4 regions. In each regional dialogue session, all delegates shall gather at one branch/plant for the purpose of dialogue with representatives of Mother Company and management of branches. If branches are distant from each other or the conditions do not allow direct meeting, companies shall organize online meeting/conference via internet.

C. DIALOGUE CLOSURE

Dialogue Minutes

After completing dialogue session, secretary produces a Dialogue Minutes, including:

- Participants of both parties in the dialogue
- Issues raised by both parties
- Issue agreed by both parties
- Issues that have not been agreed by two parties (proposals of each party should be specified) and deadline for final solutions

Employer's and workers' representatives sign in Dialogue Minutes.

Publicity of dialogue results

The enterprise publicizes Dialogue Minutes in Bulletin Board, speakers or internal email system. At the same time, dialogue delegates also inform dialogue results in their own groups/units. The dialogue results should be publicized within 7-10 days since the dialogue session.

Commitment implementation

Dialogue Minutes should mention the time for Board of Management to implement its commitments. Besides, workers' group can be established (including 1 trade union official and 2-3 group delegates) to monitor the employer's commitment implementation.

COMBINING PERIODICAL DIALOGUE AND OTHER TYPES OF DIALOGUE

For the time being, many enterprises have its own prevailing regular dialogue channels which share a lot of similarities with periodical SD. These following channels are the most popular, such as:

1. Dialogue between employer and heads of production groups
2. Dialogue between employer and workers' representatives of departments and divisions (where workers' representatives are appointed rotatedly)
3. Dialogue between employer and elected workers' representatives (For example: focal points of production lines/groups)
4. Dialogue between employer and a group of workers (For example: workers in a factory, production line) to deal with emerging issues
5. Dialogue between employer and GTU EC and workers' delegates in the framework of Performance Improvement Consultative Committees (PICC) at enterprises under the Better Work Viet Nam Programme

Practical lesson No. 8

Combination of Periodical Dialogue and Monthly Dialogue at enterprise

X.M is a mechanic company with 3,500 workers. Since 2011, this company was conducting monthly dialogue between representatives from Board of Management and HR Department and GTU EC and workers' representatives from production groups. Workers' representatives were not elected but each worker in production groups took turn to join a dialogue session in order to discourse directly with Board of Management.

In 2013 when periodical SD became a compulsory dialogue, X.M made some adjustments with purpose of combining periodical SD and its available monthly dialogue. Company organized group-level election of workers' delegates (a.k.a. information focal points) at each group. These delegates would be elected officially at Workers' Congress in the end of 2013. Activity of monthly dialogue is conducted as usual and workers still take turn to join. In the end of each monthly dialogue, HR Department announces Minutes in company's Bulletin. The information focal points only join quarterly dialogue. Their duty is to collect opinions of all members in production group, and to submit those opinions to GTU EC for compiling and presenting at dialogue session. In the end of periodical SD session, representative of Board of Management and president of GTU EC sign in Dialogue Minutes, which is publicized at company's Bulletin and at the same time, information focal points also inform to all workers in production groups.

According to X.M's Board of Management, monthly dialogue is a maintained tradition which creates democratic environment and deals effectively with daily and emerging issues concenred by workers, for example, safety and heath at work. Periodical SD with 'information focal points' or dialogue delegates from production groups is a dialogue channel for long-term matter, for example, wage and bonus, training mechanism, production, etc.

In case where enterprises have intention to combine periodical SD and its available dialogue systems, it should be guaranteed the following requirements:

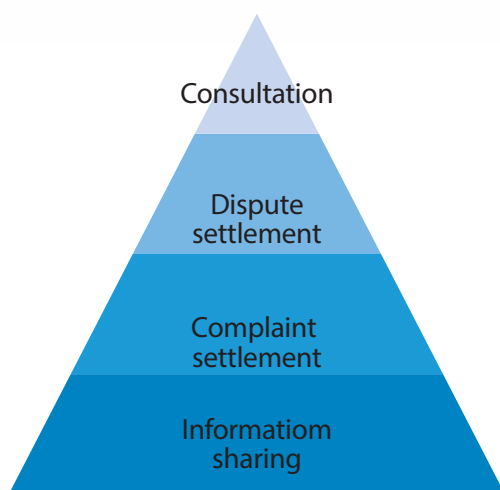
- Workers' delegates must be elected by workers (through election process at group-level and at Workers' Congress – as explained in Part 2.1 and 2.2 of this Manual). Appointment of dialogue delegates or automatic selection of head of production group as dialogue delegate does not satisfy this requirement.
- Number of dialogue delegates from each party must be guaranteed of at least 3 persons/party
- Frequency of periodical SD session must be ensured at least once per 3 months.
- In the dialogue closure, it's necessary to record a Dialogue Minutes and the Minutes must be published and informed to all workers.

If the available dialogue of enterprise meets those aforementioned requirements, then it's possible to combine with periodical SD in order to avoid the overlapping. (See reference of how to combine periodical SD and other dialogue types in Practical lesson No. 8)

DEVELOPING DIALOGUE SYSTEM AT WORKPLACE

Beside periodical and ad-hoc dialogue mentioned above, enterprise would need other daily and regular dialogue to have workers' insights and aspirations, to solve promptly complaints (if any), and to build dialogue culture at workplace as well.

COMPONENTS OF DIALOGUE SYSTEM AT WORKPLACE



The dialogue system in an enterprise should include 4 fundamental components:

- **Information sharing:** This is the most regular dialogue activity between managers and workers. Managers share information in terms of production, business and changes, if any, of working conditions and other daily issues with workers and vice versa, workers can also respond when necessary. Two-way information sharing is very important to ensure the enterprise's machine operating harmoniously and workers are aware of their rights and responsibilities.
- **Complaint settlement:** No matter how good the enterprise and organization is, workers can complain at various points of time and because of various reasons. Complaints can come from individuals or collective (group of workers). If complaints are not timely settled, this can lead to depression, loss of trust or larger disputes. Hence, enterprises should have suitable and diversified channels to settle complaints so that all workers can find their own suitable complaint channels.
- **Dispute settlement:** When workers' complaints are not satisfactorily settled by the enterprise or there are not any suitable and safe complaints channels or the dialogue between workers and employer is not going smoothly, this will result in individual and collective disputes.
- **Consultation:** When employer needs to make decisions on working conditions or decisions which influence workers' right and interests, there should be a mechanism to consult all workers' opinions. The consultation mechanism ensures that the given decision suits workers' aspiration and avoid incurred negative reactions among workers and also ensure the feasibility of that decision.

To ensure all 4 components in good operations, the enterprise should have suitable and diversified dialogue channels.

PRINCIPLES FOR DEVELOPING EFFECTIVE DIALOGUE SYSTEM AT WORKPLACE include:

- *Having various dialogue channels:* include direct and indirect dialogue channels; formal and informal channels; GTU's channels and the Board of Management's channels.
- *Assuring that workers are well-informed about given dialogue channels which are available for them.* Many enterprises train their workers at the time of entrance of their work on how to use dialogue channels and often remind them and update the guidelines of dialogue channels.
- *Ensuring safety and no oppression for the workers when they use those given dialogue channels.* If workers do not believe that they're safe when using dialogue channels then those channels will hardly be used. Comment-boxes installed under surveillance or cameras, hotline asking for name of caller and recording whole conversation, or trade union group meeting with participation of management are examples of unsafe dialogue channels for workers.
- *Maintaining regular dialogue.* Many enterprises think that they only need dialogue when a problem arises. In fact, when a problem arises, that means dispute have developed and employer is in passive position of dealing with dispute. In contrast, if regular dialogue is maintained, enterprises can both remain democratic and open atmosphere and prevent disputes effectively.

DIALOGUE CHANNELS AND ITS OPERATION

Indirect dialogue

The advantages of indirect dialogue channels are that they are not time-consuming and costly for operations as direct channels. However, indirect dialogue channels have a disadvantage that it is not two-way interaction and has certain delay in dialogue.

Comment box: It is mainly used for surpassing opinions and complaints. There should be clear guidelines on process of dealing with complaint letters, comment box should be regularly opened and all complaint letters via comment box should be answered and informed to workers (at least weekly). Note: The comment box should be situated at sheltered locations which are easily accessible to workers (for example, in front of the refectory, parking place, hand washing area, dressing room) with no camera.

Hotline: is often used to answer questions on the company policies (for example, social insurance policies) and company regulations.

Bulletin board and loudspeakers: These are two popular channels for enterprises to share information with workers. However, it should be noted that information on the bulletin boards and loudspeakers should be short and clear, and it is the best that information is illustrated with images. These are considered complementary channels, not the unique channels. Besides sharing information via bulletin board and loudspeakers, managers should also directly share information with workers, especially information directly relevant to their rights and interests.

Workers surveys: It is often conducted by Human Resource Management Department to collect information of workers' satisfaction with different issues in the company policies such as salary and bonus, welfare, outputs and productivity. Survey for workers can be organized at company level at companies of small size or group level. Note: Besides the survey, direct conversations with workers should be done to ensure that they understand and support decisions of the company.

Direct dialogue

Direct dialogue forms play key role in ensuring information sharing and mutual understanding in enterprises. According to a research in 2008 by ILO, 90% of strikes derive from reasons relating to dialogues between employer and workers such as no dialogue, ineffective dialogue, blocked in dialogue.

Vietnamese workers, especially blue-collar workers in factories, are often afraid of official dialogue with managers and even trade union officials. In contrast, they are open and feel free to express their opinions in conversations in small groups or 1-1 conversations; telephone conversations or messages to managers. For that reason, there should be direct and indirect dialogue channels. Meanwhile, regular dialogue should be maintained so that workers get used to making dialogue with employer at workplace.



Picture 1: Working table of Information focal point of Human Resources Management Department at manufacturing workshops



A PICC meeting

(The photo is provided by BetterWork Vietnam)

Information focal point: This is a useful channel to collect workers' feedback and complaints. The Board of Management can assign some staff of Human Resources Management Department or elected by workers at each group to act as information focal point. Information focal points are responsible for daily communication with workers (at the beginning or the end of working shifts) to receive their opinions and report to Board of Management for according settlement.

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Dialogues between Board of Management and head of production groups: This is currently the most popular direct dialogue form. At enterprises with line

production, heads of production groups are highly respected because they are also workers but have working experience, which make them highly trusted by co-workers. When enterprises issue such important decisions as wage or bonus changes, allowances, labour arrangement changes, processing price amendment, the Board of Management often conducts meetings with Head of production groups. After that, heads of production groups inform workers in their own group.

Dialogues between Board of Management and worker groups: Direct dialogue between Board of Management and workers are very useful in abolishing misunderstandings when information goes through several levels of intermediaries. Direct dialogue with Board of Management also helps workers to have more trust in the enterprise. Board of Management can conduct monthly dialogue with workers having questions or registering for participation; or Board of Management can conduct direct dialogue with each workshop/units in turns.

Performance Improvement Consultative Committee (PICC): This is an initiative of Better Work Vietnam which has been implemented in more than 300 garment enterprises in order to strengthen the cooperation at workplace and promote enterprise improvement initiatives. 50% of PICC Members are employer's representatives and 50% are workers' representatives. Among workers' representatives, maximum 50% are GTU officials and the rest are workers who are elected from production units. Workers' delegates are not heads of production groups, heads of production lines and they are highly trusted by workers. PICC conducts meetings at least once a month and discuss all issues relating to labour law and international labour standards. All decisions by PICC are based on the consensus of its members.

Practical lesson No.9

Dialogue system at workplace of Hanesbrand Company

Hanesbrands is a US garment company in Viet Nam. With 3,000 workers in Hung Yen province, Hanesbrand Board of Management found that it was necessary to develop a multi-dimensional and diversified dialogue system to retain harmonious IR, avoid costs caused by labour disputes and enhance workers' commitments and productivity. Hanesbrands' dialogue system has been developed in many years and synthesized as IR process by Board of Management. Hanesbrands' main dialogue channels include:

- 1. HR's answers at workshops (HR Express):** HR staff is present at the beginning or end of working shift at workshops to receive workers' questions. They can immediately answer questions or receive the questions and pass to IR Department and then to relevant departments for answers.
- 2. Periodical dialogue and 2-way information sharing meetings:** Each group elects 01 representative to take part in periodical SD (quarterly) and 2-way information sharing meetings (monthly). At the above-mentioned dialogues, workers raise their questions to the Board of Management of the factory and receive direct answers or later written answers.
- 3. Worker surveys:** include 2 types of surveys: (i) Workers' satisfaction surveys, (ii) Surveys of reasons for workers' resignation. Survey results reveal the risks, if any, in terms of IR and reasons for worker's resignation for Board of Management's timely amendment of company policies.

PART 2

MANUAL ON SOCIAL DIALOGUE AT WORKPLACE FOR GRASSROOTS TRADE UNION OFFICERS

DEVELOPING DIALOGUE REGULATION

KEY CONTENT OF DIALOGUE REGULATION

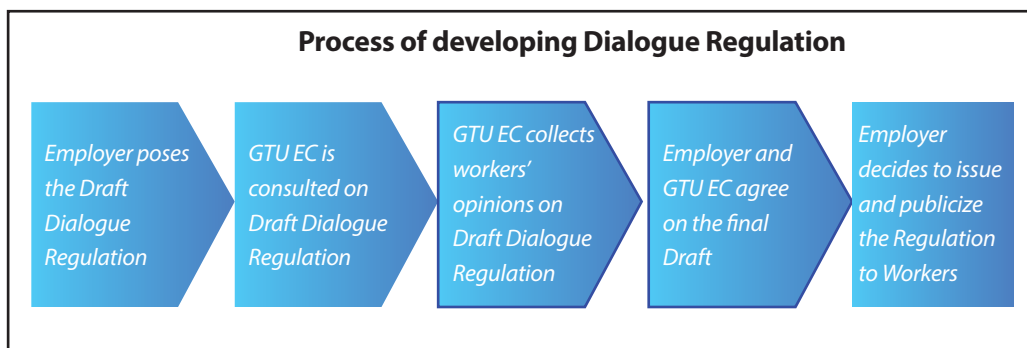
Decree 60-2013/ND-CP specifies that the employer is responsible for drafting and issuing the periodical SD Regulation based on consultation with workers' organizations. However the GTU EC should actively request employer to develop a Dialogue Regulation, as the basis for periodical SD (and ad-hoc dialogue).

Part B of Guideline No. 1499/HD-TLD sets out specific guidance on fundamental contents of Dialogue Regulation. Furthermore, trade union officers can refer to Annex 1 on Sample of Dialogue Regulation in this Manual.

Practical experience shows that trade union officers should pay attentions on the following points when developing Dialogue Regulation, specifically:

- *Frequency of periodical SD:* Decree No. 60/2013/ND-CP stipulated that dialogue must be conducted at least once in quarter; enterprises, however, may increase in frequency of periodical SD (as monthly dialogue or bi-month dialogue) if necessary. Frequency of periodical SD totally depends on needs of worker's collective and employer of enterprise but it cannot be less than once per three months.
- *Number of dialogue delegates in each session:* As for enterprises with dispersed workforce located in different regions and braches, it's necessary to identify whether periodical SD will be conducted region-based or for cluster of branches or as plenary dialogue for whole workforce in enterprise; and respective numbers of dialogue delegates for each dialogue session.

PROCESS OF DEVELOPING DIALOGUE REGULATION



Although legislative provision stipulates that employer shall proactively issue Dialogue Regulation, GTU EC needs to actively involve in the development of Dialogue Regulation, especially in sharing information and consulting with workers, in order to ensure the effectiveness of dialogue later on. Development of Dialogue Regulation shall follow 05 steps, including:

- *Step 1:* Employer shall proactively compose the draft Dialogue Regulation in line with Decree No. 60/2013/ND-CP or GTU EC requests the employer to develop Dialogue Regulation.
- *Step 2:* After composing the draft Regulation, employer collects opinions of GTU EC on its.
- *Step 3:* GTU EC collect workers' opinions on the draft Dialogue Regulation in order to ensure that all workers clearly understand and agree on the Dialogue Regulation, thereby increasing the feasibility of dialogue organization later on.
- *Step 4:* Employer and GTU EC agree on the final draft.
- *Step 5:* Employer grants decision on issuing Dialogue Regulation and publicize to workers.

Collecting workers' opinions on Draft Dialogue Regulation can apply the following options:

- *GTU EC informs trade union group leaders; and then trade union group leaders can inform further to all members in their groups and collect members' opinions, then compile and report to GTU EC*
- *Copies of Draft Dialogue Regulation can be sent to each group/unit so that workers could read and self-study; workers' opinions (verbal or written) can be conveyed via trade union group leaders to GTU EC*

Note: Avoid of using one-way communication such as attaching on Bulletin, reading on loudspeakers, etc without any channels for workers' feedback.

ELECTING WORKERS' DELEGATES FOR SOCIAL DIALOGUE

According to Decree 60/2013/ND-CP, workers' delegates participating in periodical SD will be elected by workers' collective at Worker's Congress. To elect dialogue delegates, GTU EC can take the following steps:

Step 1. Preparation

- About 2 weeks before the Workers' Congress, GTU EC arranges for workers to elect delegates of workers' groups/units to attend the Workers' Congress, and at the same time nominating candidates participating in periodical SD for the following year.
- Depending on the enterprise's size, GTU EC needs to identify the number of workers' delegates joining the periodical SD. Each representative will be responsible for collecting workers' opinions and then sharing the dialogue results. So, it's necessary to ensure that each delegate represents the proper number of workers which is not too large and not too small so that they can perform the aforementioned tasks without influencing their own work.
- Before the election at Workers' Congress GTU EC needs to inform workers about the purposes, methods and time of the election through (i) Bulletin board of the workshop/enterprise and (ii) Trade union group leaders who give information directly to workers. GTU EC needs to schedule nomination at the production group and reports to the enterprise's Board of Management to allocate time for workers. The time required for the nomination should be short so that it does not affect production.

Step 2: Nomination of delegates at group-level

* Refer to the method and process of electing delegates at manufacturing workshops in the garment factory under Better Work Programme in Box 1

- Some notes on nomination of delegates at group-level
 - Firstly, ballot should be used instead of public election (See *Table 1 – Sample of vote sheet and Guide of group delegates election – Better Work Programme*)
 - Secondly, enterprise's management should not participate in election of delegates at group-level
 - Thirdly, management (head of production group, foreperson) should not be elected as workers' delegates in dialogue
- Trade union group leader instructs election method and delivers votes to workers. Workers can self-nominate or nominate another in group.

- Checking votes: trade union group leader and 1-2 workers set up a vote-checking group. Checking votes should be undertaken immediately after voting process and the results will be publicly informed to workers. The results of election need to be recorded in a Minutes and submitted to the GTU EC.

Step 3: Election for delegates joining periodical SD at Workers' Congress

- List of group-level delegates is publicized at Workers' Congress; GTU EC approves the number of nominees/candidates and fix the list of nominees/candidates
- Deliver the vote sheets to all formal delegates participating in the Workers' Congress to vote; The Election Committee counts the votes and prepare the record of the vote results.
- Election results will be announced at Workers' Congress and List of dialogue delegates will be recorded in Resolution of Workers' Congress

Practical lesson No. 1

How many dialogue delegates are sufficient?

GTU EC of H.D Company, a Korean mechanical enterprise with more than 3,000 workers, found it confused in determining number of workers' delegates for the first periodical SD held in Quarter 3, 2013. With 150-300 workers per workshop, one workers' delegate might be not sufficient. But if two delegates represent each workshop, then the total number of workers' delegates will be very large. Finally, GTU EC decided to choose 30 workers' delegates who are not member of GTU EC. Hence in total, there were 42 dialogue delegates.

However, dialogue delegates encountered difficulty in informing dialogue results to workers at their workplace. Sharing information with 150 workers was impossible, which led to vague understanding of workers on dialogue results, even Dialogue Minutes were published on Bulletin. Leant from that experience, GTU EC of H.D decided to increase number of dialogue delegates: every 50 workers would be represented by 1 workers' delegate. Instead of having quarterly dialogue with all delegates, enterprise organized dialogue for cluster of workshops. Each month, representatives of Board of Management conduct one dialogue session with workers' delegates of a cluster of workshops. When it comes to the time of Workers' Congress, a plenary dialogue session would be organized.

Dialogue with cluster of workshops helps to enhance effectiveness of dialogue because the number of delegates is smaller and the issues are more concentrated. And at the same time, workers who are not participating directly in dialogue will be informed specifically about dialogue results by dialogue delegates instead of reading it on Bulletin.

Table 1 – Sample of vote and guide of group delegates election in Better Work Programme

<p>ELECTED DELEGATE</p> <p>Full Name:</p> <p>Workshop:</p> <p>Department:</p> <p>Production line:</p> <p>Other information: (Example: Code of staff/Position) (to avoid mistake in case many names are the same)</p>	<p>How to fill in the votes</p> <ul style="list-style-type: none"> • You can vote yourself or your colleague or head of the production line • If you do not vote for yourself, please vote for the person you trust and that one could represent your voice to Board of Management about the working conditions. • You cannot vote for the foreperson or head of production group • Please vote for the person who works together with you in your department or production line.
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Practical lesson No. 2

Electing Workers' delegates in PICC

PICC (Performance Improvement Consultative Committee) is the initiative of the Better Work Viet Nam Programme, which is implemented in more than 300 garment factories to strengthen collaboration between workers and employer and to improve the factory's labour conditions. The PICC model and operation method have many similarities with periodical SD. 50% of PICC's delegates are workers' delegates, in which at least 50% of the workers' delegates are rank-and-file workers who are elected directly from groups, others are GTU officers.

Group-level election for workers' delegates could be conducted in two ways:

- (1) Electing/Selecting from current trade union group leaders;
- (2) Organizing ballot at production units.

GTU EC and worker's collective will choose which way of election they want. In fact, more than 70% of workers in Better Work factories choose ballot at production unit (Way No. 2).

Organizing ballot for workers' delegates in PICC at production unit

On average, every 100 workers will be represented by 1 delegate in PICC. So enterprise with 1.000 workers will have 10 delegates in PICC. The ballot follows the following steps:

Step 1: Informing workers before organizing ballot



Information in Bulletin



Direct information sharing with workers

Step 2: Organizing ballot at production lines/groups



Step 4: 2nd round of voting



Elected group representatives will continue 2nd round ballot voting for members of PICC

Step 3: Checking votes



Assign people for votes checking and taking note

ORGANIZING DIALOGUE – ROLE OF GRASSROOTS TRADE UNION

Preparation for Dialogue

Periodical SD

- Unit/Group meeting schedule: about 2 weeks before periodical SD, GTU EC will make a Unit/Group meeting schedule to get comments from workers. Meeting will last about 30-60 minutes.
- Unit/Group meeting: Dialogue delegate and trade union group leader organize the meeting. At this meeting, the dialogue delegate will take comments/questions from workers for employer through (i) questionnaires (ii) oral reflection. The dialogue delegate will compile comments and write in the meeting minutes, then submit to the GTU EC.
- The GTU EC synthesizes Unit/Group meeting minutes submitted by dialogue delegates. The GTU EC can select the issues which are mostly concerned by workers to be included in the content of the dialogue. Please, note that it is not necessary to take all requirements/questions of workers to the content of the dialogue to avoid rambling and make the dialogue longer focusing on personal issues.
- GTU EC conveys the dialogue content to Board of Management 1 week before periodical SD and agrees on dialogue time, list of members of each party.
- If Board of Management has questions/requirements for worker's collective, GTU EC will discuss with the dialogue delegates on the response.

Ad-hoc dialogue

Request of ad-hoc dialogue can be proposed by GTU EC and worker's collective or employer. The GTU EC can require an ad-hoc dialogue in the following cases:

- There is a collective labour dispute, that may lead to the risk of strike or go-slow
- Employer changes the policy towards workers or restructures the labour force, changes technology affecting the rights and interests of workers, which workers have not accepted
- There are external changes (for example, rising living cost, natural disasters, etc.) which impact on the workers' life and the need for support from the employer
- Other reasons

In case of ad-hoc dialogue at workers' request, the preparation can be made as follows:

- GTU EC and dialogue delegates collect workers' comments on arising hot issues at each section/group, gather in proposing issues for dialogue; GTU EC sends proposals on dialogue content to the Board of Management and agrees on time,

venue and participants for the dialogue (The dialogue delegates can take oral comments of workers then synthesize in a minute and submit to the GTU EC).

- In case of collective labour disputes leading to the risk of strike and go-slow, the GTU EC and dialogue delegates need to announce the time for ad-hoc dialogue and explain for worker's collective to avoid wild-cat strike in the dialogue process.

In case of ad-hoc dialogue upon the employer's request, the preparation could be made as follows:

- GTU EC and the dialogue delegates will meet and discuss dialogue options with the employer
- The dialogue delegates quickly inform workers of dialogue requirement from the employer and take comments of workers on the answers provided by GTU EC
- GTU EC compiles workers' comments and gives the final answer
- GTU EC agrees with the employer about the dialogue time, list of participants of each party

Dialogue session

Process of dialogue session

1. Chairperson introduces two parties' participants in the dialogue
2. Chairperson introduces dialogue agenda
3. Employer's representatives summarize the enterprise's current situation; propose the issues for dialogue from employer's side
4. President of GTU EC proposes questions/recommendations
5. Employer's representatives answer workers' questions/recommendations
6. Employer's representatives state Board of Management's opinions towards the worker's collective
7. President of GTU EC or assigned member in charge of preparation for relevant issue answers Board of Management's opinions toward the worker's collective
8. Open discussion: workers' delegates give further questions/recommendations, if necessary, and Board of Management answers
9. Two parties indicate solutions for issues mentioned, including agreed and disagreed points.
10. Dialogue secretary declares Dialogue Minutes, including: participants, dialogue content, commitments of employer and workers
11. President of GTU EC and Employer's representative sign Minutes
12. Dialogue session ends

Periodical SD

Some points to be noted when conducting dialogue session:

Time:

- The time of the dialogue session depends on the decision of two parties, suitable with enterprise's conditions. The enterprises that have had periodical dialogue inform that the time for dialogue is from 2-4 hours.
- Although the dialogue issues have been agreed upon by both parties before the dialogue session, after the discussion on the prepared issue, some small and medium-sized enterprises have an open discussion for workers' delegates to add more questions/comments if necessary. Of course the open discussion mentioned above needs to be pre-agreed between workers' and employer's representatives.

Organization method

In large-size enterprises, the number of dialogue delegates can be up to dozens or hundreds people. To make dialogue effective, GTU EC should agree with the employer on the way to organize the participation of workers' delegates. There may be 2 options as follows:

- *Option 1:* Arrange for all workers' delegates to participate directly in the dialogue session. On behalf of all workers' delegates, president of GTU will pose questions or invite workers' delegates to take turns to propose questions to employer.
- *Option 2:* Assign workers' dialogue group, including President of GTU and some key delegates (about 10 people). Members of dialogue group will directly propose questions and make dialogue to employer's representatives. The rest group members observe the dialogue and make questions after the discussion of main dialogue content.

Practical lesson No.3

Dialogue in large-size enterprise

CL is Taiwanese-invested Footwear Company with more than 20,000 workers. Before the issuance of Labour Code 2012, which regulated compulsory periodical SD with workers, this company conducted dialogue between representatives of production groups and Taiwanese Board of Management. Hence, the company decided to integrate periodical SD in accordance with the law into the available dialogue activities. Group delegates were elected at Workers' Congress, and then trained by GTU EC some skills as collecting workers' opinions skill, charisma skill, meeting organization skill...

Before each dialogue session, GTU EC conducts a meeting with all group delegates to agree on the dialogue plan and task assignment. At the dialogue session, more than 300 delegates and GTU EC directly participate in. GTU EC presents main questions, which are concerned by the majority of workers for the Board of Management to answer in turns. After that, workers' delegates raise further questions of their own groups. According to the President of CL Company's GTU EC, that the group delegates participate directly in dialogues plays the decisive role in the success of this activity.

A dialogue session lasts in 2-3 hours. Minutes is taken by secretary group and read at the meeting. Dialogue delegates raise their hands to vote for the approval of the minutes. Deputy CEO and President of GTU EC sign the minutes.

The Company declares the Dialogue Minutes at the Company Bulletin. Within 1 week after the dialogue session, group delegates are responsible for conducting meetings at group level during breaks or after working hours (about 15 minutes) to inform the dialogue content.

Practical lesson No.4

Dialogue in medium-size enterprise

P.A is a mechanic company with more than 500 workers. Although the IR at the company is quite stable, its workers are very supportive of periodical SD because this is an opportunity for them to have direct conversation with the top management of the company. After Workers' Congress, 12 delegates representing 12 group/units are elected. However, according to the workers' requirements, at each dialogue session, each group will assign 01 more delegate to participate in the dialogues. The second delegate will be assigned in turns in the group so that all workers can have chances to participate in dialogues. In brief, each quarterly dialogue session will have 12 elected delegates, 12 observing delegates and the GTU EC.

At the dialogue session, Board of Management summarizes production and business performance of the company in about 30 minutes. After that, 2 hours will be spent for questions and answers. If after 2 hours, there are still unanswered questions, they will be given to GTU EC to submit to Board of Management for written answer later.

Dialogue closure

Dialogue Minutes

After completing dialogue session, secretary produces a Dialogue Minutes, including:

- List of participants of both 2 parties in the dialogue
- Issues raised by both parties
- Agreed points made by both parties
- Issues not agreed by two parties

GTU EC should note to ask employer's representatives to set time duration in the Dialogue Minutes for performing their agreed commitment as well as for solving workers' un-answered requests. On the ground of employer's commitment, GTU EC can monitor its implementation later on.

Publicity of dialogue results

When the enterprise publicizes Dialogue Minutes, GTU EC also asks dialogue delegates to inform dialogue results at their own groups/units. Information sharing can be conducted directly with small group or meeting at the beginning of work shift. The dialogue results should be announced as soon as possible but no later than 7 days since the dialogue session.

Commitments implementation monitoring

GTU EC needs to establish the monitoring team including (i) member of the GTU EC; (ii) some dialogue delegates. This team will monitor the implementation of the employer's commitments with the time limit recorded in Dialogue Minutes and inform the GTU EC of the progress. If the employer does not implement properly their commitments within the time limit in the minutes, the monitoring team should inform the GTU President to conduct a meeting with the employer to find out causes and request them to take solutions to implement commitments early. At the same time, the monitoring team will monitor the commitments implementation of the workers. If there is something wrong, this team should inform GTU EC to find out the solution for proper implementation.

DEVELOPING GRASSROOTS TRADE UNION'S DIALOGUE CHANNELS

Besides the dialogue channels built and operated by the employer, GTU needs to have its own channels for dialogue to avoid being dependent on the employer, as well as create an independent dialogue channels for workers. In addition, the GTU dialogue channels also help the GTU EC to actively capture and gather workers' opinions.

Some of the GTU's dialogue channels, which can be applied:

GTU's comment box: to operate efficiently, it should specify the time to open the mailbox (at least weekly), process of dealing with queries and the time limit for answering workers' questions.

GTU's hotline: besides the comment box, GTUs that have a large number of members can build their own hotline to explain about the policy, regime for workers, meanwhile receiving complaints from workers. The hotline person should be a full-time GTU officer who can answer direct questions of workers about policy, regime of the State and the Enterprise towards workers. They will absorb complaints and transfer to the GTU EC to solve.

Trade Union group leaders: The Trade Union officer at the group is the key and traditional information channel of GTU. It should be noted that the trade union group leaders should be workers instead of the managers (team leader or head of the production line). This can make sure that GTU EC can collect information from worker and also can share information to the Trade Union members. The GTU president should meet frequently with the trade union group leaders (2 times/month) to capture the situation of workers.

Dialogue delegates: the elected dialogue delegates are the new complimentary channel for the GTU information system. After dialogue delegates are elected at Workers' Congress, the GTU EC can organize an orientation meeting with the new delegates to explain about their role and mission in the dialogue, as well as to train basic skills of trade union such as holding meetings in the group, meeting minutes recording skill, simple presentation skill, and election procedure at the group. In addition to the periodical SD sessions and ad-hoc dialogues, the GTU EC can maintain contact with the network of dialogue delegates to capture the situation and recommendations of workers.

GTU's procedure for resolving workers' complaints

- After receiving complaints from workers, the GTU officer needs to explain clearly the procedure of complaint settlement to workers to help workers stabilize their emotions and cooperate with the GTU.

- Then the GTU EC assigns staff to investigate the case by having individual meeting with the complainant and speak to relevant people to collect full evidence and information.
- In case complaints are related to personal relationship (between workers and manager, or among workers themselves), the GTU EC can hold a private meeting with the complainant and the person being complained to mediate.
- In case complaints are related to the enterprise's policy (for example: wages, bonus policy, working time, meal quality), the GTU EC can hold a meeting with the Board of Management representative to share the complaints and require the Board of Management to answer the workers. In case of collective complaints that may lead to dispute, the GTU EC can request an ad-hoc dialogue with the employer to find out the appropriate solution.

Practical lesson No. 5

Dialogue channels of C.L. shoes enterprise's GTU

C.L is an enterprise processing and exporting sport shoes. The enterprise has over 20,000 workers. Before 2011, the enterprise's IR was unstable, strike happened regularly. After 2011's strike, workers re-elected the GTU EC whose members were mostly workers, and one worker in cutting workshop was voted as GTU president. The new GTU EC step by step built a separated dialogue system of GTU funded by the Trade Union budget and operated effectively. C.L GTU has:

- 6 Hotlines: in charge of by full-time Trade Union officers to answer the workers' questions about the State's policy and the Enterprise's regulation.
- 20 GTU comment mailboxes (weekly opening)
- 5 information focal points which are TU officers going to workshops at the beginning of the working shift to gather workers' comments.
- Trade Union team meeting (monthly, having minutes)
- Dialogue between the GTU EC with workers' delegates at group-level and Board of Management (monthly or ad-hoc).



Periodical SD between 300 workers' delegates and Board of Management



GTU opens the TU skill course for TU group leaders and worker's delegates



Information about Collective Bargaining Process in the GTU's Bulletin

Dialogue Regulation of an FDI enterprise

DIALOGUE REGULATION AT WORKPLACE

I. LEGAL BASIS:

It is based on Chapter V, Labour Code and Decree No. 60/2013/ND-CP dated 19 June 2013 providing details on paragraph 3, Article 63 of Labour Code on implementation of regulation for grassroots democracy at workplace.

II. CONTENT:

1. Time to conduct dialogue:

- HR Dept. is responsible to chair and cooperate with Grassroots trade union to organize periodical dialogue at workplace once/03 months.
- Time between 2 consecutive periodical dialogues is maximum 90 days; except the case where the time of dialogue is overlapped with Worker's Congress then enterprise doesn't have to organize dialogue.

2. Venue to conduct dialogue: at enterprise.

3. Quantity and Participants in Dialogue:

3.1 Representatives of Employer: Director General or Deputy Director General in Administration, Head of HR Dept.

3.2 Representatives of Workers:

- GTU EC and delegates of worker's collective.
- Number of members elected at Workers' Congress as delegates of worker's collective:
 - + Groups of rank and file workers: 1 person/group.
 - + Office: 1 person/Dept..

Delegates of worker's collective have the term of 1 year and will be re-elected every year at the annual Workers' Congress.

- Criteria for electing delegates of worker's collective: do not break the disciplines of enterprises, volunteer and have responsibility towards dialogue work; understand the laws, situation of enterprise; employment contract lasts at least 12 months counting from the date of upcoming Workers' Congress.

3.3 Number of people participating in the dialogue will be informed to each other when sending the proposal for dialogue issues.

4. Contents of Dialogue:

- Operation of business.
- Implementation of Labour Contract, Collective Bargaining Agreement, internal rules,

regulations and other commitments and agreements at workplace.

- Working Conditions.
- Demands of workers, worker's collective to employer.
- Demands of employers to workers and worker's collective.
- Other concerns of both sides.

5. Responsibility of each side:

5.1 Responsibility of Enterprise:

- In the beginning of last month of each quarter, HR Dept. is in charge of planning for periodical dialogue (time, venue, quantity, facilities, etc.) after discussing and agreeing with Trade Union, submitting to leaders of enterprises to adopt and informing workers.
- All divisions and departments are responsible in collecting ideas of members in teams about contents of dialogue, writing meeting Minutes, compiling questions and requests of workers sending to HR Dept. within 07 days before the dialogue.
- HR Dept. is responsible for compiling questions/requests and suggest solutions, answers submitting to leaders of enterprises for approval after consulting with Trade Union
- HR Dept. is responsible for logistic and budget preparation of the dialogues to make sure the dialogues are held as prescribed.
- After the dialogues , HR Dept. is responsible for collecting the questions/requests raised; suggesting possible solutions, and inform the results to the workers in within 7 days.
- The leader of each department and division is responsible for dissemination of dialogue's results to every of its members then report the results through monthly IR reporting system.
- HR Dept. may organize training sessions on dialogue skills for participants if necessary.

5.2 Responsibility of Trade Union:

- Work closely with HR Dept. in the planning and implementation of dialogue
- The trade union groups are to prepare and introduce personnel to elect delegates to represent the worker's collective at Workers' Congress
- Assign the person to chair the dialogue (alternating with company management).
- Explain to workers so they could understand the results of the dialogue.

6. Applied since....:

EMPLOYER'S REPRESENTATIVE
(Signed)

Date/Month/Year
WORKERS' REPRESENTATIVE
(Signed)

Flow-Diagram of organizing Worker's Congress ⁷

GRASSROOTS TRADE UNION OF

INTERNAL CIRCULATION

GRASSROOTS TRADE UNION COMMITTEE.

....., datemonthyear 201.....

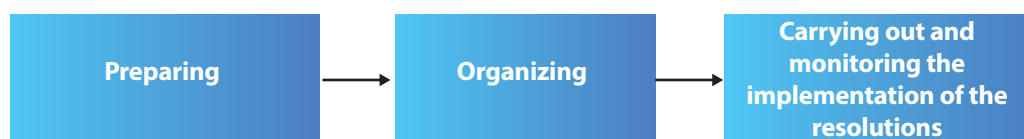
WORKERS' CONGRESS ORGANIZING FLOW DIAGRAM

I. OBJECTIVES:

- To comply with the law of Vietnam.
- As a form of direct dialogue between employers and workers for information exchanging and solving problems raised while working thereby creating harmonious, stable , progressice relationship at work.

II. FLOW DIAGRAM'S CONTENT:

- Flow diagram:



1. Preparing:

- Trade Union in cooperation with the employer will develop Workers' Congress plan, assign tasks on content preparation, and inform the plan to every department or group in the enterprise.
- Trade Union actively proposes time and venue and draft plans for the worker congress.
- Congress participants:
 - Obvious participants:
 - › Management board members, general director (director), deputy general director (deputy director), chief accountant.
 - › President, Vice president and members of GTU EC.
 - › Secretary of the Party cell (if available).
 - › Secretary of the Youth Union (if available)

- › Head of the Women division
 - › Chairperson of the Inspection Commission.
- Elected participants will be applied for enterprise with 100 workers upwards:
 - › Delegates elected from workshops, groups, and the production department to fit with the allocation number.
 - › The number of participants will be identified by employers and GTU EC at this step.
 - › The employers and Trade Union must agree on the number of participants to be elected and allocate to every department according to the number specified.
 - › Elected delegates must acquire more than 50% of the total valid votes of each division and department.

2. Organizing:

- Electing the presidium and the secretariat of Workers' Congress.
- Introducing participants
- Report from the employers should include:
 - Report on Business and production of the last year and on the implementation of policies relating to the rights and interests of workers.
 - Presentation on future business and production plan, production development methods, labour arrangement planning, production management and coordination, machinery – equipment renewal
 - Evaluation report on methods to ensure labour safety and hygiene, fire prevention, improving working conditions, skill training for workers, etc.
 - Report on the development and implementation of the enterprise's regulations and rules, additional or revised terms to suit with the production and business situation in future.
 - Report on setting up of welfare and bonus fund under the decision of general meeting of shareholders, reports on submitting the union fees and union dues, payments for social insurance, health insurance, unemployment insurance and other financial disclosures relevant to workers.
 - Q & A session on managing the enterprise while collecting suggestions and requests under the jurisdiction
- Trade Union's report:
 - Report on the results of worker dialogue
 - Report on the participation in developing internal regulations/rules
 - Report on the usage of welfare and bonus fund and the application of CBA
 - Report on the implementation of CBA (if available) or presentation on the content/revised content of the draft CBA.

- Report on requests by the worker's collective to employers
- To listen to the opinions of participants on issues relevant to Trade Union's roles and functions.
- Issues to be discussed:
 - Methods of production and business development, labor and production reorganization.
 - Enterprise's internal regulations relevant to the rights of employers and workers.
 - Methods to improve working conditions, labour protection, working environment, training and retraining for workers.
 - Discussion on revised and additional content of the CBA
 - Trade Union could hold the activity review meeting in combined with commendation ceremony for excellent members if most of the participants are the union members.
 - Regulation of wages, bonuses and production plans relevant to workers and in line with the laws.
 - Besides, employers and trade union may announce the rewarded and launch emulation.
 - Other issues of mutual interest.
- To elect the delegates of periodical dialogue
- Agreement on the Resolutions:
 - Voting to get adoption for these documents:
 - › Draft CBA or the revised/amended CBA;
 - › List of participants in dialogues with employers.
 - › Discussed issues of the congress.
 - Sign the CBA once all requirements are met.
 - Trade Union announces the launch of emulation and commendation.
 - Chairperson of Worker's Congress operates the voting session to adopt the Congress' resolutions.

3. Carrying out and monitoring the implementation of the resolutions:

- After closing the congress, employers and Trade union executive committee inform the results of the congress to every worker as well as report to immediate upper-level trade union.
- Implementation and Monitoring responsibilities

- Employers: directing the departments and units to plan and implement the Resolutions; coordinating with GTU EC to solve workers' requests adopted at the Congress. Every 6 months, along with GTU EC, evaluate the implementation of the Resolutions.
- GTU EC: Monitoring and Checking up on the implementation of Congress Resolutions in cooperation with other divisions in the company and encourage the workers to implement the resolutions.
- The monitoring task should be done regularly and delivered by an experienced person. Any issue found should be reported timely to the employer.
- Trade Union should participate in developing the regulations of the company as well as in implementation of the regulation among the workers and listen to their requests/demands at the same time to make proper adjustment at the right time.
- Periodically ask the company to provide information related to the rights and the interests of workers and publicize the information for workers.

III. REQUIREMENTS:

- For the Grassroots Trade Union:

1. Study the labour law, get to know the production and business situation of the business and have certain knowledge about the customs and traditions of the local people
2. Proactively access the information, ensuring good control over the internal situation.
3. Be Patient, perseverant, hardworking in solving the issues while being patient and flexible in convincing.
4. Be devoted to workers, be concerned and stay a listener to promote workers' democracy.
5. Focus on propaganda work on:
 - Awareness on industrial style;
 - Knowledge and understanding of law;
 - Strengthening the industrial relations;
 - Settle labor disputes following the procedures and process as prescribed in the law.
 - Participating in keeping security order in labor, production, elimination of social evils and thefts, etc;
 - Involving in keeping and implementing seriously the internal rules and regulations of the enterprise;
 - Participating in labor emulation, ensure the productivity and product quality.

- Cooperating and sympathizing with the enterprises during hard time as well as easy time

- For the Enterprises:

1. Awareness preparation for the enterprise management level on the implementation of democracy regulations in the enterprise, particularly in organizing the Workers' Congress.
2. Develop and ensure the implementation of rules, regulations, rules, agreements, salary scales system
3. Develop newsletters system, feedback box, law library, internal communication systems and assign a department to cooperate with Trade Union in monitoring the information proceeding mechanism of feedbacks collected from workers.
4. Develop the mechanism for dialogue with workers and assign leaders alternately to listen and response to workers' feedbacks.
5. Develop the enterprise's culture based on the mutual respect between employers and workers.

IV. RESPONSIBILITIES:

- Of Grassroots Trade Union:

1. Proactively propose the Worker's Congress and cooperate with the employers in organizing the Worker's Congress.
2. Well participate in developing regulations, salary scale for the enterprise and monitor the implementation of these activities. Together with the enterprise, develop the cooperation mechanism and other mechanisms such as: wage, bonuses share, welfare; awarding, etc.
3. Develop the content and sign the collective bargaining agreement with more articles on better rights and interests than law for workers as well as ensure the implementation.
4. Take care of the union members' welfare both physically and mentally; coordinate with the employers to organize movements, contests... associated with communication and education activities for workers on: labor behavior, implementing the Party's guidelines and Government's policies and laws related to operation of enterprise and rights and interests of workers.

- Of the Enterprises:

1. To develop the regulations on organizing Workers' Congress in consultation with Trade Union at the enterprise and inform to every employee, managing level, and divisions in the enterprise.
2. Arrange location, time and other logistical conditions for the periodical Congress as stated in law.
3. Ensure the number of participants and the time as prescribed.

4. Ensure the budget for Congress organizing including the preparation expense.
5. Ensure the implementation of the congress resolution.
6. Ensure the exercise of trade union right, giving feedbacks and together with Trade Union solve all issues related to workers.
7. Focus on the feedbacks from the workers and figure out the sound solutions to their requests, contributing to the development of harmonious, stable, and advanced industrial relations to tighten the attachment between workers and enterprise.
8. Direct the implementation of the Congress Resolutions

V. RELATED DOCUMENTS:

1. Labor Law, Trade Union Law, and relevant guiding documents.
2. Trade Union Charters and other relevant documents.
3. Collective Bargaining Agreement.
4. Internal labor regulations, Company/Customers' regulations.
5. Decree No. 60/2013/ND-CP dated June 19, 2013 detailing Clause 3 Article 63 of the Labour Code on implementing the democracy regulation at grassroots at the working places.
6. Guideline 1755/TLĐ and Guideline 1499/TLĐ