MINISTRY OF LABOR – INVALIDS AND SOCIAL AFFAIRS VIET NAM

SCOPE AND FUNCTIONS, CURRENT SITUATIONS, CHALLENGES AND PERSPECTIVES OF VIETNAM'S LABOR INSPECTORATE

Valencia, 2022

I. GENERAL BACKGROUND

1. Orgnization structure

The inspection system of Vietnam's Labor, Invalids and Social Affairs is arranged at two levels:

- a) Central level: Inspectorate of the Ministry of Labour, Invalids and Social Affairs (MOLISA); and 03 agencies assigned to perform the specialized inspection at:
- General Department of Vocational Education;
- Department of Overseas Labor Management;
- Department of Occupational Safety.
- b) At the local level: Inspection Divisions of the Department of Labour, Invalids and Social Affairs (DOLISA) in 63 provinces/cities.

2. Duties

- Administrative inspection, specialized inspection;
- Settlement of complaints and denunciations;
- Anti-corruption;
- Providing guidance and training on specialized inspection and local inspection;
- Other tasks.

Beside labor inspection, inspectors also inspect in war invalids and social affairs areas -> The number of inspectors performing labor inspection tasks only accounts for about 1/3 of the whole inspection force.

- Labor inspection scope:
- Labor law inspection (incudes: labor relations, working conditions, wages, collective bargaining agreements, working hours, rest hours, labor discipline, foreign workers working in Vietnam),
- Occupational safety and health inspection;
- Social insurance and unemployment insurance inspection;
- Investigating occupational accidents with serious injury from 02 or more people or death.

II. SITUATION AND CHALLENGES

1. Number

- 453 people, in which: the MI has 52 people; DOLISA of 63 provinces have 384 people; 03 agencies assigned to carry out specialized inspection function: 17 people.
- The number of inspectors throughout the country is decreasing; the highest number of inspectors was in 2015 with 500 people.
- The rotation of inspectors from inspection division to other divisions at DOLISAs also causes many difficulties for LI activities

2. Number of labor inspection visits

• In the five years from 2017-2021, on average, each year, all labor inspection system has conducted about 7,000 labor inspection visits at 7,000 enterprises (Vietnam currently has about 800,000 enterprises).

3. Challenges

- Funds, equipment and facilities to support labor inspection is limited
- Limited number of inspectors, so we did not regularly inspect in fishing, agriculture, domestic workers and in other informal sectors
- Many local LI departments have only 3 4 inspectors and often rotated, compare with a high number of enterprises (800,000 enterprises)
- International economic integration (cause multiple supply chains, multinational enterprises), the revolution of technology 4.0 creates many new and complex labor relations (working part-time, working not concentrated in one place, working via the internet)
- the provisions of the labor law often change, is related to many other laws

II. SOLUTIONS AND TENDENCIE OF VIETNAMESE LABOR INSPECTORATE

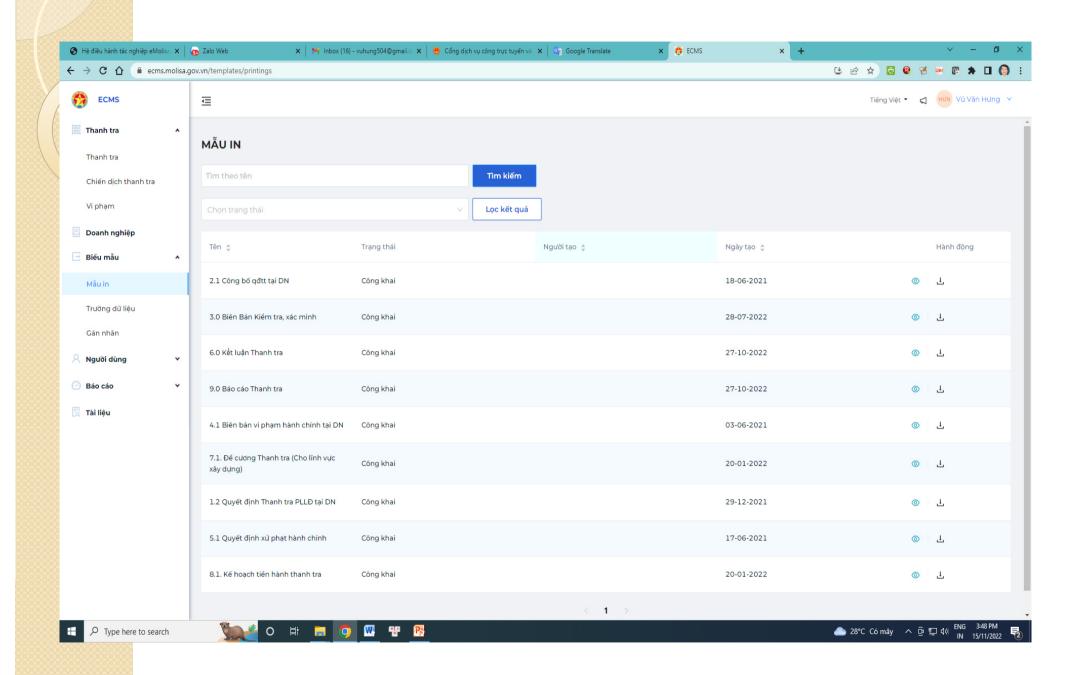
Since 2013, MI has submitted to the Government for promulgating the project "Improving the capacity of Labour, Invalids and Social Affairs inspection system for the period 2013-2020" and most recently for the period of 2021-2025, with the main contents: improving the organization and number of inspectors; equip working facilities and apply information technology; training to improve professional qualifications; international cooperation. To enhance the effectiveness and efficiency of LI activities, Vietnam labor inspectorate has and will apply the following solutions:

- 1. Apply IT in operations, administration, and inspection visits
- 2. Apply effective inspection practices
- 3. Training
- 4. Tripartite cooperation and cooperate with international organizations

1. Apply IT in operations, administration, and inspection visits

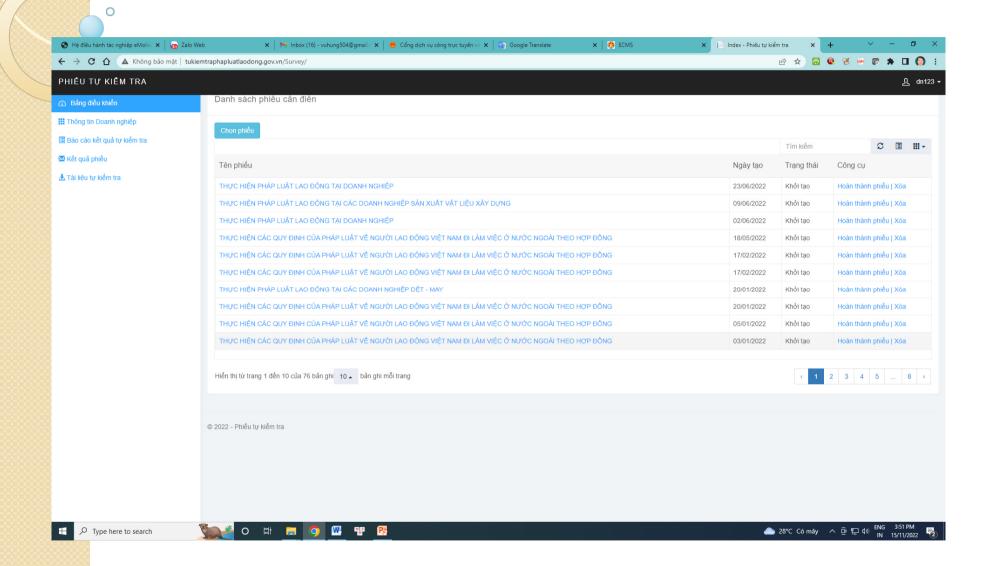
1.1. Inspection management software

With financial and technical support from ILO, MI has developed inspection management software, With this software, conducting an inspection will be done completely online on software, from issuing inspection decisions, conducting direct inspections, inspection conclusions and monitoring after inspection. After the pilot period in 2022 and early 2023, Vietnam will apply inspection management software for inspection work at all labor inspection agencies from the central to local levels, with all businesses to be inspected.



• Effect: help inspectors reduce inspection time, thereby increasing the number of inspection visits; help MOLISA understand the situation and activities of the labor inspectorate nationwide; create a database on the enterprise and its compliance with labor laws; helps prepare annual and long-term inspection plans; help evaluate and summarize the implementation of labor policies and laws in practice to have a plan to improve the national labor law

1.2. Self-assessment form online software



Self-assessment form

MANAGEMENT AUTHORITY: SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom - Happiness					
ENTERPRISE'S NAME;					
SELF ASSESSMENT FORM THE IMPLEMENTATION OF LABOR LAWS IN TEXTILE AND GARMENT ENTERPRISE (Reporting period from 01st January of the previous year to the time of this report) I. General information:					
1. Enterprise's name:					
2. Type of enterprise:					
1. Private	One-member limited 1	iability			
3. Partnership	3. ☐ Partnership 4. ☐ Two or more members limitted liability				
5. ☐ joint stock 6. ☐ Other, detail:					
3. Headquarter of enterprise (in Vietnam):					
Tel number; Fax:					
4. Business license (Investment Certificate) No; granted by: for the first time on: , amended for: time (the last time) on					
5. Name of authority in charge:	5. Name of authority in charge:				
6. Trade union organization:					
1. 🔲 Established	2. 🔲 Has not been establish	ied			
Year of establishment:					
7. Total of employees:					
7.1. By type of employees:					
Type of employees		Quantity			
Female employees					
Juvenile employees					
Aged employees					
Foreign employees					

SELF-ASSESSMENT FORM ABOUT LABOR LAWS IMPLEMENTATION

Type of employees	Quantity
Employees with disability	
Total	
7.2. By work:	
Work	Quantity
Extremely heavy, harmful and dangerous works	
Heavy, harmful and dangerous works	
Working in normal labour condition	
Total	
8. Number of contractors or relevant middlemen	
9. Total number of employees work for contractors or relevant middlemen	

II. THE IMPLEMENTATION OF LABOR LAW, SOCIAL INSURANCE LAW

1. Prepare and send periodical reports to local labor authority:

Type of report		The latest report		
1.1. Periodical report on recruitment status and labour usage status (first 6 months and annual)	1. Yes, months/time 2. No	Date month year		
1.2. Periodical report on occupational accidents (first 6 months and annual)	1. Yes, months/time 2. No	Date month year		
1.3. Report on outcomes of training, retraining to improve profession, skills to state labor management authority at provincial level		Date month year		

In this software, 10 forms have been developed for 10 sectors. Companies fill out the form online on the website, recommendations will be automatically send back to businesses. There are 10,113 businesses registered for accounts and fill out forms on the system. In the coming time, MOLISA will apply the software of online self-check forms for all businesses.

Effect:

- -Strengthen control of labor laws at enterprises without having to directly inspect at enterprises.
- Reduced resources both in terms of finances and forces for inspection activities
- Each time the form is filled, the regulations of the labor law are disseminated to the employers and the employees

1.3. LI website



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THANH TRA LAO ĐỘNG - THƯƠNG BINH & XÃ HỘI



🖍 Giới thiệu 🔻 Hoạt động thanh tra, kiểm tra 🔻 Giải quyết khiếu nại, tố cáo Phòng chống tham những Hợp tác quốc tế Tài liệu nghiệp vụ thanh tra 🔻





Triển khai công tác thanh tra năm 2017

NEW @ 297

7 ## 01/05/2017



Hội nghị cán bộ, công chức, người lao động năm 2016

NEW) @

▶ 182

12/31/2016

Hướng dẫn nghiệp vụ thanh tra

- Lấy ý kiến góp ý Nghị định tổ chức, hoạt động của Thanh tra LĐTBXH
- 🖹 Đề cương thanh tra doanh nghiệp năm 2017
- Hướng dẫn công tác thanh tra và Kế hoạch thanh tra năm 2017 của Bộ LĐTB&XH
- BIỂU MẪU THỰC HIỆN CHẾ ĐỘ BÁO CÁO VỀ CÔNG TÁC THANH TRA
- MẪU BÁO CÁO TỔNG HỢP KẾT QUẢ THANH TRA THUỘC CHIẾN DỊCH THANH TRA NĂM 2016

Văn bản pháp quy về Lao động

Văn bản pháp quy về Thanh tra



QUY TRÌNH TIẾP CÔNG DÂN



Hội nghị triển khai công tác đảng năm 2017

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12/31/2016



Tình hình chấp hành Luật An toàn, vệ sinh lao động tại 14 tổ...

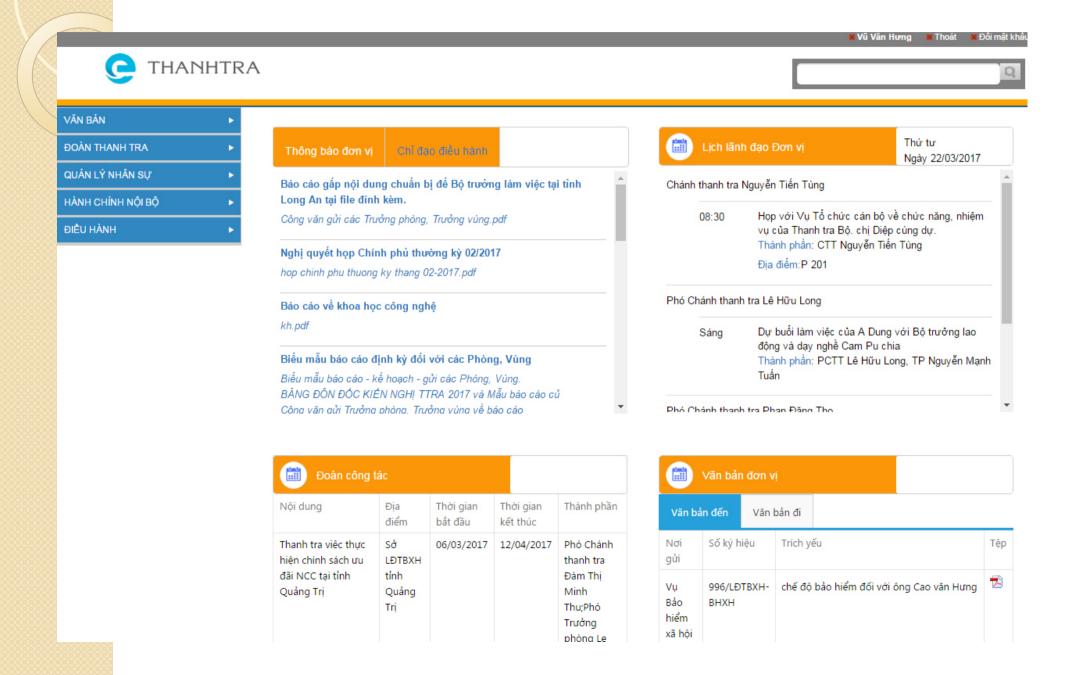
NEW

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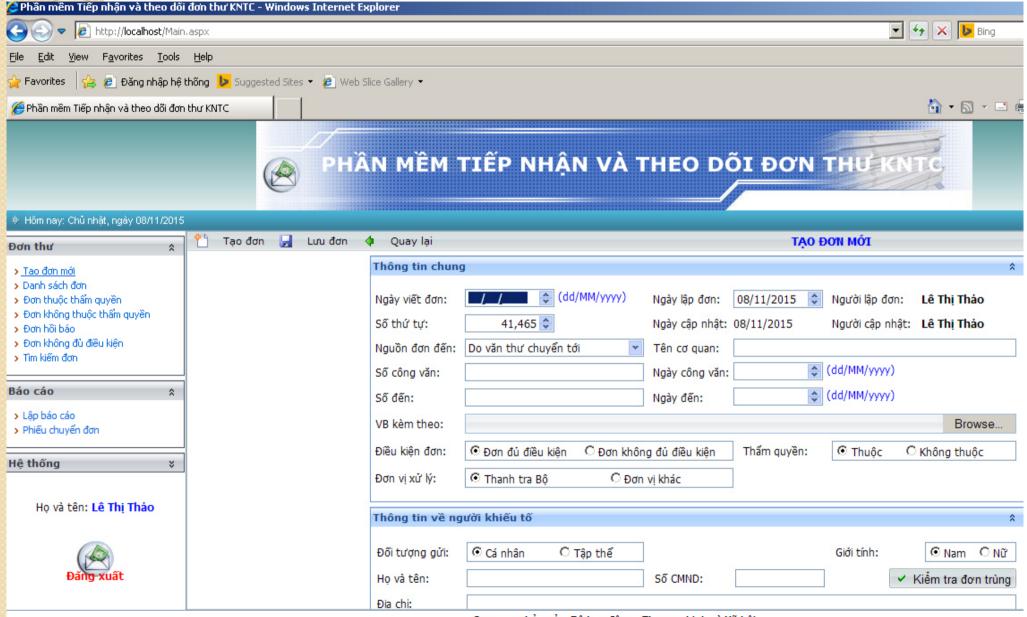
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1.4. Administration activities online:



1.5. Software to manage citizen reception, handle online letters of complaint and denunciation



1.6. Reporting online software

-- Chon pham vi thống kê --



BÁO CÁO KẾT QUẢ THANH TRA

-- Chon kỳ thống kê --

HƯỚNG DĀN SỬ DỤNG



Xem báo cáo

it 👰

- Danh mục Tỉnh/Thành phố
- 🐧 DM lĩnh vực thanh tra
- DM Lĩnh vưc tiếp dân
- 🐧 DM Tiêu chí thống kê
- 👖 Loại đối tượng TTra
- 🐧 Loai phiếu KQ TTra/Đôn đốc
- Chọn tiêu chí đầu vào
- Tạo mẫu báo cáo KQ thanh tra
- Tạo mẫu báo cáo KQ đôn đốc
- 📶 Nhập Kết quả đoàn thanh tra
- Mhập kết quả Tiếp dân & XLĐT
- Mhập kết quả Xử lý phiếu TKT
- Xuất bảng kết quả thanh tra
- Xuất kết quả Tiếp dân & XLĐT
- Xuất kết quả Xử lý phiếu
 TKT
- 🛅 Tổng hợp kiến nghị sửa luật
- Các tỉnh chưa BC XLĐT
- 🔛 Các tỉnh chưa BC_PhiếuTKT

BÁO CÁO TỔNG HỚP CÔNG TÁC THANH TRA

←-

(Từ ngày 16/11/2016 Đến ngày 15/11/2017)

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Kết xuất file

STT	Nội dung	Tổng số DN/đơn vị đã thanh tra	Tống số kiến nghị	Số quyết định xử phạt	Tổng số tiền xử phạt (triệu đồng)	Số cán bộ làm sai (người)	Số người hưởng chính sách sai	Số tiền cắt, thu hồi (triệu đồng)	Số đơn vị chưa báo cáo thực S hiện
1	Pháp luật lao động	29	332	4	72	0	0	0	0
2	Tiền lương trong DN nhà nước	0	0	0	0	0	0	0	0
3	An toàn vệ sinh lao động	0	0	0	0	0	0	0	0
4	Bảo hiểm xã hội, BHTN	8	63	1	6	0	0	0	0
5	Dạy nghề	2	7	0	0	0	0	0	0
6	Xuất khẩu lao động	0	0	0	0	0	0	0	0
7	Q.lý lao động người nước ngoài	0	0	0	0	0	0	0	0
8	Chính sách người có công	7	32	0	0	0	4	28440800	0
9	Phòng chống TNXH	0	0	0	0	0	0	0	0
10	Bảo trợ xã hội	0	8	0	0	0	0	0	0
11	Chính sách trẻ em	0	0	0	0	0	0	0	0
12	Bình đẳng giới	0	0	0	0	0	0	0	0
13	Thanh tra hành chính	1	0	0	0	0	0	0	0
14	Lồng ghép nhiều lĩnh vực	11	117	0	0	0	0	0	0
15	KT thực hiện QLNN của Sở	0	0	0	0	0	0	0	0
16	Thanh tra Vùng - Chiến dịch thanh tra	0	0	0	0	0	0	0	0
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2. Apply effective inspection practices

2.1. Labor inspection campaign

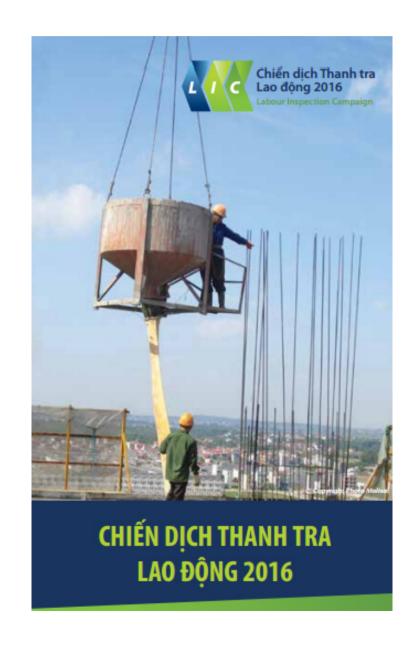
Each year, the labor inspectorate will choose one area to focus on labor inspection, including 02 activities:

- Communication activity: equipping the employers and employees with the knowledge and skills necessary in labor laws, thereby raising the awareness and improving the OSH conditions for the employees.
- Inspection activity: take a practical look, guide businesses to implement measures to ensure compliance at the workplace and handle violations in the implementation of labor laws of the workplace.

- Piloted in 2015 in 12 provinces in the garment industry; from 2016 to 2021, implemented nationwide in the field of construction; electronic; mining; wood processing, social insurance.
- Effect: conducting propaganda and inspection focusing on 01 industry sector each year, creating high efficiency in raising awareness, enhancing compliance with labor laws that area.







2.2. Implement the inspection method according to the "Regional inspector"

- Labor inspectors of Ministry Inspectorate are assigned as regional labor inspector for monitoring and advising to build and organize the inspection plan in the area (we divided 63 provinces into 4 regions by geographical location).
- Effect: Strengthening the coordination between the MI and DOLISA Inspectorate and relevant agencies; avoid overlap in inspection activities from central to local levels.

2.3. Improve inspection skills to perform "one place – one inspector".

The Vietnam Labor Inspectorate implements a plan to train labor inspectors so that each inspector can conduct an independent inspection at one location (enterprise, project, etc.). Besides to be trained in labor laws, inspectors are also trained in the skills of conducting an inspection, handling situations and other soft skills

3. Training for LI

- 3.1. Domestic training
- Since 2015, with the financial and technical support from the ILO, the MI has developed and issued the "Strategy for training labor inspectors for the period 2015 2020", completed a set of specialized training materials for labor inspectors, in which, Book 2 on general issues and inspection processes and methods; Book 3 on inspection of standards and working conditions; Book 4 on occupational safety and health inspection.
- From 2014 up to now, the Ministry Inspectorate has opened 41 training courses for labor inspectors across the country with nearly 1000 participants. In the coming time, MI will continue to establish training courses to improve professional skills and inspection skills for inspectors across the country.

3.2. Training abroad

From 2010 to present:

- 05 officers attended training at the ILO Training Center in Turin Italy,
- 08 officers trained at NIOSH Training Center in Malaysia,
- 04 officials attended training on labor inspection in China,
- 02 officers were trained at Korea KOSHA Training Center.

3.3. Training in the coming time

Background: International economic integration, multiple supply chains, free trade agreement signed and implemented, revolutionary technology 4.0

Needs:

- Training on international labor standards and VN labor regulations,
- Inspection skills in the specific fields, especially in the informal sector.
- Ability to inspect and detect violations in new labor relations, especially labor relations formed on the basis of new technology, business platform on the internet.

4. Tripartite cooperation and cooperate with international organizations

- In coordination with the Trade Unions, VCCI promotes compliance through inspection campaigns and interdisciplinary inspections.
- ILO has carried out many activities to improve the knowledge and professional skills for labor inspectors: researching and establishing training centers, conducting inspection campaigns, develop documents and training for labor inspectors; develop software to support inspection works.
- The Better Work Program promotes compliance with labor laws and international labor standards, helping to improve working conditions and competitiveness of textile and footwear businesses in Vietnam.

Cooperation with labor inspectorate of other countries

- As a member of the International Association of Labor Inspection IALI, Vietnamese labor inspectors participate in congresses and conferences of the Association to share and exchange information and experiences on labor inspection.
- In ASEAN, Vietnamese labor inspectorate has coordinated with relevant organisations to organize the ASEAN Labor Inspection Conference in 2010, 2012 and 2018.
- In the coming time, Vietnamese labor inspectorate will continue learning and exchanging inspection experiences with other countries. Through approaching good practices, Vietnam will choose to apply an appropriate model for inspection in the informal sector (agriculture, fishing, craft villages...).

THANK YOU FOR YOUR ATTENTION!