

Vietnam

Introduction

Several laws regulate unions in Vietnam. The Law on Trade Unions was adopted by the National Assembly on June 30, 1990, and the Vietnam Trade Union Charter was adopted by the National Assembly of Trade Union Representatives on October 13, 2003. Vietnam also has a Labor Code that sets forth the rights and responsibilities of unions and employers.

Trade Unions

Employees working in an enterprise have the right to establish a corporate trade union, which is subject to the recognition, management, and supervision of the General Federation of Trade Unions. The General Federation of Trade Unions is a member of the political system of Vietnamese society and is under the management of the Communist Party of Vietnam.

A duly established corporate trade union can have a wide range of power and authority within the company. The union represents employees in the company and, under Articles 154 and 155 of the Labor Code and Article 9 of the Law on Trade Unions, may examine the employer's compliance with the applicable laws and regulations in respect of employment matters. The employer must consult the trade union on the issuance of any internal labor regulations, salary and bonus schemes, termination of labor contracts, application of disciplinary measures on the employees, and decisions on any matters which may affect the benefits of employees.

Employees' Right to Establish a Trade Union

Regardless of the number of employees a company employs, if there are five or more employees in the company desiring to establish a trade union, such employees may establish a trade union in the company and the Trade Union Federation, under Article 14 of the Vietnam Trade Union Charter, shall issue a decision recognizing and establishing it.

Working Relation with the General Federation of Trade Unions

The trade union must inform the Provincial Federation of Trade Unions of the selection of its chairman and executive committee for this authority's recognition. Where a corporate trade union is not yet established, the local Federation of Trade Unions, under Article 153 of the Labor Code, may nominate a Temporary Trade Union Executive Committee to protect the legal rights and interests of employees.

Employer's Obligations

Employers are obligated to create favorable conditions for the prompt establishment of trade unions; recognize a legally established union; and work closely with and guarantee the means necessary for the union to operate. Any act which obstructs the establishment and activities of the union in the company is strictly prohibited by Article 154 of the Labor Code.