

▶ **TRADE UNION ELECTION**

An important foundation of
a workers' organization





ABBREVIATIONS

EC	Executive committee
FOL	Federation of Labour
GTU	Grassroots trade union
HRM	Human resource management
ILO	International Labour Organization
IR	Industrial relations
NIRF	New Industrial Relations Framework
TU	Trade union
VGCL	Viet Nam General Confederation of Labour



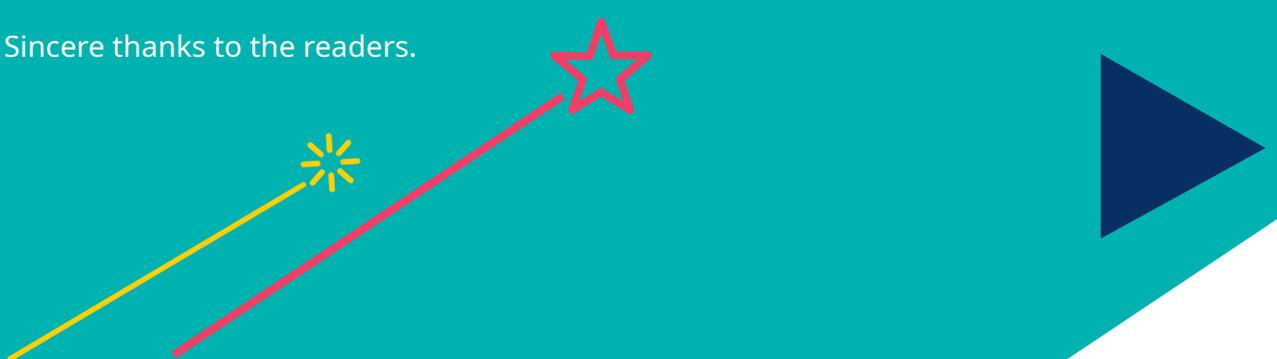
PREFACE

The discussion paper was benefited from the cooperation programme between the ILO - New Industrial Relations Framework Project/JAPAN component and Viet Nam General Confederation of Labour in order to provide the evaluation and lessons learnt of the pilot on Direct election of chairperson for grassroots trade unions at the Union Congress. This paper was conducted by Dr. Pham Thi Thu Lan based on information collected from fieldtrips to several provinces where this model is being piloted during the term of the 12th National Trade Union Congress of 2018-2023 . It has been observed that practices in localities and workplace trade unions vary; in some cases, practices do not exactly follow the procedures set out in the guidelines provided by the Viet Nam General Confederation of Labour (VGCL) and the guidelines provided by the provincial/municipal federations of labour (FOL). There are places where improvements in the guidelines are seen and places where adjustments in the guidelines have been made to suit the circumstances, although basically these changes have been based on the Guidelines provided by VGCL and the provincial/municipal FOLs. In some provincial/municipal FOL guidelines there are details that vary from those provided by VGCL, although they are fundamentally based on the VGCL guidelines. This is considered a good sign of dynamics in the localities, which will spur reform from the bottom up and step-by-step renovate the TU system to suit the new circumstances.

In the spirit of independent research, this report has been developed in the hope of seeing Vietnamese trade unions reform to fit the new competitive landscape and to better represent workers.

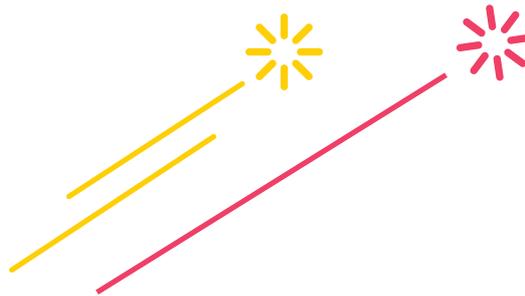
The author welcomes comments from Vietnamese trade union officials and is willing to explain, discuss, and debate further to clarify the issues as scientifically as possible. There is not really a right or a wrong way of carrying out the direct election of grassroots trade union chairpersons; rather, there is a rich and diverse choice of methods that are simply different depending on the approach. Any statement in this report having the nature of assessment does not imply judgment on the part of the author. Instead, it exists to suggest points for consideration for improvement towards the goals of reform for Vietnamese trade unions.

Sincere thanks to the readers.



RESEARCH METHODS

- Desk review of TU election of some countries of a long time in a market economy (UK, USA, Canada and Australia).
- Desk review of reports on direct election of the VGCL Organizing Department and provincial FOLs and GTUs.
- Interviews of upper-level TU officials (90 people), GTU chairpersons (27 people), GTU EC members (21 people), workers (56 people) from 6 provinces namely Bac Giang, Binh Duong, Da Nang, Hanoi, Quang Nam and Ho Chi Minh City.
- In-depth interviews with 28 provincial TU officials, VGCL, NIRF, and labour experts.



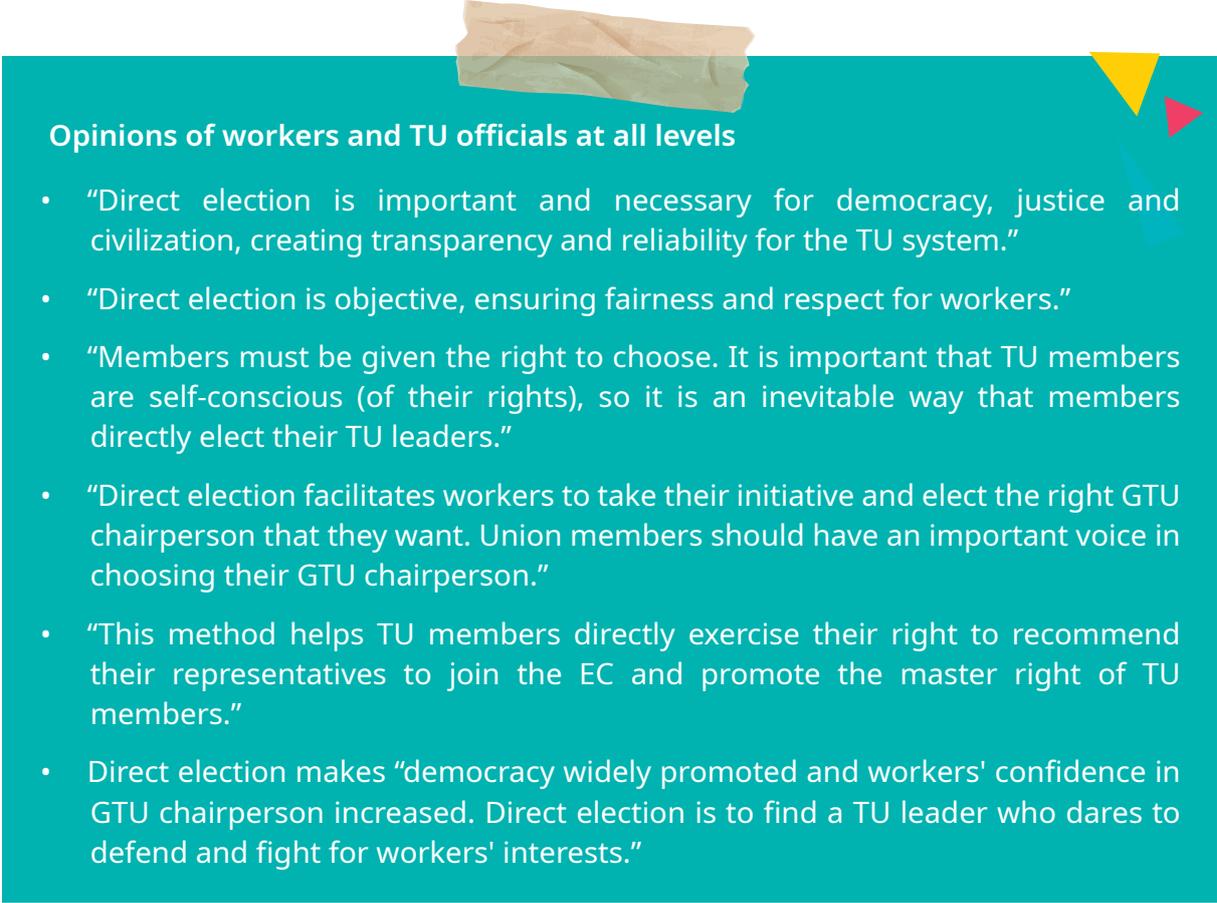
THE IMPORTANCE OF DIRECT ELECTION OF GTU CHAIRPERSONS AT CONGRESS



Trade union (TU) is an organization of workers, by workers and for workers, so Executive Committee (EC) members and especially grassroots trade union (GTU) chairpersons must be directly elected by workers. Direct election of GTU chairpersons (hereinafter referred to as direct election) will increase the legitimacy and responsibility of TU leaders in the eyes of union members and workers who elect them.

In practice, even before the issuance of the VGCL guidelines on direct election, in many workplaces, workers had demanded for their GTU chairperson to be directly elected at the congress because they saw the fact that a candidate had a high vote in the EC election but not won the position of the GTU chairperson. This shows the importance of direct election stemming from the reality and the issuance of the VGCL Guidelines timely meets the requirements of the grassroots and expectations of workers.

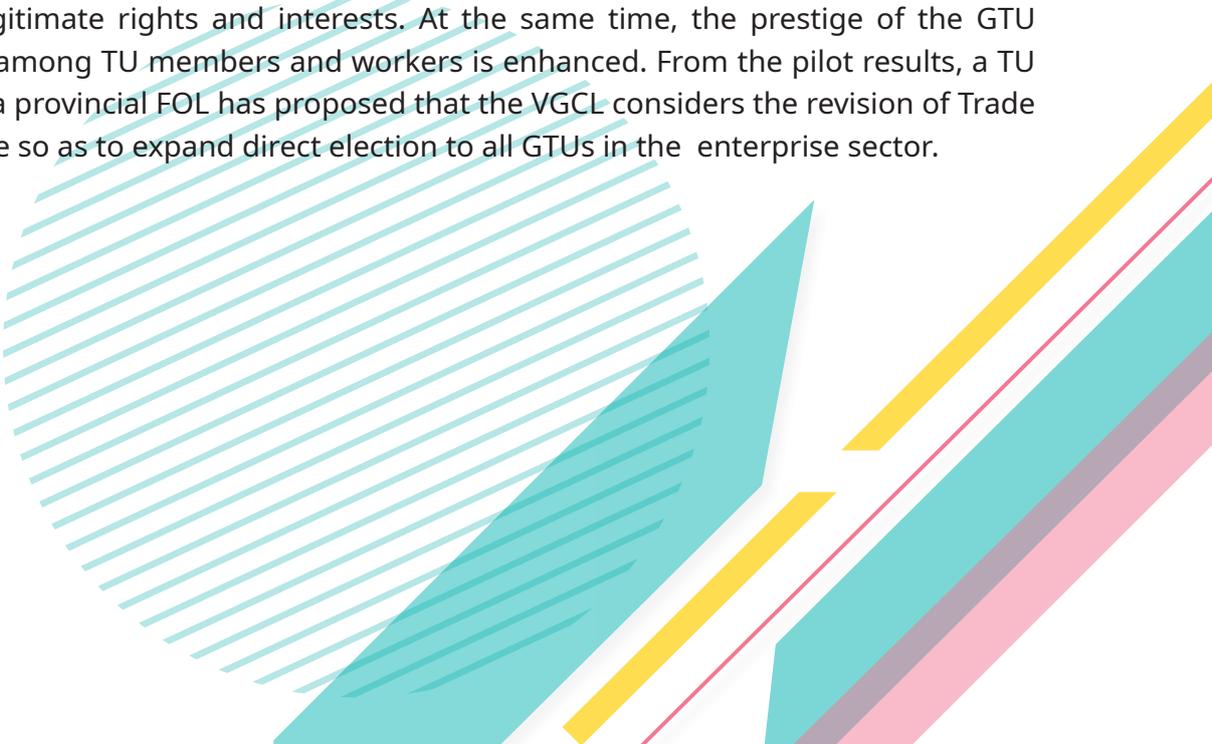
The majority of respondents for this report affirm the importance and necessity of direct election (96,4% workers and 90,6% TU officials at all levels). Not only that, they also think that it is necessary to directly elect the positions of GTU vice-chairperson and the TU treasurer.



Opinions of workers and TU officials at all levels

- "Direct election is important and necessary for democracy, justice and civilization, creating transparency and reliability for the TU system."
- "Direct election is objective, ensuring fairness and respect for workers."
- "Members must be given the right to choose. It is important that TU members are self-conscious (of their rights), so it is an inevitable way that members directly elect their TU leaders."
- "Direct election facilitates workers to take their initiative and elect the right GTU chairperson that they want. Union members should have an important voice in choosing their GTU chairperson."
- "This method helps TU members directly exercise their right to recommend their representatives to join the EC and promote the master right of TU members."
- Direct election makes "democracy widely promoted and workers' confidence in GTU chairperson increased. Direct election is to find a TU leader who dares to defend and fight for workers' interests."

Direct election helps workers recognize their right in choosing and recommending their representatives to the EC and into the position of GTU chairperson. The initial outcome in workplaces where TU members can directly introduce their representatives to the TU leadership reveals that this is a process of transplanting knowledge and responsibilities for TU members and workers in building their TUs so as to represent and protect their legal and legitimate rights and interests. At the same time, the prestige of the GTU chairperson among TU members and workers is enhanced. From the pilot results, a TU leader from a provincial FOL has proposed that the VGCL considers the revision of Trade Union Statute so as to expand direct election to all GTUs in the enterprise sector.



DIRECT ELECTION PROCESS: 3 PHASES

Phase 1: Preparation

Training and instructions on direct election:

- Guidelines of VGCL.
- Guidelines of the provincial / municipal FOLs and National Industrial Unions.
- Preparing work for the congress (congress scheme with suggested personnel, time, venue, procedures for organizing a congress....)
- Techniques in organizing election (getting introduction of candidates, getting votes of confidence, voting plans,...)
- Handling arising situations.
- Others.

Phase 2: Before the congress

Step 1: Suggesting personnel for the new EC and new GTU chairperson

- The common EC structure includes representatives of workers, office workers and management.
- Under VGCL Guidance No. 132, the number of EC members is based on the number of union members and the number of candidates on the voting list must ensure the structure of representation for the various divisions, taking gender and age into consideration.
- The criteria for EC members often focus on individuals who are ethical and of good reputation so that their voice will be heard by workers and so they are also of value to the company (in terms of expertise and position) so that they can interact with the employer; this is especially true for the individual who holds the position of GTU chairperson.
- Compliant with the standards specified in VGCL Guideline No. 134. The percentage for the number of candidates greater than the number of positions for the EC voting list is 10%, and there are no provisions regarding having more candidates than the position on the voting list for the position of GTU chairperson.

Step 2: Inform workers and obtain candidate nominations

- Candidates suggested by the current EC are typed into the form with blank lines left for members to use for nominating additional candidates.
- Ballot boxes are placed at locations convenient to union members, such as cafeterias, union offices, workplace entrances and exits, etc. for members to submit their nomination forms.
- The list of candidates suggested by the EC along with information about those candidates is posted near/at the ballot box.
- Some pilot units did not receive additional nominations from union members, including only those individuals on the list nominated by the current EC.

Step 3: Holding votes of confidence by union members

- Based on the designed EC structure plus any additional candidates beyond the number of positions as prescribed.
- At this step the current EC holds an orientation, analyses the strengths and weaknesses of each individual, and talks to the candidates in advance to educate them on the EC's work. Candidates can withdraw from the list if they feel unable to take on the position, etc., so that union members are able choose the right individual: one who has the ability to perform the union tasks after the Congress if they win.

Step 4: The current EC closes the voting list

- Based on the designed EC structure (plus an additional 10% of candidates above the number of positions for the EC).
- For those requiring votes of confidence, anyone receiving more than 50% in a vote of confidence is placed on the voting list ("exceeding-the-median" criterion).
- If too many candidates meet the exceeding-the-median criterion compared with the designed EC structure allocated for each section, the individual with the highest total from the vote of confidence starting from top down for each section is taken.
- Workers are informed via shop stewards that union members are to submit their final opinions regarding the voting list. In some workplaces, the list is posted on the message board; in others, workers pass the list around among themselves in order to review it.

Phase 3: After the congress

Main contents:

- Electing EC members first.
- Based on the list of elected EC, the Congress introduces candidates of the position of GTU chairperson for voting.
- Ask worker delegates at the congress about other nominations and candidatures.
- Organizing the voting.
- In some cases, the voting of EC members and GTU chairperson are conducted concurrently with two votes at the same time and the winner of the position of GTU chairperson will automatically be a member of the GTU EC.

THE IMPORTANCE OF TU INDEPENDENCE FROM THE EMPLOYER

Article 2, Convention 98, ILO:

"Workers' and the employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration."

Convention 98 requires full independence of the worker organization from the employer to promote collective bargaining. In cases where the worker organization is sponsored by the employer, or is dominated / controlled / dominated by the employer, or is comprised of workers but also of senior staff or leading position of the employer or personnel having the employers' confidence, it is considered not to be totally independent and that worker organization cannot play the role of an independent organization. This situation therefore gives rise to problems in the application of Article 2 of Convention 98 (Digest, 2006, para. 876).

Meeting the requirements of international integration, Viet Nam has just ratified Convention 98 since June 2019. Therefore, the independence of TUs from the employer is the top concern of the current TU system to promote effective industrial relations in Viet Nam.

Workers' opinions

- TU personnel should be independent from the employer "because there is a conflict of purpose and interests between the person "who sells" the labour force and the person who "buys" the labour force. If the GTU chairperson is a company leader, it is easy to disable the TU's role. "
- If TU leaders are not independent from the employer, "it would be a lack of consistency, leading to impartial decisions."
- TU leaders cannot be a company leader because "the interests of company leaders and workers are not similar, sometimes contradictory."
- If a GTU chairperson has a leading position at the company, "the interests of the workers will not be guaranteed; the TU will not work properly; the TU's duty is no longer in its nature."
- "A GTU chairperson is the worker's representative; a company's leader is the employer's representative; so one person cannot represent both simultaneously."
- A GTU chairperson cannot be a company leader because "it can't be both as an implementer and a supervisor at the same time."
- TU must be independent from the employer. "The GTU chairperson is the representative of the workers; the leader of the company is the representative of the employer. If the worker and the employer have a conflict that needs to be resolved, it would not be solved satisfactorily and reasonably."
- "If being a manager, it is easy for a GTU chairperson to lean towards the employer."

Currently, it is popular in Viet Nam that the GTU chairperson is someone from the human resources (HR) department of the enterprise. If the GTU chairperson is a manager/head or deputy manager/deputy-head of the HR department, the TU will never be independent from the employer. Even if the GTU chairperson is a staff of the HR department, the TU is not independent from the employer as well because the HR department staff is under the direction, administration, and order of the HR Manager in everything they do related to workers.

Functions of HR department

- Advising the employer on the organizational structure and policies of the company, eg. establishment of departments, promulgation of new policies and abandonment of old policies, designing personnel policies such as recruitment, training, appointment, benefits and other policies for workers, wage increases, increase and decrease of allowances, discipline, signing and liquidation of labour contracts, dismissal, depromotion... based on the laws and regulations of the company.
- Informing and educating workers about policies and mechanisms of the company.
- Educating ideology for workers, grasping the thinking of workers and informing to the employer.

The Director General takes full responsibility. HR manager executes the tasks within the assigned functions.

If the GTU chairperson is a manager of the production department, or a manager of the sales department, or a line supervisor, or a production team leader or any deputy positions of the above-mentioned, he/she is still under the management and direction of the company director-general. When a problem arises between the employer and a worker related to employment and labour relations, the GTU chairperson will have difficulty in performing the role of representing, protecting and speaking up for the worker because at the same time, he/she must perform the duty of TU and comply with the instructions of the director or the company management as well, since they dare not to disobey. Therefore, this is why GTUs are described as "an extended arm"¹ of the employer.

"I am a hired person (in the company); I protect workers but I must stand by the company," said a GTU chairperson.

Therefore, like it or not, all persons who hold a leadership and managerial position in the enterprise, whether at a high or low level, and at the same time, being a member of GTU EC will of course govern or influence TU activities in the management's capacity more or less, in one way or another.

If TUs is not independent from the employer, especially if the GTU chairperson concurrently holds a management position in the enterprise, the TU will never change its

¹ Opinion of a number of TU officers.

model of operation. Currently, all GTUs in the country are operating under the Human Resource Management (HRM) Model. For truly representing workers in a market economy to promote substantive dialogue and collective bargaining, TUs need to switch to the application of the Industrial Relations (IR) Model in TU operation.

DIFFERENCES BETWEEN THE TWO MODEL OF TU OPERATION



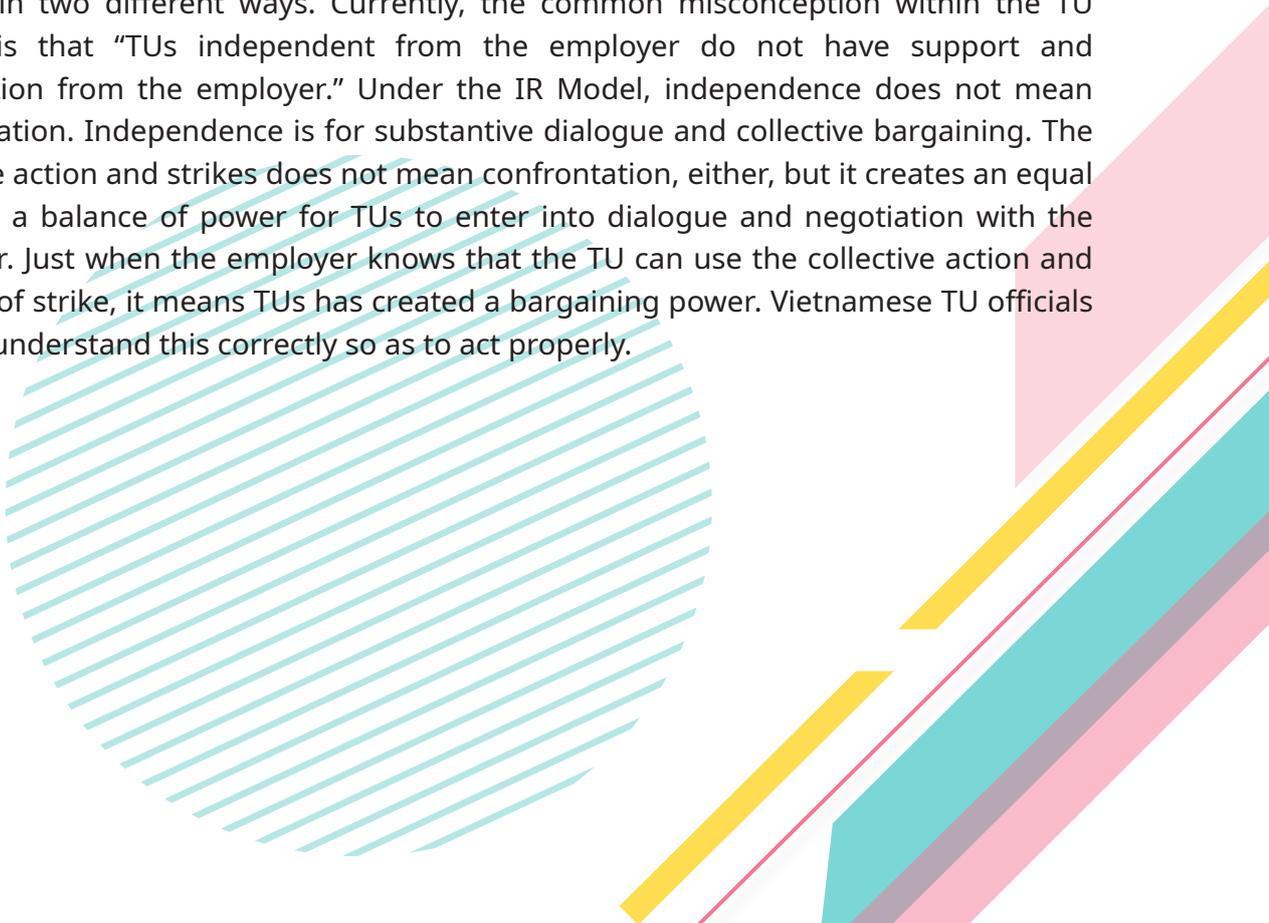
Requirements	IR Model - Model of trade union operation in a market economy	HRM Model - Model in the centrally - planned economy
Independence and autonomy of trade unions	Independence and autonomy from the employer (union personnel, finance, operations...)	People who hold managerial positions, including production team supervisors, assistance supervisors, and staff of human resource department join the GTU EC.
Status of TUs	Equal footing based on the strength of its members.	Weak status compared with the employer because of trade union operation based on individual status of the GTU chairperson.
Position of TUs	As a party in the bipartite relationship, representing workers before the employer.	As a third party, standing between the employer and workers, acting as a bridge between the employer and workers.
Role of TUs	Representing workers	"An extended arm" of the employer
Method of TU operation	Develop laws and regulations by dialogue and collective bargaining on an equal footing.	Enforcing the existing laws, regulations and asking for higher benefits from the employer based on the "kindness" of the employer (the nature is the give-and-take nature).
TUs win trust from workers	Thank to the power balance of TUs with the employer, by the ability of TUs to gather and organize workers to act together to improve their rights and status at the workplace; thank to the respect from the employer for TUs.	Thank to the "heart" and care of the GTU chairperson for workers when seeing their difficult life by activities of visiting them, listening to them, feel sympathy for them so as to voice it and ask the employer to improve benefits for them and the result depends on the responsiveness of the employer.
Weapon of TUs	Can use the strike weapon and only use it as a last resort to promote collective bargaining and promote industrial relations (ie. TUs only uses this right when necessary). Just the ability of TUs to organize a strike is enough for the employer to listen, talk and negotiate with TUs.	TUs can never use the strike weapon (they cannot organize strikes when needed) and there will always be spontaneous strikes by workers themselves and then, TUs stand out to settle the matter under the HRM Model.

Viet Nam has entered a market economy for more than 30 years, but TUs' role is still in the HRM Model. Although TU officials and workers are well aware of the reason why the GTU chairperson should not be a leader/manager of the enterprise, this awareness is only as awareness and not implemented in practice.

The election goal of Viet Nam Trade Unions is to choose GTU chairpersons who has both the workers' confidence and the employers' support and cooperation. This is not wrong but there are two ways of thinking about the employers' support and cooperation reserved for TUs:

IR Model: Model of Trade Union Operation in a Market Economy	HRM Model: Model of Trade Union Operation in a Centrally Planned Economy
Cooperation and support on an equal basis of the IR Model	Cooperation and support in the form of an "extended arm" of the employer to implement the HRM Model
Trade unions creates its own equality/balance of power based on the strength and solidarity of workers.	Trade unions do not have an equal status with the employer.
The GTU chairperson speaks on behalf of the organization.	The GTU chairperson speaks based on their personal status.

Both HRM Model and IR Model bring about support and cooperation from the employer for TUs in two different ways. Currently, the common misconception within the TU system is that "TUs independent from the employer do not have support and cooperation from the employer." Under the IR Model, independence does not mean confrontation. Independence is for substantive dialogue and collective bargaining. The collective action and strikes does not mean confrontation, either, but it creates an equal position/ a balance of power for TUs to enter into dialogue and negotiation with the employer. Just when the employer knows that the TU can use the collective action and weapon of strike, it means TUs has created a bargaining power. Vietnamese TU officials need to understand this correctly so as to act properly.



TWO MAIN POINTS OF CONCERN IN TU ELECTION

Ensuring the independence and autonomy of TUs

The current direct election process has a number of concerns affecting the independence and autonomy of TUs:

- **Designing the EC structure and suggesting candidates for the new EC under the HRM Model**

According to Guidelines of the VGCL, the designing of a new EC structure must "ensure the representativeness of TU members in different sections"², then based on that, provincial/municipal FOLs provides for further guidance of application for GTUs to develop their congress scheme with a new EC structure that usually includes workers, office and management representatives (or direct and indirect workers). Based on the approved EC structure, the GTU suggests personnel/candidates to the new EC. As such, right from the first step of the electoral process, the TU has been designed not independent from the employer.

In fact, in many enterprises, if direct/blue-collar workers are elected to the EC, then they are promoted to the position of team supervisors so that the GTU can operate under the HRM Model. If this is not the case, TU officials at the grassroots level have almost no decisive role in the EC other than the role of visiting workers in case of a funeral or some events or reporting workers' feedback and reactions to the GTU chairperson.

- **Candidate standards for EC members and GTU chairpersons is often about a good professional expertise (with an education degree as high as possible, certificates of political education ...) and having a leadership position in the company to facilitate interaction and a voice with the company leadership**

This thinking is quite common among both TU officials and workers

Opinion of TU officials

- "For workers, it is not difficult; telling them for them to understand is easy. It is important that the GTU chairperson has a say in the board of directors and company leadership, otherwise the TU cannot play its role."

- "The elected person who does not have skills to negotiate, ensure labour safety and hygiene, and talk with the foreign director who speaks a foreign language ... cannot play the TU's role."

- "Two reasons why a worker cannot be a GTU chairperson: firstly, it must be a person close to the management council and grasp their psychology; if not, the proposal is unreasonable and cannot be achieved; secondly, if you are on the leadership board, the voice to the leadership is effective."

² Guidelines No. 134/HD-TLD dated 7/2/2017 of the VGCL.

Opinion of workers:

- “Direct workers who do not have a qualification cannot negotiate with the director, so the person who hold a management position is of course better.”
- “Due to workers’ education level not meet the requirement, eg. communication. With the same sentences, if workers said, it didn't work. We didn't dare to go to see the director because when seeing the bosses, we are nervous and could not speak.”

• Making orientation for workers to choose suitable persons based on the mindset of HRM Model

Orientation-making is quite common in TU election to ensure concentration in the votes and select the right people. Orientation-making can be implemented at various steps such as: getting introduction of candidates, getting votes of confidence, speaking at the congress, meeting and talking with candidates about TU work and if the candidate finds it impossible take on the job, they will withdraw ...

With the thinking of HRM, the current EC usually conducts orientation-making for workers to select people to suit the HRM Model and then, the new EC inherits the operation method of the current EC. The HRM Model needs someone from the management in the EC of GTUs.

• After closing the list of candidates, the GTU consults the employer before bringing it to the congress

This way of doing is mentioned in the Guidelines of the VGCL and provincial/municipal FOLs. The GTU's explanation for this is "not to consult with the employer to get its approval on the voting list but to have support from the employer for the TU's work later." However, like it or not, this approach creates chance for the employer to interfere into the TU election, especially in the case that any candidate who is recommended and supported by workers does not have support from the employer.

This practice is derived from the desire of the employer about the role of TUs.

“It is not good if not reporting to the Board of Directorate about the voting list. For TU activities, the company wants to know and attend. So far, whatever the TU does, the TU always announces the company, and it will be bad if it does not now. The company wants to coordinate with the TU well. TUs is the representative of workers, and if (the TU) wants to play its role well, of course, it must closely work with the company, grasp the thinking of workers and reflect them timely said an FDI enterprise manager.” said an enterprise manager.

Quality needed for TU officials operating in a market economy: summing up the experience of the international TU movement

- *The ability to communicate with workers to gather workers, establish networks among workers, build organizational strength and act together.*
- *The ability to clearly articulate goals, action strategies of TUs and assign people to implement towards the common goal.*
- *Ability to mobilize resources and support and assistance from outside the TU organization.*

In addition, the necessary knowledge but not demanding too much in terms of professional knowledge and expertise as it can be sought outside the TU through activities of advice, training, guidance, support, ... including:

- *Knowledge and skills on dialogue, collective bargaining;*
- *Knowledge and skills on resolving TU members grievances and handing labour disputes;*
- *Knowledge of relevant laws;*
- *Knowledge and skills on TU finance management;*
- *Other activities of TUs.*



Ensuring the principle of TU organization "of workers, by workers and for workers"

The current direct election process has a number of concerns affecting the principle of TU organization:

- **Designing a new EC structure from the top down restricts workers' participation**

Guidelines on direct election and the practice in provinces apply the approach that the current EC or congress personnel committee which is chaired by the current GTU chairperson designs the EC structure and decides the number of the EC member which covers both direct and indirect workers, have representative of ethnic minorities if any, female ratio, age, etc. ... ; then, based on the approved structure, the current EC suggests candidates and send the expected list of candidates to workplaces for workers' opinions (workers can recommend more candidates). In case many candidates are recommended by workers, the current EC asks workers to shorten the list by votes of confidence to meet the expected structure. This is called "designing the EC structure from the top down".

In practice, there seems to be no case that workers vote (by a show of hands) against the EC structure proposed by the current EC, nor there is any case where workers stand out for candidature and very few cases where workers give nominations. The EC structure designed by the current EC reflects the perspective of the EC and not really reflects the wishes of workers. In many enterprises with a large number of workers, the proportion of EC members who are direct workers accounts for very low rate, only 1/3, even 1/6 or 1/7 of the EC, or even no one in the EC is a direct worker, while the ratio of direct worker to office workers is on the opposite. In many cases, direct workers introduce more candidates than the EC structure, but they are oriented to reduce it to suit the given structure. Such a design of the EC structure from the top down restricts workers' participation and should be decided by workers to enhance workers' ownership of their TU.

- **A small residual in the voting list**

The survey shows that normally the number of candidates in the voting list does not have a too high residual compared to the expected number of the EC, usually only 1 or 2 persons of residual so as to concentrate the votes. Where TU members recommend more candidates than the expected residual in the voting list, the current EC will get votes of confidence so as to shorten the voting list based on the vote of confidence from top down. Many GTUs believe that no residual in the voting list is best, because a failed vote in the election will often be mentioned against the person later.

"It is best not to have any residual in the voting list because the one who fails/ does not get enough votes to join the EC will have bad reputation, although the fact that they are on the list is already better than everyone else, but they are still called as the EC failed. That's the perception," said a GTU chairperson and many TU officials share this view.



- **Mindset of selecting a GTU chairperson to act unilaterally based on his/her individual position instead of the collective strength of workers**

Currently, the mindset of most TU officials at all levels and even TU members in choosing TU leaders at the workplace and a GTU chairperson is based on the following two points:

Firstly, it is the GTU chairperson's individual competence and personal position, meaning that the GTU chairperson must be competent, knowledgeable, brave, dare to speak, dare to do, and be in a position where he can say for workers and protect workers' rights.

Second, it is the heart of the GTU chairperson for the worker, meaning that the GTU chairperson, regardless of his/her position, must think for workers, pay attention to and care for workers.

The mindset of choosing a GTU chairperson based on "individual competence, personal position and a heart for the worker" leads to a GTU chairperson who is outside TU members and workers, and does not share the same issues and problems in the relationship between the employer and workers. A GTU chairperson acting on his/her personal position, individual competence and a heart for workers will be the one acting alone based on his or her individual abilities and personal relationship with the employer, and "with a heart for workers", he/she would try his/her best to propose the employer to meet workers' aspirations. Such a GTU chairperson would not create an equal relationship between the TU and the employer but always in a disproportionate relationship and there would be never a substantive and equal industrial relations. This mindset needs to be changed. A GTU chairperson needs to be the one who acts on the strength of the organization, based on the collective power rather than the strength of the individual; take the collective strength and the solidarity of workers as a leverage for demanding and forcing the employer to respect, listen and cooperate.

- **Orientation-making during the election can distort the choice of workers**

Orientation-making for workers to choose persons and vote for the right person is a good way of doing, but without a clear viewpoint of this, the results will depend on the purpose of the person doing this. If the person doing this is a manager, and wants to support a certain candidate, they will orient people for that purpose. If the person doing this is the GTU chairperson on the side of the worker and wants to improve the lives of the workers, they will make orientation in that direction. If a TU follows the HRM Model, orientation-making will guide workers to elect people suitable to that model, and if the IR Model, orientation-making will help develop this model for TUs after the congress.



At present, TUs operates based on the HRM Model, so orientation-making will deflect the choice of TU leaders for TU operation under the IR Model in the market economy.



- Employers' expectations about the role of TUs as a bridge role lead to the election result of TUs as a third party in the relationship between workers and the employer

Employers' expectations on the role of TUs at the enterprise

- *"Unions must be in harmony, not on the side of the worker, nor on the side of the employer."*
- *"The role of TUs is to harmonize the relationship between the employer and workers. This is important. It is not possible to protect workers but to cause conflicts to the employer."*
- *"The responsibility of TUs is to mobilize workers for the good of the enterprises."*
- *"Taking care of and protecting workers too much is not good; TUs must accompany with the employer for workers' jobs, workers' life and stability of enterprises."*
- *"The TU is also a family of the company. The TU stands between the workers and the company, balancing the two sides. The GTU chairperson must make sure that the workers and the company trust each other. The GTU chairperson must do it."*
- *"Unions and companies are not two bodies, but one body, are legs and arms of one body; cooperation is successful; non-cooperation is not successful; both try to understand each other."*

Because of fear of discrimination, then with understanding the employers' expectations, TU leaders at the grassroots level also put themselves in a position not on the side of workers but inbetween the two sides to survive when elected as the GTU chairperson.

"Workers want increased benefits. The employer want maximum profits. The GTU chairperson sits in the middle of that balance. The GTU chairperson lives on the salary paid by the employer. GTU chairpersons have to handle the relations in a harmonious way so as to not lose a job. A wise person don't want to be a GTU chairperson because it's hard. In FDI, if say any one volunteer to be the GTU chairperson, few people want, because they anticipate the pressure of the job and they don't want to", said the GTU chairperson of an electronic enterprise.

- **Nominations and candidatures at the congress are done by asking openly at the congress rather than by secret ballots**

Trade unions is a democratic organization of workers. If it is a truly democratic organization of workers, by workers and for workers, then in TU election, TU members will want to act to improve their rights and status. That means those who have the ability and enthusiasm will be willing to stand out for election into the leadership of the TU. However, in reality, not any direct workers stands out for election into the EC or the position of GTU chairperson while 41% of respondent workers said that they were willing to stand out for election into the EC and 14,3% said they are willing to stand out for election into the position of GTU chairperson. The main reason is because the form of getting nominations and candidatures by asking openly at the congress makes workers feel embarrassed and a lack of trust.

- **“Representative election” denies the right of many workers to elect their TU leader**

“General election” means that each member gets one vote, also known as universal suffrage. “Representative election” mean a vote cast by a person who is on behalf of a group of people at the congress and cast one vote on behalf of the group. TUs in Viet Nam currently apply “representative election” in workplaces where there are 150 or more TU members.

However, the representative election has not taken into account the guarantee that delegates who attend the congress will cast the vote on behalf of the group and reflect the will of the group. In many cases, they can vote from their personal point of view. The practice of representative election shows that many workers do not know anything about direct election and don't know whom their representative delegate at the congress voted for.

- *“We don't pay attention because there is preparation and thorough orientation in advance, or (the TU) said that (the personnel of the EC) have already been consulted, agreed, and there is approval from the upper-levels”, said a group of workers.*

- *“It was also asked at the congress for further introduction of candidates, but no one introduced more candidates and all agreed with the introduction by the current EC. Workers fear the boss and fear of being transferred,” said a TU official.*

- *“At the congress, very few people (direct workers) stand for candidature and nomination; no one dared; first, because if elected, he/she also dies with the director; second, he/she feels subordinated and unlikely to win with this way of nomination, so she/he had better withdraw. Whoever runs for election, that person must be very special. 10 persons is nominated at the congress, then 10 withdraw,” said a trade union official.*

- Upper-level TUs work with employers for the congress success. The thinking of "successful congress" is not aimed to selecting the GTU chairperson as a true leader of workers

A "successful congress" is said by respondents that the rate in favour of the expected candidates suggested by the current EC must be high with 100% of votes in favour and in one-time voting is the best. If expected candidates do not win the election, it is considered a "failure".

A lot of efforts are made for the "successful congress", including:

- Selecting pilot units that have good labour relations, where the EC members are in consensus and the GTU foresees the situation that it is highly likely that the voting is successful following the suggested EC structure with high votes for the expected candidates.

- The guidance and activities of TUs at all levels during the election process include designing the EC structure, suggesting candidates for the EC and the position of GTU chairperson, a small or no residual in the voting list, getting recommendation of candidates and votes of confidence, and so on are all designed and prepared towards the goal of achieving focused votes for the suggested candidates by the current EC.

- Identifying candidates according to the criteria set by the current EC. In case no candidates meeting both criteria of being agreed by the employer and highly trusted by workers, necessary measures are applied by both the GTU and the employer such as training the person, creating opportunities for him/her to contact with workers, facilitating his/her role with workers so as to build his/her prestige and credibility among workers for them to vote in favour at the congress later.

- Making orientation for workers to vote in favour and giving speech at the congress to set the goal of election for focused votes.

- The support of higher-level TUs for GTUs also aims at "a successful congress" in the following way: working in advance with GTUs to formulate the congress scheme and carefully prepare plans of election towards the expected candidates; working with the employer and party committee (if any) to seek support; formulating contingency plans, alternatives and measures to handle possible election situations if any.

This mindset of "successful congress" needs to be changed. "Successful congress" must be considered as successfully identifying and voting for a TU leader who is truly and only trusted by worker. This leader should be able to gather and promote the strength of the organization, be independent from the employer and work towards the IR Model with focus mainly on dialogue and collective bargaining so as to improve rights and interests of workers in line with the development of the business.

DISCRIMINATION AND INTERFERENCE INTO TRADE UNION ELECTION

Discrimination and interference occur when workers nominate candidates that the employer does not want or the employer wants to suggest their candidate to the position of GTU chairperson. Therefore, the employer will find possible ways to prevent candidates nominated by workers from being elected and protect their candidates to be elected. In doing so, often the employer will conceal its behavior, but if the employer's behavior is discovered and the worker reacts, the upper-level TU will have a voice, and often, in this case, the employer will stop intervening. However, discrimination may still take place after the congress and in the process of the GTU chairperson carrying out TU duties, especially when the GTU chairperson is on the side of workers too much. An illustration is seen in a surveyed province: among candidates who were recommended to the position of GTU chairperson, the number of candidates holding a managerial position was 4 times higher than the number of candidates who were direct workers, while the survey shows: 51,8% of the total respondents including direct workers, member of GTU EC, GTU chairpersons and upper-level TU officials share the view that the GTU chairperson should not hold a management position.

Acts of discrimination and interference identified

- The employer introduces the candidate to the position of GTU chairperson and makes it on the voting list at the congress despite the disagreement of the current EC and the upper-level TU.
- Control the current EC in the process of preparing personnel and the procedure of election so that it results in the desired votes.
- Intervene to remove the candidates nominated by workers whom the employer does not want out of the voting list by various ways, for example: assigning a manager to mobilize workers not to vote for that candidate; refusing to sign a new labour contract with that GTU chairperson at the end of the provisional EC and before holding the TU congress.
- Use a more sophisticated approach such as promoting the candidate to a higher salary position with higher benefits in a condition that the candidate agrees to withdraw from the EC list.

If discrimination before the congress does not work, discrimination occurs again after the congress.

- After the election, if the candidate is elected, use benefits to buy off. In case of failure, the employer shall transfer him/her under the pretext of production demand to other workplaces within 60 days provided that the obligation to notify the worker in advance is complied with, and after a while, he/she got bored and quit; or dissolve the whole department where the GTU chairperson is working under the pretext of work reorganization and arrange for the GTU chairperson a new (inappropriate) job.
- Let the newly-elected GTU chairperson sit in the room doing nothing for a week and he got bored and quit.
- Arranging the TU room too close to director/manager's room without soundproofing to make it difficult for the GTU chairperson to meet and talk with workers.
- Regularly rotating him to many different jobs (from occupational safety to a management position, to a job which he has no skill or give him with more assignments)
- Other forms of discrimination during the process of TU operation.³

³ Pham Thi Thu Lan (2019), Collective Bargaining in Viet Nam, NIRF, ILO.

THE BIG CHALLENGE IN TU ELECTION: WORKERS DO NOT REALLY CARE ABOUT CHOOSING THEIR TU LEADER

This is the main barrier of TU operation nation-wide in Viet Nam. Vietnamese workers currently do not care about the enabling rights such as: the right to elect their representative so as to promote dialogue and collective bargaining; the right to set up their own organizations; and the right to participate in decision-making at the enterprise concerning issues that relates to them, etc. ... but only care about the specific rights such as wages, allowances, benefits, ... and other working conditions. Vietnamese workers do not think that they need to act as a collective for their demand, but instead, they think that they presents their demands so others/outsideers can find a solution for them. Therefore, they do not pay attention to election, building their organization nor selecting their TU leader to act together for their demands at the workplace.

Although direct election is applied, a majority of workers still do not really care and take initiatives in the process of electing the EC and GTU chairperson. They only give opinions when asked or only recommend candidates when they are given a chance. Even, in many places when the voting list is sent to them, in most cases they do not give feedback. Very few workers nominate candidates or stand out for the election at the congress.

Workers' opinions

- "The TU prepares a list, sends it to the workplace for workers' opinions. Workers do not know exactly what the TU does. After reading, they forget. If no one give opinion, it means the list is approved (by workers). With no response or silence from workers, the election goes on. If there is a comment, (workers) write (on the paper). In fact, no one gives any comments. We did not participate in the voting and did not know who participated in the voting".
- "Workers passed to each other to see the list of the candidates; other groups posted on the board but no one came to see it because it was not related to them; In my group, we passed it to each other. We only care if it relates to our interest. If no birthday presents for workers, we speak up immediately, but for the voting, nobody cares."
- "There are standards/criteria for the candidates into the EC in the notice sent to workers, but no one give any comments. I don't remember either (what standards is about)."
- "We do not remember voting for participants to attend the congress or voting for the list of candidates into the EC. I only remember that it is organized in two days, one day for preparative congress and one day for official congress."



Lesson 1: Union election should be considered as an opportunity and a process to educate TU members and workers

The key of TU operation is to educate TU members and every event of TUs should be used as an opportunity to educate TU members. The points of education include:

- The rights and responsibilities of TU members in TU election; the mindset of TU operation in a market economy, moving from the mindset of operation based on the employer to based on TU members; educating TU members so that they act with TUs towards the goals of action set at the congress, etc.
- The solidarity of TU members and workers within the TU; building workers' strength based on solidarity to support the TU's action; the selection of TU leaders to perform TU work under the IR model; the workers' participation in TU work and jointly responsible for the TU work together with their TU leader.
- The importance and necessity of TUs' independence from the employer to promote dialogue and collective bargaining in a market economy as well as other representative activities to make it substantive protection for workers; educating TU members, workers and TU officials about the change of TU model from the HRM Model in a centrally-planned economy to the IR Model in a market economy.
- New issues faced by TU members and workers in the new context and changed environment so as to work together to address them.



Best practice

Best practice from the grassroots level: Getting the recommendations of candidates from members is incorporated with surveying members' needs for the TU action plan

Based on the guidance of the FOL, the pilot units in Binh Duong distributes forms to get recommendation of candidates to the new EC and position of GTU chairpersons, which is combined with the survey of needs from all TU members and workers. This approach helps TU members and workers to be aware of their recommendation of TU leaders associated with solving their issues. Based on the needs of TU members and workers, GTUs develop an action plan for the new term to be discussed at the congress. Issues raised by TU members and workers in the survey include:

- Reconsidering Tet bonuses;
- Consider wages in line with annual inflation;
- Reviewing the wage scale and table;
- Considering bonus;
- increase responsibility allowances;
- Recruiting more medical staff;
- Organize family festivals;
- Increase the meal fee from VND 26,000 to VND 30,000 (excluding VAT);
- Upgrade the kitchen;
- Arranging smoking area for workers;
- Set up emergency procedures and advance hospital fee for workers.



Lesson 2: Union election should be an opportunity and a process to attract and recruit TU members

The revised Labour Code of the Socialist Republic of Viet Nam, which was passed by the National Assembly on November 20, 2019, will come into effect in 2021, allowing multi-representative organizations at the workplace. In this context, the organizing and attracting workers into TUs becomes more important than ever. Therefore, all TU activities, including TU election, must be used as an opportunity to educate and promote TU membership. Through TU election, potential TU leaders educate and mobilize workers into TUs through their election messages and platform of action.

In the new context of potential multi-representative organizations of workers (Labour Code 2019), the union address by candidates at the congress is like campaigning among candidates within the TU, and also among TUs and other representative organizations if any. Therefore, if TU members find themselves convinced with the presentation of a candidate, they will vote for that candidate and the spread of the TU leader's message will be a channel to attract workers to join the TUs.

Union resources are scarce, so each TU's activity must be designed to accomplish several specific goals at the same time to effectively utilize resources.



Lesson 3: Direct election should be accompanied by reform of TU operation in a market economy

Direct election will not make sense if the goal is to choose GTU leaders to implement the HRM Model with a GTU chairperson as a managerial person in the enterprise. With the HRM Model, if the elected GTU chairperson is a direct production worker (blue collar), he/she would not have a personal status to sit, talk, discuss and negotiate with the company's board of directors the same way as the GTU chairperson who is concurrently

a leader of the company. Therefore, direct election should be accompanied by a change of the model of TU operation from the HRM Model to the IR Model for the GTU chairperson to speak and act based on the strength of the organization and as a representative of the organization instead of the individual status. Only with the back-up of the collective strength of workers, a direct worker as a GTU chairperson can play his/her role, has an equal status to face the employer and engage in genuine dialogue and collective bargaining. Workers' initial confidence in direct election will be lost if the GTU does not change its method of operation after election.

It should be mentioned that in the history, the TU movement in the world was born to struggle for and protect the rights of workers. The principle of this struggle and protection of workers is that workers as insiders in one organization act together to create the power and struggle for themselves or "self-help" rather than outsiders struggling for insiders. During the period of oppression and exploitation, the struggle is to eliminate oppression and exploitation, but in the period of peace, the struggle is to have a fair share of the profit cake for which workers help to create. There are two methods of struggle: (i) one is a revolutionary struggle with fighting and confrontation, usually applied by people being oppressed or exploited; (ii) the other is struggling by dialogue, negotiation and collective bargaining, which takes place in a period of peace and can only be substantive when the two sides are independent of each other, not one person can hold two roles. However, for whatever methods you want, you need to be an insider, with the same position, the same situation, facing the same problems or likely facing the same problems in the relationship with the other side. Outsiders may speak up for insiders, but it does not mean a true fight as the meaning of the word "struggle" associated with the birth of the TU movement in the world.

Based on this theory, the VGCL can consider restructuring the organizational structure with three GTUs in one enterprise: one GTU for direct workers (blue collar), one GTU for office workers (white collar) and one GTU for all managerial positions. This model will promote the IR Model instead of HRM Model.



Lesson 4: Adhering to the basic principles of election to ensure democracy, objectivity, integrity and transparency in TU election

The basic principles for TU election to be democratic, objective, with integrity and transparent drawn from the experience in the world include: developing the standards of candidates from the bottom up, verifying the status of delegates to make them independent from the employer, independent monitoring of TU election, creating a democratic environment for free nominations and candidatures from TU members, creating opportunities for candidates to make election address before conducting the voting, designing the EC structure and the position of GTU chairperson independent from the employer, applying no restrictions on the voting list residual, etc. These principles must be followed so that TU election can be truly decided by members to make the TU organization of workers, by workers and for workers.



Best practice

Best practice from the grassroots level: "candidates meet with voters"⁴ and prepare a video clip of self-introduction to workers; "demolishing" the old EC and establishing a new EC.

The GTU of Eath Company, Binh Duong: After getting recommendations of candidates and getting votes of confidence from workers to finalize the voting list according to the prescribed structure, the current EC posted the list of candidates and a résumé of each candidate for workers to know, and then organize a meeting with all workers for candidates to talk to workers, so that workers somehow understand the candidates and ready for selection and voting at the congress. At the same time, each candidate in the voting list filmed a clip of self-introduction with different styles: a candidate standing, a candidate sitting in the room or in the yard. The clips was posted on the facebook group of workers and also displayed at the congress so that workers could know about each candidate, thus helping them to select for election at the congress.

The GTU of Full-In Company, Binh Duong: As a pilot unit, according to the instructions of the provincial FOL, the current EC can suggest the voting list and get workers' feedback as done by many other pilot units. However, the GTU here has "dismantled/demolished" the old EC entirely and let workers introduce new persons into the voting list completely. The GTU set up a ballot management team among workers of 8 people, communicating to workers about recommending candidates to the new EC and letting workers make recommendations themselves. This approach diminishes the imposition of the EC's will onto workers regarding personnel of the EC and the position of GTU chairperson.

The reasons why candidates should address at the congress – workers' and TU officials' opinions.

- "Candidates need to state their goals of action at the congress so that TU members can understand the person and the way they work and protect workers."
- "The future leader needs to demonstrate a personal commitment to his community."
- "The action plan must be stated for workers to supervise during the post-congress work."
- Speech of candidates is needed "to clearly state objectives, plan of action and implementation, difficulties and challenges of implementation for TU members to share and be united to implement."
- It is needed "for workers to be convinced and for them to have the basis for their choice; for candidates to demonstrate to be a leader."
- "This is also an opportunity for workers to know the actual capacity of the future leader."

⁴The term used by the TU leader of Earth Company.



Lesson 5: Adjusting the goals and content of union operation and educating workers to shape the union election based on the criterion of choose the right person

At present, TU activities at the grassroots level mainly focus on taking care of, visiting workers in case of funeral, wedding, sickness, birthday, etc. and motivational activities for workers such as sport and cultural activities, etc. Therefore, when selecting people for the GTU EC, workers also choose those who are fit for such types of activity.

Opinion of workers on why they recommend and give votes of confidence to people to join the EC and the position of GTU chairperson

- "Normally she is active, dynamic, regularly participating in the motivational activities, creating a playground for team members, so everyone in the team introduces her into the EC. She frequently asks workers about their situation, raises questions, ask questions and give comments to the company (for the benefits of workers) ".
- "Seeing sister T. is energetic, vivacious, actively participating in the activities, paying attention to workers in difficult situations and poor households, making suggestions in favour of workers, enthusiastically participating in daily activities."

Trade unions should change the focus of TU activities from care and motivational type to dialogue and collective bargaining, and educate workers about this change so as to make orientation for workers in selecting suitable TU leaders.

In addition, TUs need to educate workers on how to evaluate candidates based on new TU focus and through their presentation of action plan, so that workers can vote for the right people to meet the goals of the TU in the new situation.



Lesson 6: Ordinary workers who are elected to the position of GTU chairperson should be trained of the representative approach in playing the TU role

The traditional way of TU operation is to take a bridge role and ask-for approach under the HRM Model. TUs need to move to the IR Model and immediately train GTU chairpersons on the representative approach in the relationship with the employer instead of the bridge approach as it is today. Otherwise, the GTU chairperson who is an ordinary worker would not be able to play his/her role, which could lead to his/her discouragement and resignation from TU leadership. This outcome will affect the spirit of other workers, leading to no one want to be chairperson of the GTU, especially when witnessing the acts of discrimination and interference against the previous GTU chairpersons.

TUs need to train workers and GTU leaders right from now to prepare for the next congress. Learning is a process, so it is too late if training is done after the election.



Lesson 7: Combining the top-down guidelines with "bottom up" desire for implementing direct election

Currently, the direct election program is being implemented in a "top-down" approach, which means that VGCL both requests and directs lower level TUs to implement it. Many workplace TUs are reluctant to adopt direct elections, and, if forced to, the implementation is perfunctory, run as a formality, and is not genuine. In reality, there are workplaces where workers voiced their demand to have their GTU chairperson elected directly at the Congress before the issuance of the VGCL guidelines. If VGCL's guidelines meet the workers' demands, this can bring about good results.

However, in most cases, workers do not pay attention to direct elections. Therefore, instead of implementing the top-down approach, VGCL should be raising worker awareness of direct elections so that workers will know their rights. At the same time, VGCL should educate and train workers on the nature, content, and method for direct elections so that they can claim their rights and have them correctly implemented. At this time, the role of the upper-level TU is to support, guide, and help workers in exercising their rights instead of designating the GTU to implement direct elections.

If direct elections are adopted from the "bottom up", many steps in the current direct election process could be abolished, such as preparing candidates and consulting with the employer, planning how many surplus candidates should be on the voting list, etc., thereby reducing the workload and saving time and costs in organizing the Congress.



Best practice

Best practice from the grassroots level: setting up a team to manage ballot boxes and count votes; getting recommendations of candidates and votes of confidence directly and widely from TU members.

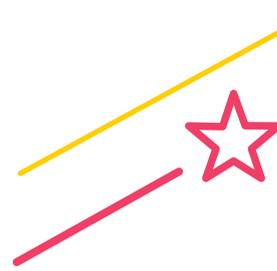
The GTU of Earth Company, Binh Duong: After developing the congress scheme, the GTU informed workers of the congress in writing and enclosed a recommendation form with the TU's stamp to workers for the latter to recommend candidates. The number of recommendation forms is enough for all workers in the company.

In the recommendation form, it is printed the list of candidates suggested by the current EC together with blank lines for workers to recommend more candidates if any. If workers also recommend the same candidates as the current EC, they just tick on the lines with the name printed on and if they recommend new candidates, they write on the blank lines.

Ballot boxes are placed in a convenient place such as TU office, cafeteria, factory for workers to drop their recommendation form. After a week, the current EC will open the boxes under the witness of the upper-level TU.

The GTU of Full-In Company, Binh Duong: As a pilot unit, based on the guidance of the provincial FOL on getting recommendation widely from workers, the GTU placed the ballot box at the workplaces and asks workers to self-appoint a team to manage the ballot box. After one week, the self-appointed team directly count the votes under the witness of workers' representatives from different sections, the current EC representative and TU officials from the provincial FOL.

These two ways of doing create opportunities for all workers to introduce candidates to the new EC and to the position of GTU chairperson. The candidate recommendation widely from TU members and counting-votes by TU members raise the interest of TU members and workers in TU election and create a democratic atmosphere for the GTU congress.



RECOMMENDATIONS FOR EFFECTIVE DIRECT ELECTION

TO THE VGCL

- Change the model of TU operation from employer-based to member-based, and raise awareness throughout the system about the TU role under the IR Model.
- Expanding direct election for the next congress term with wide application in the entire enterprise sector, or otherwise pilot in enterprises with bad industrial relations.
- Amending the Guidelines which consider:
 - The EC structure and the criteria for EC members and the position of the GTU chairperson should be discussed and developed by members so that members decide what type of people to represent them and to be their leaders, and thereby, at the same time, building the role and responsibility of workers in the TU organization. The EC structure and standards for candidates should be linked to the TU model that represents workers instead of the bridge between workers and the employer.
 - There should be no management in the EC structure to ensure the independence and autonomy of TUs from the employer for promoting substantive dialogue and collective bargaining in a market economy and in accordance with the 98 Convention that Viet Nam has just joined.
 - Applying independent verification and independent monitoring of TU election to protect the independence of TUs from the employer for the purpose of substantive dialogue and collective bargaining.
 - The election agenda has a section for candidates to present their platform of action and election message before holding a vote. Union address about the platform of action should be prepared and sent to the TU members in advance.
 - Guide GTUs to get nominations and candidatures at the congress by secret ballots instead of open-asking at the congress.
 - Guiding a clear viewpoints for orientation-making towards the TU role of representing workers under the IR Model instead of the bridge role between workers and the employer under the HRM Model.
 - Promoting workers' participation in the election process through activities of nomination and candidatures, getting votes of confidence, developing candidate standards, discussing election procedures, election monitoring, election evaluation, etc.
 - Apply the general election (different from the general assembly/congress), one member - one vote, direct by TU members by secret ballots. Mark the order of votes out of the total to support the election monitoring and counting votes to ensure accuracy.
- For promoting dynamism at the grassroots level, the VGCL should only give guidelines on principles of direct election to comply with, and should not specify a rigid process of steps to follow, and if any, it should be just for consultation and reference, because rigid regulations are difficult for GTUs to implement to suit the reality, and many GTUs with a long time of the top-down culture do not dare to be flexible and adjust it.
- Develop an election software to support GTUs in voting and counting ballots, especially where there is a high number of TU members and specifically in case that universal suffrage with one member - one vote is applied.
- Develop an election strategy that is combined with implementation of other TU goals, for example, educating TU members about TUs so that they understand that they are TUs, together building their TUs and strengthening the TU power; discussing TU strategies; advocating for TUs

and recruiting members or other goals so as to effectively use resources. Presenting a union address by candidates at the congress is also a chance for educating TU members.

- Develop a comprehensive training program of TUs, focusing on:
 - Educating TU members and workers about the importance of TU election, their rights and responsibilities in TU election, especially in direct election of GTU chairpersons so that they see TU election really important and meaningful to them.
 - Changing workers' perceptions on the role of TUs, shifting from the main role of caring, visiting, hospitality, funerals and cultural, arts, sports and other motivational activities to the main role of promoting dialogues and collective bargaining so as to change their perception of selecting and electing TU leaders suitable for the nature of TU operation under the IR model. This should be done throughout the whole TU system as early as possible to prepare for the next congress election.
 - Training EC members and GTU chairpersons on the role of representing workers in front of the employers and how to perform this role based on the strength of the organization so that direct workers as GTU chairpersons can play their role (rather than the bridging role as it is today).
 - Educating TU officials, TU members and workers about the importance and necessity of TUs' independence from the employer in the market economy to promote substantive dialogue and collective bargaining.
- Develop a guide book on democratic election for TU officials at all level based on democratic election principles that have been popularly applied by TUs in other countries such as independent monitoring, election speeches at congresses, nominations, candidatures, secret ballots, etc. to promote democratic TU election in Viet Nam.
- Study the GTU model in the direction that workers who share the same concerns and issues will share the same GTU (insiders acts for "self-help"), that is, the organizational structure of the VGCL at the grassroots level may have 3 GTUs, including one GTU for direct workers (blue collar), one GTU for office workers (white collar) and one GTU for managerial workers, even team supervisors and assistant supervisors. The upper level should also be restructured to match the new structure of GTUs once changed and develop specific strategies of support for various types of GTUs.
- Actively participate in the process of labour laws revision and supervise law enforcement in order to effectively prevent discrimination and interference against democratic TU election, in particular, and TU operation, in general.



TO THE UPPER-LEVEL UNIONS

- Actively implement in a responsible manner the VGCL programme on direct election as outlined in the recommendations to the VGCL mentioned above; and during the implementation process, give feedback and propose amendments so that direct election is implemented effectively.
- Create an environment to turn TU election at the grassroots level into an event of workers' festival to attract their interest and their participation in discussing TU issues and strategies to build and develop TUs, and at the same time, promoting the responsibilities of workers in selecting their TU leaders to implement the organization's strategy.
- Selecting enterprises with bad industrial relations for pilot direct election of GTU chairpersons at the congress so as for workers to select an alternative GTU chairperson for changing the industrial relations environment at workplace.



TO GRASSROOTS TRADE UNIONS

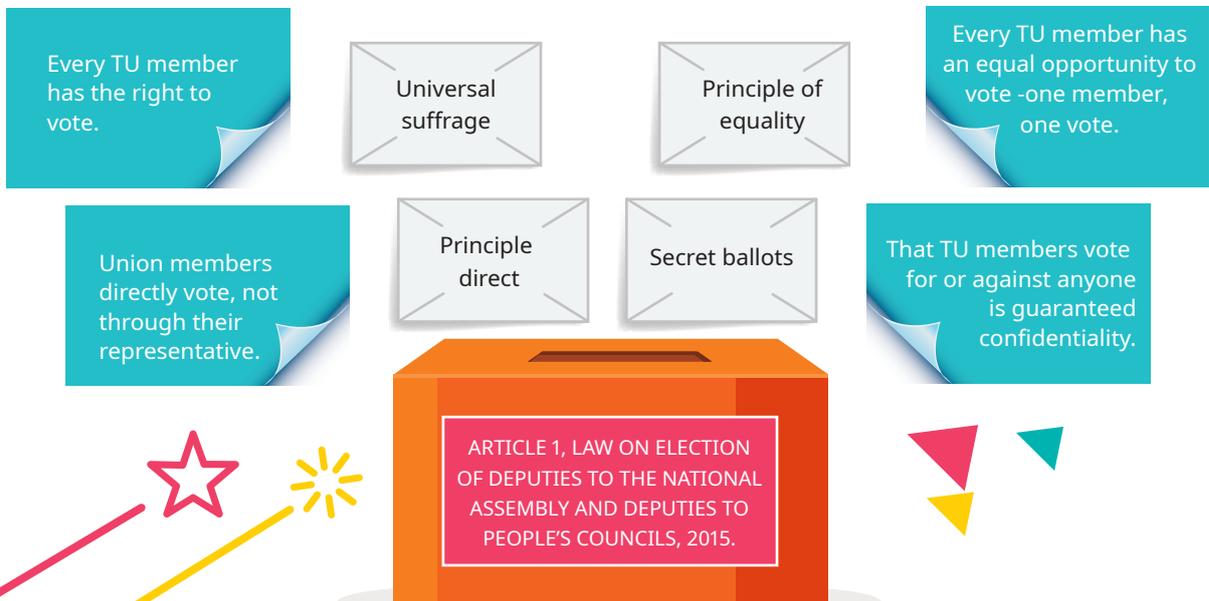
- To promote the grassroots dynamism: considering application of basic principles of democratic election from TUs in other countries, including: developing candidate standards from the bottom up with TU members; ensuring the independence of TUs from the employer; applying independent monitoring of TU election; creating a democratic environment for nominations and candidatures from TU members; creating an opportunity for candidates to present their union address including their TU objectives and election message before taking votes...
- Building the ownership of TU organization by TU members; creating a democratic environment and culture for nominations and candidatures from TU members.
- Educate TU members about the importance of TU election and their responsibilities for the organization through TU election.
- Combining TU election with activities of educating TU members about the goals and contents of TU operation, the mindset of a representative role of TU, the rights and responsibilities of workers in their TUs, etc. and all these activities are aimed at achieving the goal of TU development (organizing and recruiting members).



TO TRADE UNION MEMBERS AND WORKERS

- Master the TU organization and master the TU election process by participating in the design of the EC structure and GTU chairperson standards, and actively participate in the election and supervise the process, nominate suitable candidates and be ready to stand out for election if they are capable, and encourage others who are capable to run for election.
- TU members educate TU members about their roles and responsibilities in TU building and TU election.
- Question and complain if any doubts about any factors/details of the election process that make the election not democratic, objective, transparent or of no integrity.
- Question and complain if any doubts about the election results.

FOUR BASIC PRINCIPLES OF ELECTION IN VIET NAM AND THE WOULD-BE APPLICATION IN TUS.







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