



LABOUR CODE 2019

WORKERS' REPRESENTATIVE ORGANIZATIONS AT THE GRASSROOTS LEVEL



Workers' representative organizations ("WROs") include grassroots trade unions (GTUs) and workers' organizations at enterprise level (WOs).

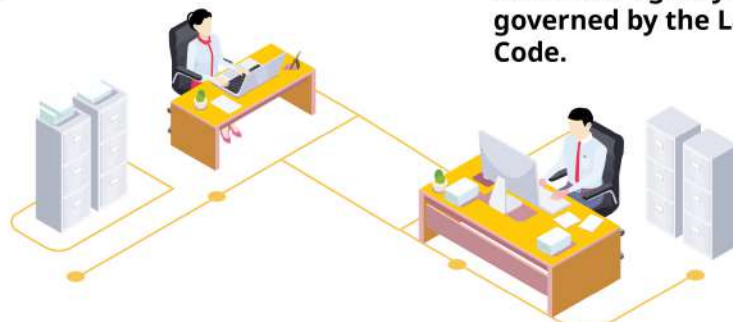


GTUs are under the Viet Nam General Confederation of Labour. They are governed by the Trade Union Law.

GTUs and WO have equal rights and obligations in protecting workers' lawful and legitimate rights and interests in labour relations.



WOs at enterprises must be registered with the competent state agency and are governed by the Labour Code.



Who has the right to establish and join the WROs ?

! Workers at enterprises.

Where are WROs established ?

! At enterprises.

Why are WROs established ?

! To protect the lawful and legitimate rights and interests of member workers with regard to labour relations at the enterprises; and to further the establishment of progressive, harmonious and stable labour relations.

When can WROs lawfully operate ?

! Upon having registration issued by an authorised state agency.

Who may become member of the leadership committee of a WO ?

Vietnamese workers in the enterprise who are:


- Elected by members of the WO at the enterprise; and
- Not in the period of carrying out penalty, and not in the period when their criminal record has not yet been expunged because of the crime infringed on national security, human life, citizens' democratic freedoms or ownership rights under the regulations of the Penal Code.




Rights and obligations of WROs at the grassroots level in labour relations




To conduct collective bargaining with employers in accordance with the Labour Code.




To conduct dialogue at the workplace in accordance with this Labour Code.




To organize and lead strikes in accordance with this Code.




To be consulted during the development of wage scales, wage tables, work norms, regulations on payments and bonuses, internal work regulations and issues relating to rights and interests of workers who are their members.



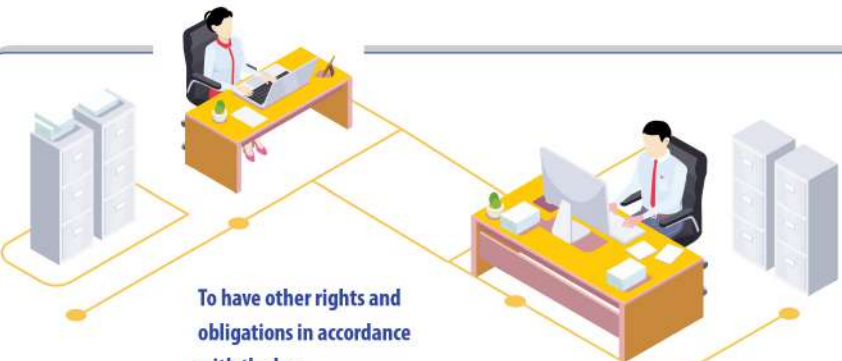
To represent workers in the resolution of individual complaints and labour disputes when authorised by the workers.



To receive technical assistance from agencies or organizations which are registered to legally operate in Viet Nam in order to understand labour law, and on the sequence and procedures for establishing WROs and performing their representative activities in labour relations after registration is issued.



To have employers arrange a work space and provide information and ensure the necessary conditions for the operations of the WROs at the grassroots level.



To have other rights and obligations in accordance with the law.

Rights of members of leadership committees of WROs at the grassroots level



To have access to workers at the workplace while carrying out the activities of the WROs at the grassroots level. The performance of such tasks must not affect the normal operations of the employers.



To have access to employers in order to carry out the representative activities of WROs at the grassroots level.



To spend limited working time to perform the activities of WROs at the grassroots level while being paid by the employer.

- The Government will stipulate this minimum time based on the number of members of the organization.
- The two parties may negotiate to increase the actual time above the limit stipulated by the Government.

To benefit from other protections in line with the law

Discriminating against workers or members of the leadership committees of WROs at the grassroots level due to establishing, joining or operating WROs, including:

- Requesting that a worker join, not join, or leave a WRO as a requirement for recruitment or concluding or extending employment contracts;
- Dismissing, disciplining, unilaterally terminating an employment contract, not renewing or extending an employment contract or transferring workers to perform other work;
- Discriminating in relation to wages, working hours or other rights and obligations in labour relations;
- Impeding or obstructing employment in order to undermine the activities of WROs at the grassroots level.

Prohibited acts by employer

Interfering in or manipulating the processes for establishment, elections, development of work plans or implementation of the activities of WROs at the grassroots level, including using financial support or other economic measures to neutralize or undermine the representative function of WROs at the grassroots level or discriminating among the WROs at the grassroots level.

ILO Country Office for Viet Nam

304 Kim Ma Street, Ngoc Khanh, Hanoi, Viet Nam

Tel: +84 24 38 500 100

Email: HANOI@ilo.org

Website: www.ilo.org/hanoi

Facebook: Vietnam.ILO

Department of Legal Affairs

Ministry of Labour - Invalids and Social Affairs

12 Ngo Quyen Street, Hoan Kiem District, Ha Noi, Viet Nam

Website: www.boluatlaodong2019.vn