

# LAW ON THE TRADE UNIONS

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**NATIONAL ASSEMBLY**

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**  
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## LAW ON THE TRADE UNIONS

In order to develop the role of the trade unions in the socialist revolution and to ensure the workers' democratic rights and interests.

Based on articles 10, 32, 83, 86 and 106 of the Constitution of the Socialist Republic of Vietnam.

This law provides for the functions, rights and responsibilities of the trade unions.

### CHAPTER I

#### GENERAL PROVISIONS

##### Article 1

1 - The trade unions constitute a great socio-political organization of the Vietnamese working-class and labouring people (generally called workers). They are founded by the workers on the voluntary basis and placed under the leadership of the Communist Party of Vietnam, they also constitute a component part of the political system of the Vietnamese society, a school of socialism for the workers.

2 - The Vietnamese workers operating in business and production establishments belonging to all economic sectors, in enterprises functioning with foreign capital investment in non-productive units, state organs, social organizations (generally called organs, units, organizations) are entitled to step up and participate in the trade union In accordance with the Rules of the Vietnamese Trade Unions.

The workers' associations founded in keeping with the law have the right to adhere to the confederations of labour.

When founded, each trade union organization must inform the administrative organ and the organization concerned of its coming into being for the purpose establishing with the latter necessary working relations.

Any act of hindrance to and violation of the principle of voluntariness in joining the trade union organization and its activities, of discrimination against the workers for the reason of their participation in the trade unions is strictly forbidden.

3 - Trade unions from the primary level upward enjoy the right of a legal person.

4 - The Vietnam General Confederation of Labour has the right to adhere to any international trade union organizations in keeping with the objectives of its activities.

##### Article 2

1 - The trade unions represent and defend the workers' legitimate and legal rights and interests; they are bound to join forces with the State in developing production, solving the question of employment and improving the material and spiritual life of the workers.

2 - The trade unions represent the workers and organise them to participate in the management of organs, units, organizations, in the socio-economic and state management, within the scope of their functions, the trade unions implement their right to supervise and control the activities of the organs, units, organizations In keeping with the law.

3 - The trade unions are responsible for organizing, educating and encouraging the workers to bring into full play their role of mastery of the country, carry out their civil obligations, build and defend the socialist fatherland of Vietnam.

### **Article 3**

1 - In all their activities, the trade unions must abide by the Constitution and the laws in force.

The State organs, the heads of units, organizations must respect the right of independence and others provided for in this law.

2 - The State organs, the heads of units, organizations and the trade unions must strengthen their cooperative relation in all their activities in order to build their respective organs, units and organizations, build the country and care for the workers' interests. When there are divergences in their views and ideas on any problem, they should hold talk, dialogue and consultation in order to find out proper measures for settlement of their difference in keeping with the law. The State organs, the heads of units, organizations are bound to create necessary conditions for the trade unions to carry out their activities.

3 - With the agreement of the Vietnam General Confederation of Labour, the Council of Ministers concretely defines by regulations the relations of activity between the State organs, the heads of units, organizations and the trade unions at all levels.

## **CHAPTER II**

### **TRADE UNIONS' RIGHTS AND RESPONSIBILITIES**

#### **Article 4**

1 - The trade unions represent the workers and organize them to participate, together with the State, in the elaboration and implementation of socio-economic development programs, policies, economic management mechanism and other lines and policies related to the workers' rights, obligations and interests.

The President of the Vietnam General Confederation of Labour is entitled to participate in meetings held by the Council of Ministers; Presidents of trade unions at different levels are entitled to take part in conferences held by the State organs, the units and organizations concerned when deliberating on the questions in connection with the rights, obligations and interests of workers.

2 - The trade unions are held responsible for carrying out propaganda for the Constitution and laws, for educating the working people to consciously abide by and protecting the laws in force, actively build socialism and defend the Fatherland, care for public property, work with discipline, productivity, quality and effectiveness.

3 - The primary trade unions must join the offices, units and organizations concerned in ensuring the rights to mastership of workers' collectives in keeping with the stipulations of the law.

4 - The trade unions must join forces with the offices, organizations, state-owned economic units, non-productive administrative organs and cooperatives in organising socialist emulation movements, and in bringing into full play the workers' capabilities for the implementation of socio-economic objectives.

#### **Article 5**

1 - Within the scope of problems directly related to the workers' rights, obligations and interests, the Vietnam General Confederation of Labour has the right to submit draft bills and laws to the National Assembly and the State Council.

2 - Trade unions are bound to join State organs in drafting laws, elaborating policies, working out appropriate regimes for labour, wage, labour protection and other social policies directly related to the workers' rights, obligations and interests.

3 - Trade unions are held responsible for supervising, speeding up and controlling the implementation of policies and regimes on law.

#### **Article 6**

1 - Trade unions must cooperate with State organs in making researches into sciences and technique for labour protection and in applying the achievements obtained to practical work, in elaborating norms and rules for labour security and industrial hygiene.

2 - Trade unions are responsible for educating and mobilizing the workers to strictly implement the stipulations on

labour and environmental protection.

3 - Trade unions must control the execution of the law on labour protection - when discovering on the workplaces any dangerous signs which may be detrimental to the life of workers, the trade union has the right to request the responsible man to put into action appropriate measures for ensuring labour security, including the case of temporarily suspending the operation if need be.

4 - Any investigation into a labour accident should secure the participation of the trade union representative. The trade union has the right to demand the State organ or the tribunal to prosecute the person responsible for the labour accident in keeping with the stipulations of the law.

#### **Article 7**

The trade unions should join forces with the offices, units and organizations concerned in solving the problem of unemployment, organizing vocational training courses and raising the professional, cultural, scientific and technological levels of workers.

#### **Article 8**

1 - Trade unions participate in elaborating social policies and, together with state organs, manage social insurance according to the stipulations of the law.

2 - Trade unions are responsible, together with offices, units and organizations concerned for taking care of the cultural life, sports and physical culture of workers and for organizing recreational and tourist activities for the latter.

3 - The primary trade unions must cooperate with the offices, units and organizations concerned in managing and using the collective welfare fund in the interest of the workers.

#### **Article 9**

1 - Within the scope of their functions, the trade unions supervise and control the implementation of the laws on labour contract, recruitment, dismissal, wage, bonus, labour protection, social insurance and of policies related to the workers' rights, obligations and interests.

2 - When making control, the trade unions may request the heads of offices, units, organizations to answer to their questions, recommend the latter to take measures for correcting the shortcomings and defects, preventing the breaking of the rule and law and inflicting due punishment to law-breakers.

3 - The heads of offices, units, organizations must duly give answers to the trade unions in order to make the latter know about how they solve their questions and this within a time-limit defined by law. They are also bound to give the reasons why they cannot yet solve the questions.

#### **Article 10**

The trade unions, in their capacity as representatives of workers, are entitled to ask the heads of offices, units, organizations to organize receptions of workers in which they should answer the questions posed by them.

When necessary, the trade unions may organize dialogues between the workers' collective and the head of office, unit, organization concerned for the purpose of solving the problems related to the workers' rights, obligations and interests.

#### **Article 11**

1 - The primary trade unions representing the working people, sign labour agreements with the managing directors of enterprises belonging to whatever economic components and supervise the signing and implementation of labour contracts.

2 - Trade unions act together with State organs in order to bring about proper solutions to the complaints and denunciations made by the workers in keeping with the law.

3 - The trade unions represent the workers in the negotiations with the heads of offices, units, organizations in order to find solutions to labour disputes and litigations occurring in their respective offices, units, organizations.

When the competent organ or the court considers and passes a verdict on the labour dispute or litigation, there must be the presence of the trade union representative who would give his or her opinions and suggestions on the case.

4 - Any worker, though being not yet trade union member, is entitled to ask the trade union committee to represent him or her and take the defence of his or her legitimate interests before the Court, the head of the

office, unit or organization concerned.

#### **Article 12**

1 - The state organs and heads of offices, units, organizations should discuss with the trade unions at the corresponding level before taking decisions on problems directly related to the workers' rights, obligations and interests.

2 - Before deciding upon the problems on wage, bonus, housing distribution, disciplinary measure against any worker to the extent of his or her dismissal or on the cancellation of the labour contract ahead of the scheduled time, the managing director of the state-owned enterprise, the head of office, unit, organization must discuss with the trade union committee at the corresponding level in order to reach unanimity of views with the latter.

In case no unanimity of view can be reached between the two parties on problems stipulated in this law, both parties must report it to the competent organ for settlement. Within a 30-day time limit since the reception of the report, the competent organ is bound to give the answer.

The Council of Ministers and the Vietnam General Confederation of Labour shall define concretely by regulations the order, and procedure for the settlement of the cases not reaching unanimity between the trade unions and the heads of offices, units, organizations.

The problems concerning labour disputes are to be settled by legal procedure and in keeping with the law on labour disputes and litigations.

3 - The problems lying within the sphere of deliberation by way of consensus between the Vietnam General Confederation of Labour and the Council of Ministers must be settled according to the statute of coordinated action between two parties.

#### **Article 13**

Basing themselves on the provisions in this law, the Council of Ministers, in cooperation with the Vietnam General Confederation of Labour, defines concretely the rights and responsibilities of the primary trade unions in conformity with the characteristic features of every category of offices, units, organizations and with those of the enterprises and cooperatives belonging to different economic components.

### **CHAPTER III**

#### **GUARANTEES FOR TRADE UNION ACTIVITY**

#### **Article 14**

Heads of offices, units and organizations are bound to create proper working condition and to provide necessary information for the trade unions to carry out their functions, rights and responsibilities.

With the agreement of the Vietnam General Confederation of Labour, the Council of Ministers will define by concrete regulations these matters.

#### **Article 15**

1 - The heads of offices, units, organizations must create favourable conditions for the workers to fulfil their assignments when they are elected to the Executive Committee of the trade union or they are assigned by the trade union to do any task.

2 - Part-time trade union officials are entitled to have some definite time reserved for them during working-hours for doing their trade union work. The Council of Ministers and the Vietnam General Confederation of Labour shall define concretely the time and conditions of activity of part-time trade union officials.

3 - The Vietnam General Confederation of Labour shall determine the number of full-time trade union officials.

The salaries of full-time trade union officials are determined by the Vietnam General Confederation of Labour in accordance with the general policy and borne by the trade union funds.

4 - Any decision of dismissing a worker, ceasing a labour contract before the time-limit, or transferring to other work a member of the trade union committee must secure the agreement of the trade union committee at the corresponding level. With regard to the transfer to another work of the president of the trade union committee, there must be a consent from the trade union at the directly higher level.

#### **Article 16**

1 - The trade unions carry out self-governing management in finance in keeping with the law and the regulations of the Vietnam General Confederation of Labour.

2 - The source of receipts to the trade union funds comprise:

a. Membership dues, incomes from cultural, sport, tourist activities and business undertakings of the trade unions and from the financial support and assistance of international organizations and foreign trade unions.

b. Allocations granted by the State budget; sums of money deducted from the funds of offices, units and organizations and transferred into the trade union funds in keeping with the regulations defined by the Council of Ministers.

#### **Article 17**

The trade unions' property is a socialist one, it enjoys the protection of the law and is encouraged to be further expanded. It must be managed and used in keeping with the law.

Real estate, movables, trade union funds, means of activity and other property created by the trade unions or aided by foreign countries to them are the property belonging to the trade unions' ownership.

### **CHAPTER IV**

#### **FINAL PROVISIONS**

#### **Article 18**

Any breakers of the stipulations of this law shall be inflicted disciplinary measures or administrative punishments or prosecuted for penal offence according to the degree of their penalties.

#### **Article 19**

This law substitutes for the law on the Trade Unions enacted on November 5th 1957.

All the former provisions contrary to this law are abrogated.

This law has been adopted by the 7th Session of the General Assembly of the Socialist Republic of Vietnam (8th legislature) on June 30, 1990

**Speaker of the National Assembly**

*Signed:* **LE QUANG DAO**