

## **USAID/Industrial Relations Promotion Project – April Report 2011**

In the first week of April, Richard Fincher, a mediation and arbitration specialist as well as an associate professor of Cornell University, traveled to Vietnam for two and a half weeks to conduct four trainings and one national consultation workshop on development of ADR systems. Prior to the trip, the consultant developed a set of recommendations to enhance and support ADR systems in Vietnam based on his assessment trip in July 2010. The trainings of trainers (ToT) on ADR were conducted for tripartite stakeholders: VCCI, VCA, VGCL, and Legal Department of MOLISA, whose targeted audiences are HR managers (VCCI, VCA), provincial and district trade union leaders and officials (VGCL), and district mediators and provincial arbitrators (Legal Department, MOLISA). In addition to the four trainings, the project and the arbitration specialist continued to work closely with VCCI to proceed on the initiative of VCCI's labor arbitration center (which is now part of the Employers Chapter which has been submitted to MoLISA for inclusion into the draft Labor Code). The last activity was a strategic tripartite planning workshop on promotion of ADR practices in Vietnam, chaired by MOLISA Vice Minister Huan. At the workshop, the specialist presented an overview on labor dispute resolution in the United States, policy options in Vietnam and observations from technical training in Vietnam. Other contributions were from representatives of Legal Department of MOLISA, VCCI, VGCL and People's Supreme Court who gave presentations on ADR and DR private arbitration, role of trade union and legal advisory services in ADR, and labor dispute resolution in labor courts respectively. The recommendations from this workshop will be included in the proposals for revising Chapter 14 (which deals with dispute resolution legislation) of the Labor Code.

In the third week of April, Katie Quan, a collective bargaining specialist from UC Berkeley Labor Center, travelled to Vietnam for a second technical assistance trip. She was accompanied by two professors, one from Penn State University (Mark Anner) and another from Sun Yat Sen University, China (He Gaochao), to follow up on collective bargaining activities such as pilot multi-employer CBA in Binh Duong and capacity building for tripartite stakeholders. In terms of the pilot CBA activity, the specialist and the project team had a series of meetings with the pilot CBA taskforce (the Vice president of Binh Duong Labor Confederation, a HR manager of a textile enterprise and the President of Binh Duong Textile Trade Union), to learn the progress of the pilot CBA and presented on relevant comparative experiences in the development of such multi-employer CBAs. The project team also visited some factories participating in the pilot CBA who are manufacturers of major U.S. brands such as Ann Taylor. During the trip, two major ToT advanced trainings on collective bargaining were organized for VCCI Ho Chi Minh City Branch and VCA. Participants of VCCI training were brand representatives, HR/CR managers, VCCI staff while those from VCA trainings were representatives from cooperatives leaders, trade unions and VCA staff. Participants of two trainings learned the procedures of collective bargaining through role-plays, gained comparative knowledge of collective bargaining practices in China and Latin America (from two resources persons of two universities in U.S and China) and were able to design their own teaching curriculum by the end of the training.

As part of the project's effort to develop industrial relations curricula and programs at the three partner universities, both Katie Quan and Dick Fincher gave presentations and led talks on comparative practices on collective bargaining and alternative dispute resolution respectively.

They were also able to give technical guidance on the development of the draft IR textbook on which all three universities are contributing specific chapters.

A planning workshop for the NIRC to develop industrial relations policy recommendations was supported at the end of April. This was organized by the LWD and was begun as a series of activities under the project workplan to strengthen the tripartite mechanisms and develop industrial relations models.

Throughout April project staff also worked with main the project stakeholders (MoLISA, VCCI and VGCL) in other on-going activity areas:

- Legal Capacity survey – on-going translation and review (Legal Department)
- Labor Law Education – planning for upcoming activities (Legal Department)
- Legal Aid Services – revising of overall report and planning with the consultant – Victor Narro - on his trip in July (VGCL )
- Industrial Relations Policy – planning activities and developing recommendations for NIRC and PIRC models (LWD)
- IR in-depth IPZ Survey – designing questionnaire and methodology (LWD)
- CBA development – follow up on pilot, identification and translation of resource materials, planning for further capacity building (VGCL, VCCI, LWD)
- DR/ADR – finalizing and translating training curricula, revising consultant reports, development of education materials, planning for next phases (LWD, Legal Department)
- IR education program – development of IR textbook and planning for next activities (3 universities)
- Labor Inspection – follow up on three committees and planning for training and material development (Labor Inspectorate)

### **Upcoming activities in May:**

Follow up activities with the following counterparts will be carried out:

- LWD: Two tentative workshops in Hanoi and HCMC on the model of National Industrial Relations Committee and Provincial IR Committee are organized by the end of May. An international consultant, Lance Compa, Cornell University is projected to come out to Vietnam by the end of June to work with LWD on assisting them on NIRC and PIRC and training for strike taskforce officials.
- VCCI: CBA training will be conducted for VCCI by Jan Sunoo, FMCS specialist, in June
- VGCL: Jan Sunoo will provide technical assistance Binh Duong Labor Confederation and others on the pilot CBA process in June
- LWD: Dispute resolution training for striketask members will be conducted by Jan Sunoo in June.
- Universities: A tentative workshop for university faculty on developing international education curricula will be conducted with resource person, Lance Compa, Cornell University.
- Labor Inspectorate: Preparations for July trip of two specialists from U.S Department of Labor will be lined up.