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# Supporting Implementation of Labor Laws and Promotion of Sound Industrial Relations in Vietnam

**ANNUAL WORKPLAN  
EXTENSION PERIOD**

Contract No. DFD-I-00-05-00220-00 Task Order No. 8

# **Supporting Implementation of Labor Laws and Promotion of Sound Industrial Relations in Vietnam**

## **ANNUAL WORKPLAN EXTENSION PERIOD**

**Program Title:** Supporting Implementation of Labor Laws and Promotion of Sound Industrial Relations in Vietnam (Industrial Relations Promotion Project)

**USAID Office:** USAID Vietnam

**Contract Number:** DFD-I-00-05-00220-00 Task Order No. 8

**Contractor:** DAI

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## ABBREVIATIONS

<b>ADR</b>	Alternative Dispute Resolution
<b>APHEDA</b>	Australian Public Health, Education and Development Aid
<b>BWP</b>	Better Work Program (ILO)
<b>CBA</b>	Collective Bargaining Agreement
<b>CIEM</b>	Central Institute for Economic Management
<b>CIRD</b>	Center for Industrial Relations Development, MoLISA
<b>DoLISA</b>	Department of Labor, Invalids, and Social Affairs (MoLISA)
<b>FDI</b>	Foreign Direct Investment
<b>FES</b>	Friedrich Ebert Stiftung
<b>FLA</b>	Fair Labor Association
<b>FMCS</b>	Federal Mediation and Conciliation Service
<b>GVN</b>	Government of Vietnam
<b>HRMN</b>	Human Resource Managers Network (VCCI)
<b>ICD</b>	International Cooperation Department, MoLISA
<b>ILO</b>	International Labor Organization
<b>ILSSA</b>	Institute of Labor Sciences and Social Affairs, MoLISA
<b>IPZ</b>	Industrial Processing Zone
<b>IR</b>	Industrial Relations
<b>IRPP</b>	Industrial Relations Promotion Project (officially approved project name)
<b>LAO</b>	Legal Advisory Office, VGCL
<b>LAC</b>	Legal Advisory Center, VGCL
<b>LAS</b>	Legal Advisory Service, VGCL
<b>LD</b>	Legal and Policy Department, MoLISA
<b>LWD</b>	Labor & Wages Department, MoLISA
<b>LI</b>	Labor Inspectorate, MoLISA
<b>MIS</b>	Management Information System
<b>MoLISA</b>	Ministry of Labor, Invalids and Social Affairs
<b>MPI</b>	Ministry of Planning and Investment
<b>NA</b>	National Assembly
<b>[N]IRC</b>	National Industrial Relations Commission (MoLISA – LWD)
<b>PCI</b>	Provincial Competitiveness Initiative
<b>PIRC</b>	Provincial Industrial Relations Commission

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<b>PPP</b>	Public-Private Partnership
<b>PPT</b>	Project Preparation Team
<b>STTA</b>	Short Term Technical Assistance
<b>TOT</b>	Training of Trainers
<b>TDU</b>	Ton Duc Thang University, VGCL
<b>ULSA</b>	University of Labor and Social Affairs, MoLISA
<b>STAR</b>	Support for Trade Acceleration Project (DAI)
<b>VCCI</b>	Vietnam Chamber of Commerce and Industry
<b>VGCL</b>	Vietnam General Confederation of Labor
<b>VNCI</b>	Vietnam Competitiveness Initiative (DAI)
<b>VTU</b>	Vietnam Trade Union University, VGCL
<b>Y I</b>	Year I USAID Workplan (Oct. 1, 2009 – Sept. 30, 2010)
<b>Y II</b>	Year II USAID Workplan (Oct. 1, 2010- Sept. 30, 2011)

# EXTENSION WORKPLAN INTRODUCTION

## I. Background and Rationale

Under this Extension Workplan, the Industrial Relations Promotion Project (IRPP) will continue to address on-going problems of major concern to state management agencies, private industry (both domestic and FDI), and civil society institutions (VGCL and universities). In 2011 the number of industrial actions increased from about 400 in 2010 to over 800 disputes. The Vietnamese government still considers addressing industrial relations as a main economic and governance priority. The labor laws designed to protect worker rights and attract both foreign and domestic investment have been under-going a comprehensive revision throughout 2011, with enactment expected in 2012. With Vietnam becoming a full member of the Trans Pacific Partnership (TPP), there is even greater emphasis on labor laws and their practice in relation to international standards. This project was designed to address key labor relations areas, including labor inspection, dispute resolution, collective bargaining and labor law and industrial relations education. Progress in these areas can play a vital role in both determining how far Vietnam can go in attaining trade benefits that in turn can help preserve its economic growth. Most importantly, progress in these areas can contribute to a predictable and stable industrial relations system that continues to represent the interests all of stakeholders and leads to greater economic and social stability.

The project will continue to be driven by the primary needs expressed by labor, management and government, represented by the main tripartite stake holders VGCL, VCCI and MoLISA. To date, the project has made good progress on providing technical assistance to strengthen labor inspection, offering new types of labor law education strategies, addressing dispute resolution needs, strengthening legal aid services, promoting new forms of collective bargaining and enhancing innovative industrial relations education programs. The tripartite partners have all benefited from in-depth diagnostics which have formed the basis for targeted technical assistance and greater tripartite cooperation. In addition the project has provided guidance to the main implementers of the National Industrial Relations Policy. Lastly, pilot industrial relations models in areas of labor inspection, collective bargaining, dispute resolution and provincial industrial relations committees are all in the process of being initiated.

The original project end date was set for September 30, 2011. In order to complete the current workplans and address the main areas in the contract taskorder, a cost extension period was needed. The project approach in the extension period is be no different from the first two years of the project and will serve to see that existing project objectives addressed. The central areas of focus continue to be the systemic enhancement of industrial relations and capacity building of MoLISA (including the labor inspectorate), the National Labor Relations Commission, the VGCL, VCCI and universities attached to MoLISA and the VGCL.

## II. Overall Project Objectives

**Overall Project Objective:** To create an enabling environment for the promotion of sound industrial relations in Vietnam through strengthening capacity for tripartite stakeholders to comply effectively with labor laws and developing strategically labor relations policies and initiatives in the country's emerging market economy.

**Project Extension Objective:** To facilitate the process of labor inspection reform and promotion of sound industrial relations through targeted technical assistance to increase effectiveness of the labor inspection system and to strengthen capacity for tripartite stakeholders, including educational institutions promoting sound industrial relations.

## III. Project Extension Approaches and Key Area of Technical Assistance Activities

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The central areas of focus are the systemic enhancement of industrial relations and capacity building of MoLISA (including the labor inspectorate), the National Labor Relations Commission, the VGCL, VCCI and universities attached to MoLISA and the VGCL. The main activity themes would remain the same:

- Increasing representative and dialogue capacity both institutional strengthening and individual development (including negotiation skills and mechanisms)
- Strengthening tripartite and bipartite consultative mechanisms at all levels
- Introducing comparative practices, including assessing and promoting best practices
- Piloting innovative models of industrial relations

The two main components would remain the same as within the contract taskorder:

- Enhance the Implementation of Labor Laws and Regulations
- Support for Promotion of Sound Industrial Relations

The anticipated activities in the extension period will address the existing objectives and work to ensure the success and sustainability of what has been accomplished, in process or already planned. No new activity areas would be addressed as the project will use an extension to achieve the stated outcomes within submitted workplans. A summary of activity areas per component follows:

### Strengthening Capacity for Labor Inspectorate (Sub Component One)

Under Promotion of New Approaches and Strategies

- Continuation of technical assistance by US or national labor inspection and IT specialists
- Continuation of promotion of compliance to international labor standards

Under Labor Inspection Training Development

- Continuation of consultative meetings on training materials development
- Pilot training workshops and follow up reports
- Development of educational materials

Under Regional Labor Inspectorate supported Self Assessment Models

- Continuation of consultative meetings on piloting self-assessment
- Development of self-assessment materials and systems (including information management)
- Monitoring implementation of pilot initiatives on self-assessment
- Workshops in regional self assessment models

### Promoting Effective Approaches to Law Implementation (Sub Component Two)

Strategic Planning for Implementation of IR-related laws and regulations

- Consultative meetings on assessment of capacity of stakeholders to implement labor laws
- Technical assistance on strengthening labor law implementation strategy

Strengthening Capacity of Legal Advisory Centers and Offices of VGCL

- Continuation of development of legal advisory materials and capacity building

Strengthening Capacity of Legal Advisory Services for Employees

- Continuation of technical assistance and support

## **Component 2: Promote Sound Industrial Relations**

Developing National Strategy on IR Promotion (Sub Component Three)

- Continuation Survey and Research on FDI enterprises (including IPZ)
- Technical assistance on strengthening IR policies, including national consultations
- Continued development of PIRC model

Strengthening Capacity for Tripartite Stakeholders on CBAs and Dispute Settlement (Sub-Component Four)

Strengthening capacity for tripartite stakeholders on collective bargaining

- Continuation of technical assistance by collective bargaining specialists
- Continuation of pilot collective bargaining model, including assessment and promotion
- Capacity building for union official on pilot collective bargaining model
- Continuation of training material development

Strengthening capacity for tripartite stakeholders on labor dispute settlement

- Continuation of technical assistance by dispute resolution specialist
- Continued targeted training and development of training materials

Building Capacity for IR Education Institutions (Sub-Component Five)

- Technical assistance by industrial relations specialists to develop supplemental materials
- Finalization of IR textbook and other curricula development and capacity building
- US DOS supported International Visitor Program on Labor Education

These main activity themes remain the same as in the first two years of the project. However the eventual activities and sub-activities under each may be different from what is planned. As this project is demand driven, the project is reliant on partners, whose priorities or focus may shift in any activity area.

The project will continue to make strategic use of technical assistance by industrial relations experts and specialists, both inside and outside of Vietnam that could include:

- Labor Inspection Specialists (from DOL)
- IT Systems programming developers (for self-assessment program)
- Dispute Resolution (including ADR) and Negotiation Specialist
- Collective Bargaining Specialists
- Industrial Relations Educators and Experts
- Trade Union Legal Advisory Services Specialist
- Labor Relations and Policy Development Experts

The project has already addressed many of the areas set forth in the original taskorder. Because of the expansive nature of that task order and the priorities of tripartite stakeholders, this extension period will continue to address a wide, but interconnected, range of initiatives developed to strengthen the industrial relations system in Vietnam. The project intends to work in the defined areas laid out in the workplans.

**ASSUMPTIONS AND RISKS FOR EXTENSION PERIOD**

The following represent factors, including economic and political, that could affect the operating environment for the IRRP project

- 1. Delays in implementation due to internal MoLISA issues:** Even though project approval process is completed and the various bureaucratic structures have been established for the project in accordance with Vietnamese government procedures, this does not mean that the partners had confirmed what they wanted to do, especially within MoLISA. Because there are at least four MoLISA departments involved (under three different Vice-Ministers) there is a lack of consistency in terms of planning and program development. The Labor Inspectorate as the designated lead (called Project Owner) does not have experience in coordinating bi-lateral projects or working with multiple project partners. The project team is spend considerable time having to follow up with each partner to develop plans, only to have partners change activity, priorities making consistency in planning and timing of activities difficult.
- 2. Inability of main partners to complete planned activity:** Given the degree of control mandated by government procedures, the project cannot directly implement activities as such but needs to work through each partner through an officially approved workplan. However, while the project is not supposed to deviate from this workplan, this does mean a particular partner is obligated to complete their particular activity areas. This inflexibility means the project is unable to reprogram activities, even if a partner's priorities have changed. This may be an issue towards the end of the extension period if some anticipated activity areas are not completed by a specific partner and the project is unable to bring in another partner to complete the activity.
- 3. Labor Code and Trade Union Law are given absolute priority by main stakeholders for the remainder of the year:** Presently the Labor Code and Trade Union Law are scheduled to be passed in the National Assembly session in May 2011. Currently this timeframe is unchanged. Thus can be an opportunity for the project, but also can affect the implementation of activities. The anticipated outcomes activities, including policy recommendations and development of new IR approaches could potentially be used by lawmakers. Conversely the main tripartite partners, especially MoLISA, could delay conducting most other activities, regardless of commitments, (with its attention focused on finishing and passing the draft Labor Code (and draft Trade Union Law). The project is aware of this possibility and has tried to build flexibility in the workplan to accommodate such a change.
- 4. High inflation affecting the labor relations environment.** As was seen in the period from mid-2007 to mid-2008, the highest numbers of strikes corresponded with the worst inflation Vietnam had experienced. If inflation continues to dramatically increase as with most of 2011, this may cause the number of wildcat strikes to increase in number. In that case, the operating environment for activities focused on dispute resolution and other social dialogue mechanisms may change dramatically, including making these high priorities areas for the government and raising the profile of the project.
- 5. External/International events create a more difficult atmosphere in which to implement governance work.** While difficult to predict or anticipate, political or security sensitivities may mean a planned activity is not allowed to proceed, partners may not want to implement a planned activity or an international resource person is not allowed to come.

**WORKPLAN – EXTENSION**

**OCTOBER 1, 2011 – MARCH 30, 2011**







## COMPONENT I: ENHANCEMENT OF IMPLEMENTATION OF INDUSTRIAL RELATION RELATED LAWS AND REGULATIONS

### OBJECTIVE

By the end of the project, compliance to industrial relation related laws and regulations is enhanced through increasing understanding of the Labor Code and regulations among stakeholders, strengthening human institutional capacity for labor inspectorates, and enhancing capacity of union legal advisory services.

### SUB-COMPONENT 1: STRENGTHENING CAPACITY FOR LABOR INSPECTORATE

**Sub-component Outcome:** Compliance with IR related laws and regulations are enhanced through improved human and institutional capacity of labor inspectorates.

**The following activity areas will be carried out in Sub-component 1:**

#### 1.1 Promotion of New Approaches and Strategies to Improve the Labor Inspection Capacity

**Outcome 1.1:** A strategic planning process for improving labor inspection promoted.

The project will continue to complement the on-going process of reform within Labor Inspectorate through the provision of technical assistance that identifies and promotes new approaches to the current understaffed and underfunded system of labor inspection. The project will continue to rely on expertise of the USDOL team of labor inspection specialists. The main activities will be conducted in extension period and these include up two envisioned return trips by the USDOL specialist(s) who will be resource persons at national workshops as well as sharing experiences and showcases to the Labour Inspectorate based on their findings and recommendations from the previous trips. They will also be giving technical assistance on in Activity Areas 1.3 and 1.4.

1.1	Promotion of New Approaches and Strategies to Improve the Labor Inspection Capacity	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012						
Extension	International Consultancy of USDOL specialist (also in conjunction with 1.3 and 1.4)				→		→							
Extension	National Workshop on Implementation of ILO Convention No. 81 on Labor Inspection (ICD/LI)				→									
Extension	National Workshop on Labor Inspection and OSH (ICD/LI)						→							

#### Outputs/deliverables:

- USDOL team presentation on best and comparative practices to implement ILO Convention No. 81 on labour inspection.

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- USDOL team presentation on best and comparative practices conducting labour inspection visits on occupational safety and health.
- Compiling case materials and experiences for handbooks/manuals development (combined with 1.3);

**Anticipated activities include:**

- A national workshop will be conducted in conjunction with the Labor Inspectorate and International Cooperation Department on Enhancing Capacity Implementing ILO Convention No. 81 on labour inspection. A USDOL specialist (or team) will be the key resource persons. The workshop will focus on how MoLISA can be in compliance with comments from the Application Committee in the last International Labor Conference, incorporation the CEACR’s direct requests. The timing will be in mid-December 2011.
- A national workshop on increasing the Labour Inspectorate capacity to promote occupational safety and health will be held either by the end of February/or beginning March 2012 in conjunction with National Occupational Safety week in order to build other initiatives. The workshop will highlight other effective approaches to enhancing labor inspection systems focusing on occupational safety and health visits in compliance to the ILO Convention No. 155 that was ratified by Vietnam. The USDOL team will be key resource persons and present on models from in other countries with comparative levels of development.

**1.2 Strengthened management information system for labor inspectors**

**Outcome 1.2:** Capacity to develop a labor inspectorate management information system increased

Developing a management information system (MIS) is still a priority for the Labor Inspectorate. The USDOL consultants recommended that the Labor Inspectorate put together a committee to work with the national consultant to make recommendations for upgrading the MIS system for the Labor Inspectorate. Ideally the MIS design would be able (i) link ministerial/regional inspectorates to the IPZ/enterprise-level and (ii) utilize the data on labor compliance pertaining to the self-enforcement record at workplace. In addition, the committee would be able to design the framework for the targeted training.

1.2	Strengthened management information system for labor inspectors	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012						
1.2.2	Consultative Meetings on Data collection and MIS for labor inspectorate (combined with 1.4)													

**Outputs/Deliverables:**

- The Management Information System Committee recommendations submitted to MOLISA;

**Anticipated activities include:**

- The MIS/data collection committee will be responsible for making and piloting proposals for improving MIS of labor inspectorate at all levels including data collection, data processing, and data analysis and reporting. Specifically, the MIS committee team would be involved in carrying out project activities related to MIS for labor inspectorate including identification of needs and potential candidates for national consultancy on MIS. The USDOL specialist team would provide technical guidance during their planned visit(s).

**1.3 Labor inspection training development**

**Outcome 1.3:** Capacity of Labor Inspectorate to develop training programs and resource materials increased.

The USDOL consultants recommended that the Labor Inspectorate form a committee for training development and another for development of educational materials (e.g. handbook and manual). This latter committee is to be responsible for identifying national consultants, creating outlines and templates for materials to be designed and developing frameworks for the proposed training. The project will work with a USDOL specialist, the Labor Inspector (LI) and this committee for development of educational materials (such as a handbook and manual) to creating outlines and templates for materials, including developing designs and frameworks. The USDOL specialist, who has worked with LI over the past two years (including four trips to conduct an initial assessment and follow on trainings and workshops), will supply technical assistance and provide comparative models of labor inspection materials used in other countries.

1.3	Labor inspection training development	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012							
1.3.1	Consultative Meetings of labor inspection training committee (continued)	→													
1.3.3	Consultative Meetings of handbook/manual development committee (continued)	→													
1.3.5 Extension	Development of training materials including manual and review process (with US DOL Consultant)				→										

**Outputs/Deliverables:**

- A draft handbook for labor inspectors developed, tested and submitted to MOLISA;

**Anticipated activities include:**

- A Handbook and Manual Development Committee within MoLISA responsible for making and piloting proposals for development of manuals and handbooks for labor inspectors and others concerned. Specifically, the Handbook and Manual Committee team would support project activities related to development of manual and handbook for labor inspectors, including identification of needs and potential candidates for national consultancy. The USDOL specialist team would provide technical guidance during their planned visit(s).

- Consultative meetings will be held between the project officers in charge, the Inspectorate staff, and the training committee and handbook/manual committee team. Both committees will have input into the draft manuals to be developed which would cover issues that inspectors deal with, including improving the system for handling complaints to prevent an escalation to labor disputes and strikes. Rather than producing hard-copy manuals, the manual will be made available on-line (and initially circulated as CDs) so that the central labor inspectorate will be able to easily update and add to the manual. The USDOL specialist team would provide technical guidance during their planned visit(s).

**1.4 Regional labor inspectorate model in supplying information and technical advice**

**Outcome 1.4:** Capacity of regional inspectorate in supplying information and technical advice strengthened

The Labor Inspectorate identified a self-assessment program as a priority to assist in promoting compliance given the reality of continual shortage of labor inspectors. The project will work with the Labor Inspectorate in consultative process to create a strategy which will be tested through the implementation of a pilot activity, building on initiatives beginning in Year II on self-assessment. Paralleling this push on self-inspection will be the effort to develop regional inspectorate centers, which have been proposed as another means to address the lack of human resources available to the Labor Inspectorate. The USDOL specialists, working with the Labor Inspectorate and Project Office, will provide technical assistance in design recommendations, including online models.

1.4	Regional labor inspectorate model in supplying information and technical advice	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012							
1.4.1	Consultative meetings on pilot self-assessment scheme (continued)	→													
1.4.3	Monitoring implementation of pilot models of self- assessment (continued)		→												
Extension	USDOL/IT specialist consultancy to to develop on-line self-assessment system				→										
Extension	Launch Workshop to promote new on-line system						→								

**Outputs/Deliverables:**

- The initial promotion activity of enterprise-level self-assessment of compliance with labor laws and regulations is completed;
- A pioneer online self-assessment labor inspection system for employers will be developed by the LI with technical assistance from experts.
- A plan for pilot models of regional labor inspectorate in supplying information and technical advice is developed;

**Anticipated activities include:**

- Consultative meetings on pilot plan for self-assessment and regional models will be held between the Inspectorate, the Project Office and other stakeholders. The USDOL specialist team would provide technical guidance during their planned visit(s).
- Ongoing implementation of the initial self-assessment activities started in Year II will be carried out and will be monitored by the Labor Inspectorate and the Project.
- An initial framework is to be developed based on a consultative process with the Committee on Management Information in Year II. The USDOL consultant had made initial recommendations to the LI to upgrade the Management Information System (MIS) by focusing on this area. The MIS committee will complete a design framework for self-assessment to (i) link ministerial/provincial labour inspectorates to the Industrial Processing Zone (IPZ)/enterprise-level and (ii) use the data on labor compliance pertaining to the self-enforcement record at the workplace.
- Once this framework is complete, an IT system specialist who has developed similar on-line systems will work with the LI and MIS committee to test and implement the pilot software program and train personnel in its use. The IT specialist would be available at the same time as the USDOL specialist to ensure consistency in their approaches.
- A launch workshop to promote the new online self assessment will be held at the end of the process.

## **SUB-COMPONENT 2: PROMOTING EFFECTIVE APPROACHES TO LAW IMPLEMENTATION**

**Subcomponent Outcome:** Compliance with IR-related laws and regulations is enhanced through improved MoLISA plans of action on labor law implementation and more effective and better effective approaches to law implementation such as labor law dissemination, advocacy and legal aid services

**The following activity areas will be carried out in Sub-component 2:**

### ***2.1 Strategic planning for implementation of IR-related laws and regulations***

**Outcome 2.1:** Enhanced capacity of Strategic planning for implementation of IR-related laws and regulations

Legal education and literacy is fundamental to ensuring compliance of laws and their implementation. The project will continue the work of enabling the Legal Department of MoLISA to create workable strategies to educate both workers and employers on the new labor laws that scheduled to be enacted in May 2012. Previously, the Legal Department worked with the project to conduct a targeted rapid survey to assess capacity of main stakeholders (including various sections of MoLISA and provincial departments of labour, invalids and social affairs (DOLISAs) which was to be the basis of the strategy development. This work was postponed due to the delay of revisions to the draft labor code. Now that the process of labor law revision is in the final stages, the project will quickly develop informational materials to educate the public on changes to the labor laws. The project will take advantage of the presence of a labor law education specialist, who previously introduced comparative labor law education practices from other countries. The specialist will work with the Legal Department to strengthen the government's program on legal education, Project 31 and the efforts to develop effective education materials.

2.1	Strategic planning for implementation of IR-related laws and regulations	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012						
2.1.4 Extension	Consultative meetings and Workshop on Impact of “Project 31” (Labor Law Education ) and Development of Strategies with US Specialist		→											

**Outputs/Deliverables:**

- A draft plan for an impact evaluation of labor law education program developed and submitted to MoLISA, along with recommendations for education material development and dissemination strategies;

**Anticipated activities include:**

- Legal Department will run consultative meetings for improving the effectiveness of labor law education. These consultative meetings will assist in shaping an effective education and dissemination strategy for new labor laws. They will be followed by national workshop on how to assess the impact of Project 31 in order to develop more effective strategies, including development of materials and then dissemination. This workshop will bring together DOLISA officials from various provinces and other stakeholders to review current best practices and determine how Project 31 should go forward. A US labor law education specialist will provide guidance on how to measure the impact of education strategies and the comparative practices and current thinking on how develop the most effective education materials on labor laws.

**2.3 Strengthening capacity of legal advisory services for employers**

**Outcome 2.3:** Capacity for development of legal advisory services for employers strengthened

The project will continue to work with the Vietnam Chamber of Commerce and Industry (VCCI) in developing a framework for legal aid offices and center which could potentially legal guidance and services to employers in the areas of dispute resolution and mediation, negotiation and even labor law education.

2.3	Strengthening capacity of Legal Advisory Services for Employers	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012						
2.3.1	Consultative workshop(s) on Legal Advisory Services for Employers (continued)			→										

**Outputs/Deliverables:**

- A report of consultative workshop (including recommendations) on development of legal advisory services for employers submitted to VCCI leadership;

**Anticipated activities include:**

- Consultative workshop(s) on development of legal advisory services for employers will be conducted by VCCI in cooperation with the Project Office up to 50 participants including VCCI staff, legal consultants from private sector, business associations and related institutions in targeted locations (e.g. Hanoi, HCMC, Danang). The workshop(s) would focus on information sharing on legal advisory services, networking building on legal advisory services by VCCI and legal advisory services as part of training procedures for VCCI expertise on labor arbitration. They would incorporate the previous recommendations of a US based legal advisory consultant from Year II.

**2.4 Strengthening capacity VGCL’s Legal Advisory Services**

**Outcome 2.4:** New approaches to enhance the capacity of Vietnam General Confederation of Labour (VGCL) to deliver legal advisory services developed

Building on work in Year I and II, the VGCL and the project will continue to strengthen the effectiveness of the Legal Aid Offices and Centers of the VGCL. The project will continue to liaison with Victor Narro, a legal services expert from the UCLA Labor Center, who has worked with the VGCL in this area as part of the project and has continued to offer guidance. The project will finalize development of legal service materials for union counselors on industrial relations, which Victor Narro will review.

2.4	<b>Strengthening capacity of Legal Advisory Centers (LACs) and Legal Advisory Offices (LAOs) of the VGCL</b>	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012						
2.4.3	Development of union legal advisory service manuals (continued)			→										

**Outputs/Deliverables:**

- A framework for handbook on legal advisory services fundamentals and skills will be finalized and developed into a publication for the VGCL;

**Anticipated activities include:**

The project, working with the Legal Department of the VGCL, would continue to develop a handbook on legal advisory services fundamentals and skills based on the recommendations and framework generated in Year I and II activities. The handbook would incorporate new approaches to legal services based on comparative models and practices that were recommended by Victor Narro, legal services specialist from UCLA Labor Center. The VGCL would recruit a national consultant(s) to work with the Legal Department to finalize the handbook. The prospective national consultant worked with Victor Narro when during his last trip to Vietnam.



3.1	Building towards national strategy for promoting sound industrial relations	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012					
3.1.4	Presentation workshops on draft national IR Strategies and PIRC models (LWD)				→								
Extension	Workshop on Building Consensus on IR Assessment Framework and IR Indicators (LWD)				→								

### Outputs/Deliverables:

- The pilot survey will be conducted in targeted disputed IZs/IPZs by the LWD (through a national consultant) and findings will be presented as a basis of policy formation.
- An agreed upon set of standard IR progress indicators will be developed.
- A draft of for a national IR strategy, based on an assessment report, is submitted to competent agencies for review and comments.
- A study report on NIRC and PIRC models is produced and the pilot of PIRC model is planned.

### Anticipated activities include:

- A national consultant/researcher in cooperation with LWD will undertake a targeted study of selected factories and IPZs which will be used in developing recommendations for national IR policies. The project, researcher and LWD will develop a survey form (the project will provide forms used in other labor-related surveys to obtain a comparative basis). The LWD will then administer the survey with the assistance of the researcher in 20 (multi-sector) enterprises in selected Industrial Areas in the north and south, where there have been labor disputes.
- Prior to the survey, the project will assist the LWD to hold a workshop and meetings to gain consensus in developing standard IR progress indicators which will be used in this survey and future research to guide IR strategy development.
- The LWD will use survey findings as baseline in a draft report assessing the industrial relations fundamentals in Vietnam and proposing recommendations for development of strategies for sound industrial relations. This draft report will be developed by a national consultant working with the project and the LWD.
- The LWD will present the draft report for discussions and deliberation to members of the NIRC. Once consensus is reached on a final draft report, the LWD will organize a national workshop for tripartite stakeholders. The consultant will work with the LWD and the NIRC to use the findings to guide the development of a draft national IR strategy. The draft national strategy, developed in consultative meetings, will be presented in the national tripartite workshop in order to achieve consensus and buy-in of the strategy.
- The final in a series of industrial relations committee - related workshops will be conducted in Hanoi with the LWD on the PIRC model to incorporate study results, recommendations for the finalization of a strengthened PIRC model. A national consultant will be a resource person.

**SUB-COMPONENT 4: STRENGTHENING CAPACITY ON CBA AND DISPUTE SETTLEMENT**

**Sub-component Outcome 4:** Tripartite stakeholder’s capacity to promote models and initiatives on collective bargaining and alternative dispute resolution (ADR) is strengthened.

**4.1 Strengthening capacity for tripartite stakeholders on collective bargaining**

**Outcome 4.1:** The project will build on previous work in Year I and II to strengthen collective bargaining by building capacity and introducing new models. The project will work with the VGCL to expand upon a pilot multi-employer Collective Bargaining Agreement (CBA) signed for the Binh Duong Industrial Zone at the end of the last quarter. This multi-employer CBA is both a model for other industrial areas as well as being a bi-partite effort to improve labor relations in a specific industrial zone that has experienced recent labor disputes. Since this pilot effort is still new, the project will continue to help support it through technical assistance, while using it as a basis for further capacity building for the main stakeholders to focus on promoting new types of negotiation and bargaining skills.

4.1	Strengthening capacity for tripartite stakeholders on collective bargaining	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012							
4.1.2 Extension	Workshops for Monitoring pilot pilot CBA in Binh Duong (VGCL)	→													
Extension	Review Workshop of CBA Model			→											
Extension	US CBA Specailist conducts Trainings on CBA Model			→											

**Outputs/Deliverables:**

- The pilot multi-employer CBA that is evaluated, revised/expanded and strengthened through an internal VGCL assessment process in order to be a model that can be adapted in other industrial areas.
- Up to 50 VGCL officials and union leaders from different industrial areas will learn the lessons from the implementation this CBA model so they can incorporate them into their collective bargaining practices and approaches.
- Up to 25 VGCL official and union leaders will participate in an advanced training workshop for on how to negotiate multi-employer agreements and other techniques (e.g. using three-step negotiations).

**Anticipated activities include:**

- The project and CBA taskforce, which consists of two union and one employer representatives, will monitor the entire pilot multiemployer CBA process to produce an interim assessment and to guide implementation and expansion of the CBA pilot going forward. The project will support a

monitoring workshop on the model multi-employer CBA pilot with up to 9 garment factories in Binh Duong Province which in signed September, 2011.

- In order to ensure this pilot CBA will continue to be employed - and to expand its scope - a review workshop for union officials from industrial areas in the provinces around HCMC will be conducted. The multi-employer model will be introduced and the findings from the monitoring process will be presented by CBA taskforce. The project will also work with bi-partite representatives – such as the VCCI and the Garment Exporters Association - to include selected employers and brand representatives. The project will engage a short-term U.S. CBA Specialist, most likely Katie Quan from the University of California–Berkeley Labor Center who is familiar with the pilot initiative as a resource person.
- The US CBA specialist will also serve as a trainer for a two-day national training for the VGCL/FOL district and Industrial Zone leaders. The training will focus on how to establish similar multi-employer CBAs as well as other approaches. The CBA specialist will design training curricula to incorporate lessons from the assessment process and evaluation workshops. The Binh Duong CBA taskforce members will serve and resource persons. This will be the basis for a training of VGCL officials on using these CBA model practices and to replicate it nationwide in industrial areas as well as introduce advanced concepts such as three-step bargaining (in which the union negotiates with brands separate from employers in order to ensure wage increases are attainable and maintained).

**The following activity areas will be carried out in Sub-component 4:**

**4.1 Strengthening capacity for tripartite stakeholders on labor dispute settlement**

**Outcome 4.2:** Tripartite stakeholders are trained on labor dispute settlement

The project will continue its work with the VGCL and VCCI to promote effective dispute resolution by building on the dispute resolution initiatives undertaken in the first two years of the project, which identified the need for enhanced communication and negotiation skills. A U.S. dispute resolutions specialist who has previously conducted an assessment on the dispute resolution systems and capacity building activities (which also included development of tripartite curricula), will work with the project to develop pilot initiatives aimed at dispute prevention by creating internal workplace dispute handling capacity and enhancing labor-management workplace communications and negotiation.

4.2	Strengthening capacity for tripartite stakeholders on labor dispute settlement	Sept. 2011	Oct. 2011	Nov. 2011	Dec. 2011	Jan. 2012	Feb. 2012	Mar. 2012						
Extension	US ADR Specialist will conduct bi-partite trainings on advanced negotiation and communications and develop curricula					➔								

**Outputs/Deliverables:**

- Training materials on ADR for two pilot bi-partite trainings are created.



**Outputs/Deliverables:**

- The project will continue to liaison with US labor educators to work with academics and staff from the three universities to provide guidance on curriculum development and to strengthen ties between US and Vietnam labor educators, including membership in professional labor education networks and planning for follow-up beyond the life of the project.
- The second edition of the industrial relations textbook to be co-authored by the three universities, lead by ULSA will be completed, including a review by outside industrial relations experts.
- Accompanying supplemental materials (such as case studies and IR terminology glossary) will be developed will be developed with the assistance of a US-based comparative IR expert.

**Anticipated activities include:**

- A textbook on “Fundamentals of Industrial Relations” is in the process of being updated/ revised by the faculty of the three universities. The 2006 edition of the textbook has been assessed by faculty members and students, IR experts and activists in order to review what should be kept and changed in that edition as well as how to make the textbook more relevant for students. A range of selected materials has already been translated into Vietnamese for local counterparts’ reference in the development of the textbook chapters. The final draft is scheduled to be produced, reviewed and distributed by January 2011. The project will also arrange for the final drafts to be translated and sent to US labor educators and IR specialists to review.
- A similar collaborative approach involving the three universities process will be used in developing draft supplemental materials that are relevant to current Vietnam context. In order to make the IR textbook a more effective education tool, accompanying source materials (e.g. a glossary of current IR terms and terminology) will need to be developed. The project will provide the services of an industrial relations specialist, working with the same faculty team to create relevant supplemental case materials. This faculty team—staff members at Vietnam Trade Union University, Ton Duc Thang University, and the University for Labor and Social Affairs— will identify potential draft cases materials. These case materials will be translated by the project back and forth between English and Vietnamese. The project office also will play a conduit role between the universities and the U.S.-based expert in the drafting process of these supplemental materials. This expert, most likely will be an expert comparative industrial relations who has traveled to Vietnam to work with project and the universities and will have viewed some drafts of the IR textbook chapters in order to be familiar with the content and can develop the complementary case materials.
- Two labor relations academics based out of the ULCA Labor Center and the Murphy Labor Institute of CUNY, who have worked with the three universities under the project, have secured a ten-day International Voluntary Visitor Program (IVVP) under the US DOS for a team from these three universities, along with participants from VGCL and MoLISA to visit US leading labor education programs in Washington, D.C., New York City, and Los Angeles. In addition to visiting CUNY and ULCA labor centers, they will visit the National Labor College and meet with key university labor and industrial relations programs to learn about curriculum development and research and policy initiatives. The IVVP is set up so that all U.S. costs and facilitation are taken care of by the US DOS. The project will assist by providing roundtrip international air tickets (on U.S. carriers) for participating selected faculty and labor educators.