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Supporting Implementation of Labor Laws and Promotion of Sound Industrial Relations in Vietnam (SIIR)

**ANNUAL WORKPLAN
YEAR I**

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 (SIIR)

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ABBREVIATIONS

ADR	Alternative Dispute Resolution
APHEDA	Australian Public Health, Education and Development Aid
BWP	Better Work Program (ILO)
CBA	Collective Bargaining Agreement
CIEM	Central Institute for Economic Management
CIRD	Center for Industrial Relations Development
DoLISA	Department of Labor, Invalids, and Social Affairs
FDI	Foreign Direct Investment
FES	Friedrich Ebert Stiftung
FLA	Fair Labor Association
FMCS	Federal Mediation and Conciliation Service
GVN	Government of Vietnam
HRMN	Human Resource Managers Network
ICD	International Cooperation Department
ILO	International Labor Organization
ILSSA	Institute of Labor Sciences and Social Affairs
IPZ	Industrial Processing Zone
IR	Industrial Relations
LAO	Legal Advisory Office
LAC	Legal Advisory Center
LAS	Legal Advisory Service
LWD	Labor & Wages Department
LI	Labor Inspectorate
MIS	Management Information System

MoLISA	Ministry of Labor, Invalids and Social Affairs
MPI	Ministry of Planning and Investment
NA	National Assembly
[N]IRC	National Industrial Relations Commission
PCI	Provincial Competitiveness Initiative
PIRC	Provincial Industrial Relations Commission
PPP	Public-Private Partnership
PPT	Project Preparation Team
STTA	Short Term Technical Assistance
TOT	Training of Trainers
TDT	Ton Duc Thang University
ULSA	University of Labor and Social Affairs
STAR	Support for Trade Acceleration Project
VCCI	Vietnam Chamber of Commerce and Industry
VGCL	Vietnam General Confederation of Labor
VNCI	Vietnam Competitiveness Initiative
VTU	Vietnam Trade Union University

INTRODUCTION

“Supporting Implementation of Labor Laws and Promotion of Sound Industrial Relations in Vietnam” project, known as **SIIR**, is a two year initiative funded by the United States Agency for International Development (USAID) and implemented under a contract with Development Alternatives Inc. (DAI). SIIR is funded solely by the United States Government, but cooperation and coordination are anticipated with international labor support programs currently operating in Vietnam. The project is tripartite with the lead counterpart being the Ministry of Labor, Invalids and Social Affairs (MoLISA), in cooperation with other main tripartite stakeholders as co-implementing counterparts, namely, the Vietnam Confederation of General Labor (VGCL), Vietnam Chamber of Commerce and Industry (VCCI), and Vietnam Cooperative Alliances (VCA).

The overarching objective of SIIR, as stated in the project task order, is to provide assistance to the main tripartite partners as appropriate to create an enabling environment leading to improved industrial relations. All activities discussed in this Annual Workplan are designed to contribute to this objective. The annual workplan covers 12 months - from October 1, 2009 to September 30, 2010.

The Annual Workplan is based on in-country project work since October 26, 2009 and a detailed final assessment by the SIIR project team, including an external consultant from November 27, 2009 to December 12, 2009. The Workplan incorporates guidance received from USAID as well as adhering to the procedures for Official Development Assistance (ODA) of the government of Vietnam.

The current SIIR staff consists of Chief of Party, William Conklin; Deputy Chief of Party, Vu Huu Tuyen; Program Development Specialist, Dang Thi Hai Ha; Finance and Office Manager, Pham Thi Thu Nga and Administrative Assistant, Nguyen Ngoc Ha. The in-country team is supported by staff in DAI's home office in Bethesda, Maryland.

BACKGROUND

Vietnam has experienced dramatic changes in its labor relations environment since the country began the process of integrating into the world economy. Employment and industrial relations are now essentially regulated by market principles and a fast developing labor market. The legislative framework which continues to reform serves as the basis for furthering employer-employee relationships. The Labor Code in 1994 and the Trade Union Law in 1990 laid the groundwork for the institutionalizing of industrial relations in Vietnam. While revisions and amendments to these laws in recent years have continued to emphasize a sound labor relations system in the country, the current legal framework, still does not respond effectively to labor market dynamics. The institutional capacity of the main tripartite stakeholders lags behind, and they have been unable to adapt or respond comprehensively to the rapidly changing socio-economic system. The sharp rise in number of industrial disputes and work stoppages in recent years (yearly increased over 55% on average in the period of 2005 - 2008) demonstrates the problems with the current legal enforcement and sanctions approach. The central government employs only a small number of labor inspectors (approximately 150 labor inspectors country-wide as of 2008) to perform actual factory visits. Limited knowledge about labor regulations and non-use of existing social dialogue mechanisms present major hurdles to overcome. .

The accelerated economic liberalization process has also deepened the divisions between the interests of workers and employers. The shortcomings in legal implementation have lead to increased violations in labor laws and regulations in the past and continue to be a contributing factor in labor disputes... A low degree of worker representation and information dissemination has lead to a lack of awareness of workers of their legal and legitimate rights and how to use sanctioned negotiations systems. Only by expanding and strengthening both the process of collective bargaining and social dialogue mechanisms can these issues be addressed sustainably.

Although Vietnam's tripartite stakeholders have made great efforts, they need better resources to further transform the industrial relations system. USAID/Vietnam, therefore, in partnership with the Ministry of Planning and Investment (MPI), proposed a new project to provide assistance to the Ministry of Labor, Invalids and Social Affairs (MoLISA) and through that Ministry to the Vietnam's General Confederation of Labor (VGCL), and the Vietnam Chamber of Commerce and Industry (VCCI), and other local tripartite stakeholders, to mitigate the negative effects of labor conflicts on the country's robust economic growth, while bolstering Vietnam's image as an attractive investment destination.

This project intends to focus on the implementation of labor laws and regulations and promotion of industrial relations through a range of substantive and collaborative activities that are identified and recommended by the local tripartite counterparts. Such assistance is essential in order to facilitate development of the system of industrial and labor relations by promoting tested best practices on industrial relations laws and regulations implementation, enhancing the human and institutional capacity of the tripartite stakeholders at both local and national levels, and promoting the application of sound models and practices.

USAID/Vietnam selected Development Alternatives Incorporation (DAI), a global organization with an established track record in project management and development expertise, to execute and provide technical assistance for this project as is seen with the STAR and VNCI programs in Vietnam. DAI and USAID seek cooperation and substantive contributions from MoLISA and other tripartite counterparts for a comprehensive and effective assistance that this project may develop at the fullest to facilitate the development of industrial relations in Vietnam.

TRIPARTITE STAKEHOLDERS

Ministry of Labor, Invalids, and Social Affairs (MoLISA)

MoLISA is mandated to carry out the state administration of labor within the country. MoLISA represents the government in the tripartite mechanisms of labor. At present, MoLISA is leading the revision of the Labor Code which is expected to be adopted by the National Assembly by November 2010. At the same time, MoLISA is a member of the Drafting Commission of the Trade Union Law revision. MoLISA is also the national counterpart at annual labor dialogue with the US Department of Labor.

The SIIR project was originally proposed by MoLISA in cooperation with MPI. The MoLISA functional departments closely involved in development and implementation of the SIIR project include the International Cooperation Department (ICD), the Labor and Wage Department (LWD), the Legal Department (LD), the Inspectorate (LI), and the Center for Industrial Relations Development (CIRD). The University for Labor and Social Affairs (ULSA), which is also a part of MoLISA, will participate in targeted industrial relations education activities.

As a lead counterpart of the SIIR project, MoLISA is responsible for facilitating social stakeholders to participate in project design and implementation in an effective manner. At provincial and local levels, the Departments of Labor, Invalids and Social Affairs (DoLISA), will work closely with the SIIR project team in forwarding new strategic approaches on labor inspection, labor law implementation and education, collective bargaining, dispute resolution and other social dialogue mechanisms

Vietnam General Confederation of Labor (VGCL)

The Vietnam General Confederation of Labor (VGCL) is the national umbrella organization for all Vietnamese trade unions including enterprise, provincial and industrial level structures. The VGCL is responsible for administration of the Trade Union Law and overseeing its revision to complement the new Labor Code. The VGCL in its 2008 Congress changed its priorities and structure, making it easier for provincial and district union officials to support enterprise unions. As a key stakeholder and partner in the SIIR project, VGCL will receive technical assistance to implement of the Trade Union Law and conduct collective bargaining, labor-dispute settlement procedures and other social dialogue activities including master trainer programs, promotion of best practice, new legal service strategies, testing pilot models, and policy research and development. The VGCL structure also has two universities, Ton Duc Thang University and Vietnam Trade Union University, which will participate in targeted industrial relations education activities.

Vietnam Chamber of Commerce and Industry (VCCI)

The Vietnam Chamber of Commerce and Industry (VCCI) is the official national organization which represents the business community, employers and business associations of all economic sectors in Vietnam. The VCCI is an independent, non-governmental, non-profit organization having the status of a legal entity and operating with financial autonomy.

As one of two key employers' representative organizations in Vietnam, a member of the Labor Relations Commission at the central level, VCCI and its affiliated members are expected to be actively involved in the SIIR project design and implementation. The VCCI has representation all provinces and has internal capacity for training and has research and publication departments. The VCCI also has affiliated the Human Resource Manager Network (HRMN), which has branches in the north and south. In the SIIR project, the VCCI will participate in bi-partite and tripartite activities as well as individual initiatives

designed to enhance capacity in the areas of negotiation and dispute resolution as well as labor law education.

Vietnam Co-operative Alliance (VCA)

The Vietnam Co-operative Alliance (VCA) is a national organization which represents co-operatives and other state-owned members. Registered under the Law of Co-operatives of 2003, VCA has a unified structure from the national level to all provinces and has about 15 million employees in different enterprises in the co-operative sector.

The VCA is officially recognized as one of two leading employers' representative organizations (along with the VCCI) in Vietnam and a member of the Labor Relations Commission at the central level. The VCA has promoted collective bargaining and will be involved in the SIIR project in that area as well as in tripartite and bi-partite consultations.

PROJECT MANAGEMENT OVERVIEW

PROPOSED ACCOMPLISHMENTS

Expected Impact/Long-Term 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.

Immediate Objectives

Component I: Needs Assessment and Cooperation Extension

A needs assessment process to support project design, build relationships, and garner stakeholder support is undertaken, in parallel with further cooperation initiatives for extending international support to promote sound industrial relations.

Component II: Enhancement of Implementation of Industrial Relations Related Laws and Regulations

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 the main tripartite stakeholders (i.e. MoLISA VGCL and VCCI), strengthening human institutional capacity for labor inspectorates, and enhancing capacity of union legal advisory services.

Component III: Promotion of Sound Industrial Relations

By the end of the project, the fundamental underpinnings of the IR system in Vietnam are strengthened including enhanced development of IR conceptual frameworks, national strategies and statistical data system, along with increased capacities for social dialogue, collective bargaining, alternative dispute resolution (ADR) and industrial relations education development.

TECHNICAL IMPLEMENTATION APPROACH

Based on workplans and needs of the tripartite social partners, the SIIR Project will support labor policy development and strengthen human and institutional capacities to promote better industrial relations and improved labor law implementation. Depending on the specific activity area, the project will work on a tripartite, bi-partite or individual partner basis. The project will use social dialogue mechanisms, including enhancing communication and negotiation capacities that are the basis for a sound industrial relations system to parallel the rule of law and governance mechanisms that are integral for the implementing labor laws.

The project will provide technical assistance to MoLISA departments to develop strategies and detailed programs of action in three program main areas. Specifically the project will support strategies to "Promote Sound Industrial Relations in Enterprises by 2020" which reflects the industrial relations

priorities in Vietnam, per a Prime Ministerial, decree through working with Labor and Wages Department of MoLISA. Working with the Labor Inspectorate Department of MoLISA, activities will center on developing strategies to for a policy to “Enhance the Capacity and Effectiveness of Labor Inspection System”, which is to be submitted to the Prime Minister for approval. Based on the new Labor Code, which is scheduled to be enacted in October 2010, the project will work with the Legal Department of MoLISA to develop a national strategy on implementing the new Labor Code and promoting education and legal advisory services on labor laws for employees and employers.

While the development these policy strategies will involve tripartite consultation processes, each of the three designated MoLISA departments will also be supported to develop internal capacities through information system development including generating baseline information, targeted training of personal (including pilot/model trainings), and targeted education and training material production. In addition, the Project will provide technical assistance for strengthening legal aid services and creation of education material activities (VGCL) and for developing strategies for employer representative organizations (VCCI and VCA).

In addition to supporting strategy and policy development, the Project will assist in strengthening capacity for stakeholders (from national to provincial levels) in collective bargaining and labor dispute resolution and general social dialogue-based activities on their specific needs. The project aims to promote new pilot models and best practices in selected areas in Vietnam as appropriate and feasible before being promoted for nationwide rollout. Both international and in-country expertise will be fully utilized per requests from local counterparts. Specific recommendations for client-based services in the areas of legal and mediation and conciliation will be developed for the tripartite partners. Lastly, the role of specific educational institutions that are beginning to offer initial industrial relations education programs will be expanded so they can be a resource for the tripartite partners in the future.

Coordination Structures

Based on the initial agreement between USAID/Vietnam and MoLISA to have an industrial relations promotion project, the USAID/Vietnam Mission developed and issued a request for proposals. In creating the initial task order USAID/Vietnam worked with MoLISA to identify the priority areas to be addressed. DAI won the contact and in doing so, agreed to focus on the priority areas as stipulated in the contract. However, the SIIR project has to proceed both through a formal process for approval with the government of Vietnam which will determine its coordination structure and workplan development phase with MoLISA to define the activity areas within the set parameters.

All international projects with MoLISA must go through the International Cooperation Department (ICD) of MoLISA. The ICD in consultation with senior leadership of MoLISA will then put together a Project Preparation Team (PPT) to assist in determining project activities and the accompanying project document (ProDoc) to assure conformity with all official procedures and that its content is acceptable. After MoLISA is satisfied (ICD and the Budget and Planning Dept. in specific) with the ProDoc, it is submitted to the MPI, who appraises the project proposal and forwards it to the Prime Minister for approval. After this approval, MoLISA will be in charge of evaluating the technical aspects of the proposal for an possible Memorandum of Understanding between the two sides.

The ICD formed the PPT which consists of the three MoLISA departments (along with the ICD) the SIIR project will support. The PPT, which is to dissolve upon official approval, is composed as follows:

- ICD (designated as the lead/focal point)
- Department of the Labor Inspectorate (LI)
- Depart of Labor and Wages (LWD)

Depart of Legal Affairs (LA)

After formal government approval is granted, MoLISA as the host agency will most likely establish a steering committee. A working group including representatives from concerned MoLISA departments might be established under the auspices of the steering committee, which would also include representatives from VGCL, VCCI and VCA.

National Project Steering Committee

The National Project Steering Committee (NPSC) for SIIR would have one of the MoLISA Deputy Ministers as chairperson. The Steering Committee could have representatives of some co-implementing units of MoLISA (Labor Inspectorate, Department of Labor and Wages, Legal Department, International Cooperation Department), representatives of VGCL (Department of Policy and Law), representatives of VCCI (Bureau for Employers' Activities), and representatives of VCA (Planning and Supporting Department). The NPSC would be responsible for evaluation and approval of project documents, overall work plans and annual work plans; organization of project monitoring; evaluation and approval of regular reports on the project progress and addressing issues relating to creating favorable conditions for project implementation. The Project Steering Committee would have regular meetings every 6 months in addition to any ad hoc meetings requested by Chairman, who could also invite representatives of USAID and U.S Embassy attend any NPSC meetings if necessary. In conjunction with the national steering committee, MoLISA may create a project liaison unit responsible for internal MoLISA reporting requirements and appoint on department to be the focal point for the SIIR project within MoLISA.

USAID/DAI Project Office and Personnel

The Project Office is managed by the Chief of Party, who is a U.S expert in industrial relations. He is responsible for general management and performance of the program and will cooperate with the Project Owner, project co-implementing partners to ensure the effectiveness of the project implementation. Currently, the Project Office consists of 4 staff who support the Chief of Party and who were directly recruited by the USAID contractor and are under local labor contracts.

The Project Office is responsible for (i) coordinating with partner agencies in Vietnam to develop the detailed project proposal framework, to draft project documents, overall work-plan and annual work-plans; (ii) providing information, knowledge and experience in areas within the scope of the project; (iii) negotiating and signing local service agreements with local partners for the implementation of project activities and (iv) developing regular or unscheduled reports on project implementation progress, financial reports as regulated by Vietnamese Government, DAI and USAID, including the Monitoring and Evaluation Plan. The Project Office is also responsible for coordinating with stakeholder focal points and acting as the Secretariat in NPSC meetings.

Proposed Beneficiaries

Direct beneficiaries of the proposed project will be estimated 500 persons including labor inspectors, officials of labor policies planning and implementation in MoLISA and from selected provincial Departments of Labor, Invalids and Social Affairs (DoLISA) taking part in related project activities. Direct beneficiaries of the project will also include officials from other tripartite social partners (VGCL, VCCI, and VCA) from the central to enterprise levels involved in project activities. Additionally other direct beneficiaries from project technical assistance will be officials working in the field of promoting social dialogue, collective bargaining and labor dispute resolution at all levels, researchers and lecturers in the field of industrial relations and labor inspection in some related universities and research institutes.

Through these technical activities, direct beneficiaries of the proposed project will be able to make use of the technical assistance as well as transfer knowledge and other benefits to end-users of the project who are employees and employers in Vietnam.

Coordination with Other International Labor Projects

The SIIR team has liaised with various international organizations to learn about any relevant development on labor or other issues, to share draft workplan activity ideas to gauge whether work has been done in a particular area and whether collaboration is possible, and to see what is feasible, based on the experiences of others. The following will be consulted throughout the project duration:

- The International Labor Organization (ILO) has a two-year project on “Support for Industrial Relations and Revision of Labor Laws” funded through a central UN budget. Key activities of the proposed project include supporting revision of the Labor Code, promoting studies of core ILO conventions No 87 and 98 and strengthening technical capacity of CIRD under MoLISA. To avoid overlapping and ensure coordination, the two projects will work together to agree on an effective cooperation mechanism especially when the same partners are supported by both projects.
- Better Work Program Vietnam is a part of Better Work Global Program jointly supported by the ILO and IFC. Better Work Vietnam was designed to be five years focusing on the garment-textile sector. The program was designed to improve the working conditions for employees through promoting cooperation at working places by combining independent assessment on labor law compliance and training activities. SIIR hopes to draw on the expertise of Better Work in the area of compliance and third party inspection in designing new approaches to labor inspection.
- STAR Vietnam Project (Phase II) funded by USAID provides technical assistance for the implementation of Vietnam-U.S trade agreements. Since 2008, STAR project has provided technical assistance for MOLISA to organize some evaluation workshops on the progress of labor law implementation in 13 years and collect opinions for draft Labor Code revision, and contribute to the revision process of Labor Code in Vietnam. Some outcomes of this project could serve as the foundation for joint SIIR –STAR activities to enhance the capacity labor law implementation.
- Vietnam Competitiveness Initiative (VNCI) funded by USAID is currently developing Provincial Competitiveness Index (PCI) to assess and rank provincial governments by their regulatory environments through annual survey of Vietnam private sector firms, and for the first time this year, FDI enterprises. The SIIR project will cooperate with VNCI to conduct survey which will include IR related issues in FDI factories to develop information as a basis for technical assistance as well as serve as a basis for an improved IR information system for MoLISA.
- The Friedrich Ebert Stiftung (FES), a German government-funded international institute of the Social Democrat political party which operates an on-going labor activities as part of their overall assistance for Vietnam. These labor activities are primarily aimed to support and develop the capacities of the VGCL in targeted areas including collective bargaining and infrastructure support and supplying equipment to Legal Aid Offices and Legal Aid Centers. The SIIR project, building on the work of FES, will further develop the capacity of VGCL in these two areas.
- The US DOS is funding a two-year industrial relations-related program of the Fair Labor Association (FLA). This program, funded through DRL began mid-2009 and is aimed to building capacity on compliance and corporate responsibility and implementing international labor standards in 50 targeted FDI garment and footwear export manufacturing companies. As with the

Better Work Program, SIIR will to draw on the expertise of FLA in the area of compliance and third party inspection in designing new approaches to labor inspection.

WORKPLAN - YEAR ONE

SIIR WORKPLAN INTRODUCTION

The proposed project design is to contribute to resolving on-going problems of implementing labor laws and promoting sound industrial relations in Vietnam through technical assistance to enhance the capacity of related tripartite stakeholders. Addressing these issues is also a major concern of state management agencies in labor and tripartite social partners at all levels and sectors.

The project strategy is to provide technical assistance based on the tripartite stakeholders' needs. Achieving the stated objectives and outcomes of the project depends mainly on the commitment of partners in implementing project activities they have requested.

In addition, the approach which focuses on coordination between stakeholders in industrial relations and between relevant and interactive areas outlined in project objectives will ensure the possibility of making progress towards realizing the project's objectives and outcomes at the onset of design stage.

The project's approach is to support decision making of the Government of Vietnam and other tripartite partners in the area of industrial relations, which has emerged as a high priority issue in the past few years. Such approach will ensure consistency, cooperation and coherence in working with government agencies (and tripartite partners as whole) in moving towards a sound industrial relations system in Vietnam.

ASSUMPTIONS AND RISKS

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

- 1. Delays in the approval process by Vietnam government:** This is the first USAID-funded project for MoLISA in which various departments are involved. Consequently, it has taken more time and efforts to build a consensus on project design and project approval procedures. While the approval process is under way, it is difficult to know whether there will be more delays. SIIR will seek ways to begin activities as soon as possible (collaboration with STAR and VNCI, for example), but ideally there would be streamlined official approval of the project.
- 2. Labor Code and Trade Union Law enactment delayed:** While the development and adoption of both sets of laws (including pushing the revision of the Trade Union Law up a year) was made a priority by the government, many observers feel that there still are inconsistencies and unresolved items in both draft laws and wonder whether they can be both be synchronized in time. In terms of the technical assistance areas directly related to and affected by the current law revision processes, the SIIR project design assumes that main activity areas on the implementation of labor law will proceed as planned. *However, revisions to the overall envisioned two-year workplan (especially in Year II) may need to be undertaken as the enactment of the new laws is delayed until 2012).*
- 3. Labor Code and Trade Union Law are given absolute priority by main stakeholders for the remainder of the year:** Directly related to the possibility of the delay of enactment is the scenario that for the rest of the year, the main tripartite partners, especially MoLISA, delay conducting most other activities, regardless of commitments, in push to get the draft Labor Code (and draft Trade Union Law) finished and passed. Thus departments of MoLISA would not be able to conduct activities under the SIIR project as they planned in the first year as they focus

their attention and energies on the completing the legislation. *The SIIR project is aware of this possibility and has tried to build flexibility in the first year plan to accommodate such a change.*

4. **High inflation which will causes larger numbers of wildcat strike.** 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 becomes too high (as some predict), based on what occurred previously it would be safe to assume that the number of wildcat strikes might also increase in number. In that case, the operating environment in which 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 SIIR project.
5. **The overall economic situation in Vietnam worsens.** Even though it seems that Vietnam has weathered the global economic crisis better than other countries, there are still indications that Vietnam's economic situation is still precarious. While high inflation is real possibility, there are other areas, such as in the property market or with monetary control that could have ripple effects, especially on employment. The SIIR project assumes that while there will be some economic variations in next two years, but they will not be the same magnitude as the past two years.
6. **Something precipitates a crackdown on wildcat labor strikes.** So far all observers have agreed that despite rising numbers of wildcat strikes since 2005 and the economic disruption they have caused, the Vietnamese government has not resorted to force in order to prevent them or make strikers go back to work. However if strikes become violent and there is a forceful reaction by the state (followed by media coverage), the operating environment for SIIR might become difficult. This could mean that any activity perceived as related to strikes might not be held (i.e. too sensitive) or there might be increased pressure or oversight from the US side.
7. **The lead up to 2011 Communist Party Congress causes delays/changes plans.** There is already much speculation that upcoming the Party Congress may result in leadership divisions and change and that the lead-up means that government agencies will be more sensitive, not less to allowing activities to be held. Since the SIIR project is designed to aim at improving implementation of labor laws it should not be seriously affected. But if labor is perceived to be a sensitive issue, then conducting some activities may be more difficult than originally envisioned.

WORKPLAN – YEAR ONE

This workplan covers the two-year period from October 1, 2009 to September 30, 2010.

SIIR has engaged officials of MoLISA, VCCI, VGCL, VCA and other concerned stakeholders on project management and preparation issues related to workplan development. These officials are fully committed to the management improvements reflected in this workplan and this has been demonstrated through their interaction and involvement in drafting the differing components of the plan and deliverables in order to make the attempts for systemic improvements sustainable. The tripartite stakeholders have recognized the areas that need improvement and have been realistic in their expectations given the limited duration and scope of the project.

SIIR near-term management priorities are:

- Contribute to the process of policy planning for labor inspection by promoting new approaches and initiatives for MoLISA Labor Inspectorate (LI), which might include recommendations for (i) strengthened management information system; (ii) training and development for labor inspectors and (iii) regional labor inspectorate counseling services. The activity area (i) can begin in the first year as a follow-up of policy planning processes.
- Contribute to the process of strategic planning for implementation of IR-related laws and regulations in the new Labor Code and Trade Union Law, by an assessment on the capacity of stakeholders to implement labor laws and regulations will be made to be followed by a series of expert meetings to develop a program of action. Both activities are scheduled to be completed in the first year.
- Support the development of a participatory national strategy for promoting sound industrial relations by 2020 as foundation for labor administration and a guide for local practices in promoting sustainable and more advanced industrial relations in Vietnam. This will begin with assistance to improve the current IR information system within the Labor and Wages Department, including development of baseline data information, recommendations for standard IR indicators and a template for an IR statistical yearbook.
- The follow-up of the IR strategy in the first year will include three activities on strengthening capacity for tripartite stakeholders on Collective Bargaining Agreements, social dialogue and Alternative Dispute Resolution. The form of technical assistance will be a combination of training, consultations and promotion of pilot practices throughout the two years.
- SIIR first year activities on IR education development will by provide technical assistance in a series of tripartite consultation that designed to bring consensus on IR education strategies in response to the National Human Resource Management Framework Program promoted by the Ministry of Education and co-hosted by the Ministry of Labor

YEAR ONE	SIIR ACTIVITY WORKPLAN	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	YEAR TWO
	Project Start-up - Need Assessment and Cooperation Extension													
A	Project Start-up	→												
B	Assessment of needs of stakeholders and project design		→											
C	Project document development process			→										
D	Coordination workshops including project presentation and strategic planning								→					
1.1	Promotion of New Approaches and Strategies to Improve the Labor Inspection Capacity													
1.1.1	International consultants for strategic planning process on compliance and inspection and development of draft curricula											→	→	
1.1.2	National tripartite strategic planning workshop on compliance and inspection												→	→
1.1.3	Pilot capacity building activities – testing and evaluation (to be continued in Year II)												→	→
1.2	Strengthening management information system for labor inspectors													
1.2.1	Planning workshop on management information system for labor inspectors												→	→
1.2.2	Training workshop on client MIS for labor inspectors												→	→
2.1	Strategic planning for implementation of IR-related laws and regulations													
2.1.1	Evaluation process of capacity of stakeholders to implement labor laws and on labor law education											→		
2.1.2	Expert meetings for strategic planning to develop a program of action for labor education strategies											→		
2.1.3	Regional strategic planning workshops on developing labor education strategies												→	→
2.1.4	International specialist for strategic planning and development of model labor law education templates (to be continued in Year II)											→		
2.2	Formulation of Accompanying Ordinances and Guidelines													

YEAR ONE	SIIR ACTIVITY WORKPLAN	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	YEAR TWO
2.2.1	Tripartite planning workshops on developing dispute resolution procedures									→	→			
2.2.2	Dispute Prevention Overview/Preliminary Meetings									→	→			
2.2.3	FMCS service model overview workshops											→		
2.4	Strengthening capacity of Legal Advisory Centers (LACs) and Legal Advisory Offices (LAOs) of the VGCL													
2.4.1	International consultant reviews and assesses current LAC and LAO system performance and capacity											→	→	
2.4.2	National workshop on LAC/LAOs to development of new strategies												→	→
2.4.3	Development of legal service related training materials/technical manuals for union counselors and leaders (continued in Year II)										→	→	→	→
2.4.4	Pilot capacity building activities – testing and evaluation											→	→	
3.1	Building towards Participatory national strategy for promoting sound industrial relations													
3.1.1	An integrated FDI survey is conducted to gather empirical information on IR systems in Vietnam (with VNCI)								→	→	→	→	→	→
3.1.2	Targeted IR themed study of selected IPZs									→	→	→		
3.1.3	Roundtable on development of IR indicators for labor research and studies									→	→			
3.2	Enhancing MOLISA's IR information system on industrial relations													
3.2.1	External consultant to assess current information system and make recommendations on changes											→	→	
3.2.2	Expert meeting and regional workshops to build consensus on IR information systems and design											→	→	
3.2.3	Pilot development of IR data yearbook template (to be continued in Year II)									→	→	→	→	→
4.1	Strengthening capacity for tripartite stakeholders on ADR and conflict management strategies													
4.1.1	International consultancy to evaluate system and capacity of stakeholders, develop model curricula and initiate pilot testing									→		→	→	

YEAR ONE	SIIR ACTIVITY WORKPLAN	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	YEAR TWO
4.1.2	Training workshop on developing ADR education/capacity for VCCI experts (HRMN involved)												→	
4.1.3	Basic trainings on ADR and IR fundamentals for tripartite stakeholders (MOLISA Legal Department)												→	
4.1.4	Pilot tripartite training for third party ADR (MoLISA LWD)									→				
4.2	Strengthening capacity for tripartite stakeholders on CBAs													
4.2.1	Pilot CBA training activity with VCA (training courses, same trainers with that of VCCI)												→	
4.2.2	Pilot CBA training activity with VCCI (HRMN utilized)												→	
4.2.3	External consultants evaluate existing CBAs, develop training materials for VGCL and LWD and begin pilot training (to be continued in Year II)											→	→	
5.1	Strengthening Educational Institutions in Promoting Sound Industrial Relations													
5.1.1	International educational consultant evaluates institutional and human resource capacities of university IR education programs												→	
5.1.2	A national tripartite consultation on industrial relations education in response to the National Human Resource Management (HRM) Framework Program												→	
5.1.3	Development of Labor Educator Network (to be continued in Year II)									→	→	→	→	
5.2	Improving training capacity of IR Education of University of Labor and Social Affairs, Trade Union University and Ton Duc Thang University (compared with the narrative)													
5.2.1	Pilot activities for targeted IR educators and staff from the universities including presentations by international resource persons, capacity building, and material development (to be continued in Year II)									→	→	→	→	

YEAR ONE	SIIR ACTIVITY WORKPLAN	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	YEAR TWO
5.2.2	International expertise to begin capacity building and strengthening of IR education programs													

COMPONENT I: NEEDS ASSESSMENT

OBJECTIVE

A needs assessment process to support project design, build relationships, and garner stakeholder support is undertaken, in parallel with further cooperation initiatives for extending international support to promote sound industrial relations.

BACKGROUND

Component I as the project preparation phase does not have programmed activities as with the other two main components. Component I encompasses the project design, including the drafting of work plans, implementation schedule and monitoring and evaluation plan all of which are required by USAID and MOLISA (although in a different form) as well as the establishment of the SIIR office and associated administrative tasks required to implement the project.

The major tasks will include:

- Project start-up
- Assessment of needs of stakeholders and development of specific activities to address identified needs
- Project document preparation
- Coordination of international support

Project Start-Up

The SIIR project began in late October with the arrival of the DAI-based start-up Administrator. The SIIR Chief of Party (COP) arrived shortly after. The project staff (the Deputy Chief of Party and Program Specialist) had been identified previously in the proposal process. The COP and start-up Administrator interviewed and identified suitable candidates for the Finance and Office Manager and Administrative Assistant positions. The start-up Administrator provided training on basic DAI and administrative procedures, as well as specialized financial training for the Finance and Office Manager.

An office space was secured in the same building as the USAID-funded STAR and VNCI projects of DAI and afterwards an interior design was selected and office furniture and equipment ordered. As the construction of the office space would take several weeks, the SIIR project staff worked mainly out of the STAR office in the interim. By mid-December the SIIR project staff was ready to move in the new office and with the official opening on December 18, 2009. The IT equipment ordered from the US per USAID guidelines was not cleared and released by customs until the end of December. An IT specialist from the DAI home office came out in the first half of January to install the various IT systems and equipment and by mid-January the office and all its systems were complete.

To initiate the process of official project approval, after his arrival the COP along with the DAI Start-up Administrator met with the USAID Mission COTR to go over the SIIR project contract content and related regulations and other issues. The COTR arranged an introductory meeting with the International Cooperation Department (ICD) of MoLISA to discuss project approval guidelines, design procedures and expectations. The ICD of MoLISA would be the focal point the SIIR team would work with in coordinating the various tripartite parties (including designated departments of MoLISA) and vetting the project workplan drafts and eventually forwarding the completed project documents to the Ministry of Planning and Investment a part of the approval process.

The ICD organized an introductory meeting with the designated sections of MoLISA (Legal Division, Labor Inspectorate and Labor and Wages department) and arranged initial individual visits to the Vietnamese General Confederation of Labor (VGCL) and Vietnam Chamber of Commerce and Industry (VCCI). The ICD of MoLISA began identifying the Project Preparation Team (PPT), which would be the official body SIIR works with on project implementation plans. Other international organizations which conduct labor-related activities were identified and introductory meetings were also held. On December 15, 2009 the PPT for SIIR was officially formed, but prior to that project design-related work had already begun.

Assessment of needs of stakeholders and project design

The original USAID task order set out the basic outline and elements of the SIIR project. This was complemented by the initial proposal that DAI submitted. The SIIR project team needed to take these original operating documents and create a final project detailed workplan within guidelines set out both USAID and government of Vietnam, accommodate the short-term and long-term needs of the main stakeholders (including some changed priorities since the project was originally conceived), make best use of previous and current projects in the field and be realistic given the budget and project timeline.

While the official PPT was not formally designated until mid-December, the SIIR began project planning prior to that. A draft activity framework was created, based on initial meetings with stakeholders and the original project documents. In the first half of December, the SIIR team contracted an external consultant to make recommendations on how the project elements that were originally proposed in the both USAID contract and DAI proposal should be addressed in a finalized project design as well as incorporated into the project documents required in the Vietnam government approval process. The consultant directly interviewed the main tripartite stakeholders identified in preliminary project documents and framed how their priorities that would could be addressed within the stated scope of the project's components.

The consultant's recommendations were incorporated into the draft two-year activity framework and in the following weeks the SIIR team worked with each designated department of MoLISA to complete an in-depth activity framework. Parallel to this process, the SIIR team worked with VGCL and VCCI on their respective activity plans and engaged with actors such as international labor support projects. The ICD also provided guidance on official procedure, specifically feedback on the draft activity framework and recommended changes on how it should amended to fit the mandated Government of Vietnam project format framework. This work plan represents Year I of the two-year activity framework.

Project document preparation

The SIIR project team in creating the activity framework needed to develop different sets of documentation for USAID and for MoLISA. The original USAID task order set out what was required for their approval. The process with MoLISA was not as straightforward and there was considerable time spent working with the ICD to determine exactly what was needed for government of Vietnam approval. In part MoLISA was not familiar with handling USAID projects as opposed to ILO or other UN projects. What emerged was that two documents had to be produced based on the activity framework. The first would be a framework document that would include the outline of the activity planned for two years that would be passed through the various levels of MoLISA onto MPI. As the initial framework document was to include feedback from all members of the PPT, there were numerous drafts produced until a final one was submitted. The SIIR team had to work closely with ICD to ensure that the project documents drafted for the government of Vietnam were in line with what was stipulated in the original USAID task order.

Coordination of international support

As has been noted, there are a few concurrent labor oriented projects being supported by international donors in Vietnam. One project in particular, a two-year ILO industrial relations project, can be seen to have some elements that are similar to the SIIR project. One of MoLISA’s overriding concerns during project design and document preparation was that there would be no overlap or duplication of activities, especially in the project area of promoting industrial relations. One means to ensure this did not happen would for ICD organize with periodic (e.g. quarterly) meetings of organizations supporting activities in the field to share information and discuss ways to cooperate if possible, or to avoid replication. The SIIR project will assist ICD to organize these meetings once activities begin to be conducted.

		Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010
A	Project Start-up	→											
B	Assessment of needs of stakeholders and project design		→										
C	Project document development process			→									
D	Coordination workshops including project presentation and strategic planning								→				

Outputs/Deliverables

- Project Start-Up
 - SIIR Project Office and Team established
 - Initial consultation with stakeholders for their buy-in and support
- Assessment of needs of stakeholders and project design
 - Need assessment completed
 - Annual Workplan completed
 - M&E plan completed
- Project document preparation
 - Project document completed
 - Vietnamese government approval procedures completed
- Coordination of international support
 - Cooperation areas in IR with international projects and organizations explored through forums organized with ICD

COMPONENT II: 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.

BACKGROUND

The Labor Code (1994) and The Trade Union Law (1990) established the basic legal framework for industrial relations development to correspond with the new open market policies of the government. Although there have been previous revisions of the Labor Code, state management agencies have not been successful in providing adequate inspection for labor law implementation and compliance in conflict-prone regions. Despite existing regulations for dispute settlement procedures and for the representation structures for employees and employers, the number of illegal strikes has risen steadily in the past few years. The capacity of labor inspectorate at all levels is too limited and weak to be effective in monitoring the majority enterprises in different economic sectors. The increase in number of labor inspectors is insignificant (150 actual labor inspectors by the end of 2008) as compared to the burgeoning number of newly registered enterprises annually (more than 50,000 enterprises per year). In addition, labor inspection policies have not been revised to ensure compliance in a transforming market economy, there is not a systematic data and statistical collection process in place and adequate attention has not been paid to how the private sector has developed new methods of compliance and verification. The mechanisms to ensure the participation and cooperation of workers in inspection process remain weak. The active roles of labor inspectors in terms of dialogue promotion and developing sound industrial relations in the work place are still undeveloped. Finally, dissemination and education of labor laws to employers and workers should be strengthened in order to improve their knowledge of laws and awareness of dispute procedures, thus minimize rights conflict between two parties. The capacity of the union especially needs to be strengthened to play a larger role in labor law education, legal aid and service delivery and potential complementary monitoring in the workplace.

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.

Sub-component Background

It is a well understood with the small number of labor inspectors and the ever increasing number of private enterprises, the traditional factory by factory inspection approach is nearly impossible. In fact the role of labor inspectors has been transformed, and they now are called up to perform differing functions. In addition to being responsible for labor law monitoring, including OSH enforcement, they are expected to act as mediators and facilitators of dialogue between employers and employees. Labor inspection

policies and strategies have not been reformed, and any mechanisms to ensure the participation and cooperation of workers in inspection process remain limited. The active role of labor inspectors in social dialogue promotion and developing sound industrial relations in workplaces has not yet be realized. In many localities, the district and provincial labor departments do not have or cannot obtain accurate basic information about enterprises (e.g. address, operation status, laborer employment status). Given their increased scope of work, very limited human resources and an ever increasing number of workplaces, a revision in the approach to labor inspection in needed with input from tripartite stakeholders.

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.

A process of comprehensive reform within Labor Inspectorate is set to be initiated by MoLISA through an internal ministerial program on “Strengthening capacity and efficiency for labor inspectorates” which is tentatively to be submitted to the Prime Minister for implementation in 2010. In response, the SIIR project will provide technical assistance that identifies and promotes new approaches to the current understaffed and underfunded system of labor inspection. These are expected to complement the proposed transformation from team-based inspection to individual (regional)-based inspection to address the human resource shortages and limitations of existing labor inspectorate forces. A number of policy recommendations are expected to be made, three of which are responsive to immediate needs of the Labor Inspectorate will be addressed: MIS (management information system), training management, and models of regional inspection.

1.1	Promotion of New Approaches and Strategies to Improve the Labor Inspection Capacity	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
1.1.1	International consultants for strategic planning process on compliance and inspection and development of draft curricula										→		→	→
1.1.2	National tripartite strategic planning workshop on compliance and inspection												→	→
1.1.3	Pilot capacity building activities – testing and evaluation (to be continued in Year II)												→	→

Outputs/deliverables:

- A designated team from Labor Inspectorate is formed. A policy paper produced by the international consultancy to be submitted to MOLISA
- A report of national tripartite strategic planning workshop (including proceedings and discussion papers) prepared by the designated team to be submitted to MoLISA
- The development and testing of model curricula for labor inspector capacity building as part of the international consultancy

Anticipated activities include:

- SIIR international consultancy puts together best practice recommendations on how Vietnam can best use scarce human resources and reshape the role of the labor inspectorate in the wake of continual changes in the economy, including labor market dynamic and FDI pressures
- Based on the above activity, the workshop highlights other effective approaches to enhancing labor inspection system (Role of Labor Inspection in Promoting Sound IR). SIIR will work closely with a designated team from the Labor Inspectorate to prepare for the workshop
- The SIIR international consultancy, based on assessing the training needs and capacity of the Labor Inspectorate, will draft model training curricula, drawing on comparative model and best practices, which will be piloted in conjunction with the Labor Inspectorate and the Unv. of Labor and Social Affairs (ULSA). There will be evaluation of the test curricula which will be further refined.

1.2 Strengthened management information system for labor inspectors

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

Having accurate and timely information on labor law enforcement is a primary concern of the labor inspectorate; however the current management information system currently in the labor inspectorate is inadequate. According to some familiar with this system, the labor inspectorate has to use different information sources to monitor and maintain inspection performance even though this leads to inconsistency in data. There was an ILO project on “Integrated Labor Inspection” ending in 2005 which provided diagnosis and tracking tools for the labor inspectorates. Since then there has been not improvement or upgrading of the system, including the programming software for compilation, even though the number of new enterprises has increased dramatically in the past five years.

A good enterprise client management information system (MIS) can be an essential mechanism for labor inspectors in fulfilling their labor law enforcement functions. A national consultant will provide technical assistance to improve the IT-based MIS for labor inspectors in this process. The national consultant will work in cooperation with the Labor Inspectorate and SIIR to assess the current MIS system and make recommendations for upgrading such a 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.

1.2	Strengthened information system for labor inspectors management system for labor inspectors	Oct, 2009	Nov,2009	Dec,2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
1.2.1	Planning workshop on management information system for labor inspectors												→	
1.2.2	Training workshop on client MIS for labor inspectors												→	

Outputs/Deliverables:

- A labor inspectorate MIS team is formed and a report of the planning workshop on client MIS for labor inspectors (including proceedings, discussion papers) submitted to MOLISA.

- MIS training for 30 labor inspectors, with trainee feedback submitted to MOLISA.

Anticipated activities include:

- Labor Inspectorate MIS taskforce working with SIIR will assess the current MIS system for the Labor Inspectorate. The taskforce will design the workshop and identify the resource persons to be appropriate given what needs to be accomplished and the realities of limited resources.
- The MIS model will be introduced to participants on a simulation basis. At the end of the training workshop, the participants will be able to understand fundamentals of the MIS model, how to develop/enhance and exploit such a system at their work. A national consultant as a trainer will be used.

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

Sub-component Background

Vietnam currently has legal frameworks to address industrial relations slated for revision: the Labor Code and the Trade Union Law. While there are expectations that the new law(s) will be an improvement and address various labor issues that have arisen as the economy has transformed, labor laws in themselves will not necessarily remedy some of the underlying industrial relations problems. Beyond the enactment of present and any new laws, it is imperative to ensure that all tripartite stakeholders are aware of and education on labor legislation, including understanding their rights and obligations under the laws and can access the legal provisions and safeguards. If workers have confidence in a legal system in which laws are enforced and legal mechanisms are accessible, this will go a long way in helping address some of the basic industrial relations problems. Currently the approach to labor law education remains very limited. The roles of employers and employees and their representatives have not been effectively explored in regard to dissemination labor law materials and education of labor laws. The MoLISA Legal Department needs to work in a tripartite fashion to design a comprehensive strategy on labor law education and work towards its implementation with tripartite stakeholders, including educational institutions.

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 Strategic planning for implementation of IR-related laws and regulations

Recommendations for a national strategy on labor compliance will be developed using baseline information from a targeted rapid survey conducted by the MoLISA Legal Department on capacity of stakeholders to implement labor laws. The survey is to provide a basis to develop policy recommendations to address problems arising from implementation of existing regulations and any future revisions to the Labor Code. A joint SIIR-VNCI labor survey (Activity 3.1) would also contribute to this

effort, providing a broader sampling of labor compliance and industrial relation promotion in 13,000 FDI enterprises, compared to the MoLISA survey that covers peer interviews with tripartite stakeholders in 5 provinces. Analysis of these data would afford MoLISA officials an opportunity to develop sound solutions to the inherent problems of labor compliance.

2.1	Strategic planning for implementation of IR-related laws and regulations	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
2.1.1	Evaluation process of capacity of stakeholders to implement labor laws and on labor law education									→				
2.1.2	Expert meetings for strategic planning to develop a program of action for labor education strategies										→	→	→	→
2.1.3	Regional strategic planning workshops on developing labor education strategies												→	→
2.1.4	International specialist for strategic planning and development of model labor law education templates (to be continued in Year II)											→		

Outputs/Deliverables:

- A report prepared based on rapid survey of capacity of tripartite stakeholders to implement labor laws and their overall understanding, including how they learned about labor laws.
- An international labor education specialist will develop recommendations to contribute to the national planning process as well as work with the Legal Department and ULSA to create a draft labor law education program to be housed at the university.
- Recommendations from expert meetings in form of a draft program of action to be submitted to MoLISA by Legal Department and SIIR
- A finalized plan of action to be submitted to MoLISA by the Legal Department

Anticipated activities include:

- The Legal Department working with SIIR conduct a targeted rapid survey to assess current capacity of main stakeholders (including the various sections of MoLISA and DoLISA) to implement labor laws and to identify areas that will need to be addressed in any national strategy for implementing the new labor law. Based on the findings a report will be developed by an outside national consultant, who also would be involved in the survey.
- An international labor education specialist will contribute to strategic planning process on labor law education, bringing in comparative models and experiences from other countries and best practices. The specialist will meet with various tripartite stakeholders, be a resource person at regional planning workshops and work with ULSA to design a labor law education program.
- MoLISA Legal Department and SIIR develop program of action by conducting meetings to focus on (i) external and internal environment analysis (RIA in cooperation with VNCI); (ii) development of organizational structure and the formulation draft program of action; and (iii) summation of inputs and finalization of draft program. National consultants with the LD/SIIR team will be utilized.

- The regional workshop would explore region-specific issues in priority areas for the national strategy that have been identified by Legal Department. Currently these are (i) development of accompanying sub-law/ordinances and labor policies, and (ii) labor law education. (Depending on developments this may be conducted in Year II.)

2.2 Formulation of Accompanying Ordinances and Guidelines

Outcome 2.2: Consensus Building on CBAs, dispute resolution and administrative sanctions on labor law violations based in the Labor Code

The formulation of accompanying ordinances and guidelines on CBAs, dispute resolution and administrative sanctions on labor law violations remain central to IR-related regulations and laws stipulated in the existing (and any new) Labor Code. SIIR will work with the Legal Department of MoLISA to begin to develop tripartite consensus and the inputs of outside expertise on the dispute resolution and prevention ordinances. Planned activities will be conducted to gather best practices and policy recommendations for upcoming legislation reforms with a focus on implementation issues. Expertise from external consultants will be utilized in these activities.

2.2	Formulation of Accompanying Ordinances and Guidelines	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
2.2.1	Tripartite planning workshops on developing dispute resolution procedures									→				
2.2.2	Dispute Prevention Overview/Preliminary Meetings									→				
2.2.3	FMCS service model overview workshops											→		

Outputs/Deliverables:

- Tripartite consultations on the development of the dispute resolution ordinance with a focus on implementation issues as pre-Labor Code enactment preparation. Policy recommendations on dispute resolution and prevention finalized and submitted to MoLISA based on proceedings of the dispute prevention overview workshop.
- Strategies to increasing basic understanding of mediation and dispute resolution mechanisms by tripartite partners will be proposed through examination of models from other countries (for example the FMSC)

Anticipated activities include:

- A tripartite consultation on the development of dispute resolution ordinances and their implementation will be conducted by SIIR and the MoLISA Legal Department. A international mediation expert would be a resource person and work with the SIIR/LD team to make recommendations for the follow-up overview workshop.

- Prior to the consultation, the review workshop will be held with Legal Department which will compare and contrast the US and Vietnam dispute resolution systems to highlight areas which need to be addressed drawing upon the experience of international expert.
- A FMCS specialist will lead a series of tripartite forums on how an FMCS service model could be developed for Vietnam.

2.4 Strengthen capacity VGCL's Legal Advisory Centers (LACs) and Legal Advisory Offices (LAOs)

Outcome 2.4: New approaches to enhance the capacity of VGCL to deliver legal aid services developed

VGCL has been pursuing a comprehensive reform regarding legal advisory services in which Legal Advisory Centers (LAC) and Legal Advisory Offices (LAO) are key providers and central to the reform. Stemming from a new draft resolution on upgrading quality of union legal advisory and legal aid services by VGCL Presidium which is scheduled to be enacted in May 2010, a number of issues have been identified to be addressed. However, a more comprehensive review or assessment should be conducted to provide more cross-the-board and strategic suggestions for further improvement. An international consultant with experience in trade union legal counseling will work with SIIR and VGCL staffs to provide further recommendations on how to implement the LAC/LAO reforms. A study scheduled by VGCL in May 2010 to assess the performance of LAC/LAOs located in Dong Nai and Haiphong will serve as an initial basis for draft inputs for policy reform.

Immediate activities as initially identified by VGCL can take the forms of (i) development of training materials for union counselors on industrial relations, (ii) pilot training to test the application of the materials and (iii) pilot training for LAC/LAO officers/leaders.

2.4	Strengthening capacity of Legal Advisory Centers (LACs) and Legal Advisory Offices (LAOs) of the VGCL	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
2.4.1	International consultant reviews and assesses current LAC and LAO system performance and capacity											→	→	
2.4.2	National workshop on LAC/LAOs to development of new strategies												→	→
2.4.3	Development of legal service related training materials/technical manuals for union counselors and leaders (continued in Year II)										→	→	→	→
2.4.4	Pilot capacity building activities – testing and evaluation											→	→	

Outputs/Deliverables:

- VGCL legal advisory and aid services assessed by VGCL experts and an international consultant to identify strategic approaches.
- Recommendations on new strategies documented and circulated among concerned stakeholders to for Presidium consideration.

- Preliminary training and other technical materials begin to be developed on legal counseling skill sets in for union counselors and union enterprise leaders.

Anticipated activities include:

- An assessment survey will be conducted of present LAC/LAO system's capacity and performance. A VGCL-SIIR the team will develop draft policy proposals which serve as keynote presentations in the follow-up national workshop on LAC/LAO strategies. The VGCL's own study of LAC/LAOs in Dong Nai and Haiphong IPZs will also be used.
- The national workshop on LAC/LAC strategies will bring in consensus and further in-depth discussions on the given recommendations. A policy paper is therefore expected to be documented and submitted to VGCL Presidium for approval.
- External consultants will work on developing training materials (including basic education and technical manuals) for union counselors and union leaders based on needs identified by VGCL Legal Division.
- Education curricula and training materials will begin to be developed, piloted and evaluated which will continue over a few months. In the second year, a completed set of materials is expected to be finalized and tested.

COMPONENT III: PROMOTION OF SOUND INDUSTRIAL RELATIONS

OBJECTIVE

By the end of the project, the fundamental underpinnings of the IR system in Vietnam is strengthened including enhanced development of IR conceptual frameworks, national strategies and statistical data system, along with increased capacities for social dialogue, collective bargaining, alternative dispute resolution (ADR) and industrial relations education development

BACKGROUND

Beyond its efforts to update the legal framework on labor relations, the Government and other tripartite stakeholders have looked at ways to improve industrial relations systems nationwide. At the central level, the Industrial Relations Commission was established, which performs a consultative function for the Prime Minister on IR related policies and measures, and provides support in developing cooperation mechanisms in industrial relations at both national and provincial levels. In 2008, the Secretariat of Central Party Committee issued Directive No. 22 to promote further collaboration and tripartism at national level in developing sound, stable and advanced industrial relations in enterprises. This directive states that MoLISA is to be proactive in promoting grassroots best practices and good (private-public partnership) models of sound practices as a basis for IR policy development.

The official mandate of the state administration regarding on addressing IR issues was placed with the Department of Labor and Wage (LWD) of MoLISA. The LWD is assigned to take lead in making national strategies and policies for labor and industrial relations including collective bargaining, tripartism consultation, labor dispute resolution and wildcat strikes. The LWD requested technical assistance to strengthen its human and institutional capacity in order to develop a blueprint for National Strategy on Sound IR Promotion that addresses fundamental IR issues in Vietnam in an effective and sustainable way.

Other key tripartite social partners such as VGCL, VCCI, and VCA are trying to develop further their individual capacities in conjunction with national common interest. While taking a leading role in drafting the Trade Union Revision, VGCL has identified more several tasks that are expected to challenge trade unions and transform IR landscape. For example, VGCL needs to assist in synchronizing of the two laws (Labor Code and Trade Union Law), promoting of unions' "real power" in negotiating labor contracts, wage, and occupational safety and health and empowering higher level trade unions at workplace. In addition, VGCL has identified strengthening the capacity for its members in promoting collective bargaining, social dialogue at enterprise level to be priority areas as well

As official employers' representative organizations, VCCI and VCA are expected to work with other tripartite stakeholders to promote national strategies such Promotion of Sound IR by 2020 in addition to developing their own internal capacities. Both organizations have identified the areas they need to improve: members' knowledge and capacity on collective bargaining, social dialogue mechanisms, and labor dispute settlement. It is important to include the voices of these two organizations in policy making processes and promote their participation national tripartite programs and strategies led by MoLISA.

SUB-COMPONENT 3: DEVELOPING NATIONAL STRATEGY ON IR PROMOTION

Sub-component Outcome 3: A National Strategy for Promoting Sound Industrial Relations in Vietnam towards 2020 is developed along with an improved IR information and data system and agreed upon among concerned stakeholders on effective implementation

Sub-component Background

Despite discussions related to the ongoing labor code revisions, many of the institutions intended for social dialogue are still not functioning as envisioned. For example, the functions of the National Industrial Relations Commission are still not well understood by many of the partners, and the concept of the Provincial Industrial Relations Commission, while mandate to be started, is questioned by provincial and local officials who see the role of the Provincial IRCs as overlapping with some existing tripartite mechanism (including labor mediation councils, strike task forces, etc.) and they asked for clearer definition of the role the Provincial IRC would play.

There is a need to strengthen the capacity of the both National Industrial Relations Commission (NIRC) and the Provincial IRCs as well as a need to enhance the dialogue between the tripartite partners both at both the national as well as on the provincial levels. The mechanisms that were designated to perform that task through the Prime Ministerial Decree on Tripartism are still not functioning up to their potential (or have even really been implemented). There are plans for the NIRC to initiate four pilot Provincial IRCs in Hanoi, Haiphong, Danang and Ho Chi Minh City. The hope is that this would increase the level of industrial relations and labor law implementation by providing a mechanism for ongoing and regular tripartite dialogue between the social actors at both the national and provincial level. Another need expressed by the LWD was for some type of diagnostic tool to monitor the level of labor law implementation and industrial relations in the country, even to generate baseline data. Such a comprehensive tool does not currently exist. This information, if generated could be the basis of policy recommendations going to the NIRC.

The following activity areas will be carried out in Sub-component 3:

3.1 Building towards Participatory national strategy for promoting sound industrial relations towards 2020

Outcome 3.1: The basis for a national strategy for promoting sound industrial relations in Vietnam is developed with the participation of concerned stakeholders

The need for a national strategy on sound industrial relations promotion towards 2020 is embedded in Central Party's Directive No 22 on strengthening management and guidance's over the development of harmonious, stable and advanced industrial relations at workplace. The strategy is expected to draw up fundamental issues regarding contemporary industrial relations in Vietnam, to which middle-term and short-term solutions should be prioritized, such as tripartism, labor administration, IR information system, local capacity and initiatives regarding sound industrial relations. Recommendations and other inputs for IR national strategies and policies need to be based on the most current and comprehensive IR information. There is a need to generate comprehensive data and statistics from a number of sources as well as incorporate IR indicators in other types of labor related research (e.g. labor market surveys) to provide such information.

3.1	Building towards Participatory national strategy for promoting sound industrial relations	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
3.1.1	An integrated FDI survey is conducted to gather empirical information on IR systems in Vietnam (with VNCI)													
3.1.2	Targeted IR themed study of selected IPZs													
3.1.3	Roundtable on development of IR indicators for labor research and studies													

Outputs/Deliverables:

- A preliminary report is produced from baseline data survey with integrated IR indicators of FDI enterprises. This will be included in the VNCI Provincial Competitiveness Index and FDI Report as well as be a basis for recommendations for IR strategy recommendations and incorporated in the LWD information base.
- An in-depth and targeted study of selected factories and IPZs is conducted to be used in developing the basis for recommendations for the IR national policy.
- Consensus on a standard IR indicators used in various on-going studies will be reached which will assist in generating important IR information for MOLISA to use.

Anticipated activities include:

- SIIR/LWD/VNCI will conduct a survey to assess of IR situation in at least 13,000 FDI enterprises (although the expected actual number of respondents will be less). The team will work on assessing the data and creating reports which can be used by VNCI and is incorporated into strategy recommendations.
- SIIR/LWD/VNCI will develop and conduct an in-depth IR themed study of a limited number of enterprises in targeted IPZs to determine and assess the factors leading to industrial disputes and how current IR mechanisms can be improved among other topics. The research will include input from all tripartite actors
- A workshop to get consensus, buy-in, and commitments of organizations (including MoLISA) on developing standard IR indicators which will be used in on-going and future research.

3.2 Improving MoLISA's information/statistical data system to support IR promotion policies in Vietnam

Outcome 3.2: Consensus reached and new designs accepted and tested to improve the IR information system of MOLISA (LWD)

The development of a standard MoLISA-led IR information system is essential for developing a comprehensive and relevant IR national strategy. The rationale for the system needs to be based on informed evaluations of empirical evidence; otherwise MoLISA policy-making on IR will not address core issues. Ideally a responsive and accurate information system can provide fundamental and timely information on periodical basis. The system should be established within MoLISA existing structures with a small but qualified staff who can build up a standard set of IR indicators that can serve as basis for any policy research and development. In the first year, most activities would be aimed at designing a better system, improving the IR information collection, and disseminating timely data which the LWD will oversee (along with other MoLISA departments such as CIRD). In this process the capacity of the LWD will be strengthened. The IR indicators developed in 3.1.3 would be incorporated into these activities. This would be followed by pilot training or testing activities related to the system in the second year.

3.2	Enhancing MOLISA's IR information system on industrial relations	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
3.2.1	External consultant to assess current information system and make recommendations on changes													
3.2.2	Expert meeting and regional workshops to build consensus on IR information systems and design													
3.2.3	Pilot development of IR data yearbook template (to be continued in Year II)													

Outputs/Deliverables:

- An assessment report on IR information system in Vietnam as a resource for the national workshop
- A policy proposal to be submitted to MoLISA leaders regarding an official IR information system that can provide timely and adequate information for any IR policy decisions made by MoLISA
- A template for an annual IR report from MoLISA developed with the first draft report published in conjunction with the PCI and FDI report release.

Anticipated activities include:

- SIIR/LWD will use an external consultant to assess current IR information system of LWD (and MoLISA in general) to make recommendations for improved use and collection of data, including use of standardized IR indicators
- Based on the recommendations of the external consultant to improve the IR information system, including generation and use of information, there will be a series of expert meetings and regional meetings to gain consensus on which recommendations should be implemented.

- The process of designing a model IR statistical data MoLISA yearbook will begin, starting first with the creation of a template (using IR indicators) that can be used and developed further in successive years. The design could be adapted from other IR data yearbooks produced by other countries.

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.

Vietnam is still attempting to find ways to bring workers into the various negotiation mechanisms as the practice of workers approaching enterprise trade union representatives to insist that they bargain with the employer for better wages and working conditions has yet to become widespread as trade unions, employers and government wish it to be. Instead the increasing common method of spontaneous work stoppages continues to be the method of choice for workers trying to improve their pay and conditions. The only negotiations then that take place are ad-hoc dispute resolutions to end wild strikes. Just as there is not a culture of collective bargaining in which worker demands can be accommodated and grievances handled, there is no systematic alternative to dispute resolution practice, even though there are mediation and conciliation structures in place.

The VGCL in its recent Congress took steps to change its priorities and method of work, including instructing the provincial and district union officials to make it their first priority the direct support of enterprise unions. But collective bargaining is a voluntary two-sided activity which needs the cooperation of the managers as well as government policies that create an enabling environment promoting collective bargaining while not over regulating it. However in discussions with employer and employee representatives both emphasized that collective bargaining initiatives should not be rushed and that it was better to begin with social dialogue mechanisms, emphasizing communication and basic negotiation techniques.

The same applies to the mechanisms set up to prevent disputes– while there is seemingly a great need for both mediation and conciliation and even arbitration skills and for the creation of services and formal processes and structures, it is a great temptation to move a pace faster than primary stakeholders are ready for. Also the SIIR project has to take into account the changing legal climate – the new laws will set the legal parameters as to what types of collective bargaining is allowable (e.g. sectoral or multi-employer) as well as in terms of dispute resolution (e.g. the creation of local or district bi-partite committees). The activity areas under this sub-component while more capacity-building oriented, will need to be linked with the policy and strategy initiatives in other parts of the project (e.g. role of Provincial IRCs and development of guidelines on CBAs by the Legal Department).

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

4.1 Strengthening capacity for tripartite stakeholders on ADR and conflict management strategies

Outcome 4.1: Tripartite stakeholders are trained on ADR and conflict management strategies

A number of provisions related to ADR and other dispute settlement strategies were stipulated in the amended 2006 Labor Code, especially in Chapter XIV on labor dispute resolution. However there are many shortcomings with these mandated processes due to the fact that the law and regulations do not fully respond to reality. Mediation and arbitration institutions have been established but not are functioning as envisioned as there is no real need for these services while workers see wildcat strikes a

more effective and less cumbersome means of bargaining with employers and even the government. Therefore a review of existing labor dispute settlement mechanisms, including assessing the understanding of all stakeholders, is a first step. In addition, the actual needs for ADR services should be assessed. In both steps, the views of concerned stakeholders, as service end-users, should also be canvassed. International expertise on ADR will be brought to improve tripartite actors' knowledge and capacity and to propose effective ADR processes based on best practices in other countries. In the first year, activities could be undertaken, of which the tripartite strategy workshop on ADR is the most critical that brings in buy-in and consensus. In addition these activities will be linked with outcomes of the ADR planning and overview workshop in Activity 2.2.2.

4.1	Strengthening capacity for tripartite stakeholders on ADR and conflict management strategies	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
4.1.1	International consultancy to evaluate system and capacity of stakeholders, develop model curricula and initiate pilot testing									→		→		
4.1.2	Training workshop on developing ADR education/capacity for VCCI experts (HRMN involved)												→	
4.1.3	Basic trainings on ADR and IR fundamentals for tripartite stakeholders (MOLISA Legal Department)												→	
4.1.4	Pilot tripartite training for third party ADR (MoLISA LWD)									→				

Outputs/Deliverables:

- Capacity of stakeholders and actual needs for ADR services in Vietnam evaluated by an international ADR specialist in collaboration with VCCI and SIIR staffs.
- VCCI trainers trained on ADR and dispute resolution (using adapted models). This could be followed by the development of a pilot activity promoting an effective model on enterprise-level conciliation/mediation practices based on VCCI-VGCL joint efforts (to be expanded on in Year II).
- Basic training/fundamentals on ADR within an IR framework for targeted tripartite stakeholders.
- Development of new ADR training curricula for tripartite partners based on evaluation of training capacity and existing material and from comparative models.

Anticipated activities include:

- An ADR specialist will evaluate existing ADR services and mechanisms and general understanding by stakeholders and conduct fact-finding research in project site areas assessing tripartite stakeholders' views on ADR services in the country.
- Initial training workshops will be conducted to assess levels of understanding and determine appropriate teaching methodologies which will be adopted into draft curricula.

- Pilot activities or pilot training will begin based on results yielded from the assessment. Depending on results, a basic training on ADR and dispute resolution would be conducted in order to map out fundamentals of ADR system or more draft an appropriate design of ADR services for Vietnam. In Year II this would lead to development of more explorative models of district-level "bipartite" ADR councils that were proposed by VGCL (the new Labor Code would need to be in place).
- As part of the effort to build up capacity on ADR (including mediation and conciliation), arbitration and other methods of dispute prevention, the SIIR project will work with the main tripartite stakeholders to increase general levels of understanding. Based on the consultant's report (Activity 4.1.1), SIIR will work with the CIRDP and LWD to design a series of instructional forums using various resource persons to promote basic conceptual clarity and how to access current ADR systems. In Year II this may be expanded to include production of awareness raising materials.

4.2 Strengthening capacity for tripartite stakeholders on social dialogue and CBAs

Outcome 4.2: New approaches to collective bargaining promoted, including piloting social dialogue models, training of trainers, and bi-partite capacity building

The development of greater numbers and more effective CBAs has been seen as a priority in the tripartite working agenda that the main stakeholders have been pursuing. However more technical assistance is still needed (and has been requested) to develop workable models in collective bargaining, including sectoral bargaining. The SIIR project will contribute to the *existing* efforts of promoting CBA and social dialogue by introducing new approaches and effective methods for both the trade union and employer organizations. In the first year, preparation will begin for an advanced level training for targeted VGCL officials CBA and social dialogue. Based on previous FES-VGCL cooperative efforts, SIIR will provide further master training and materials for those target groups with possible expertise of international CBA experts. These materials will also be adapted for training employer representatives. The first year activities will followed by other efforts with tripartite stakeholders in the second year.

4.2	Strengthening capacity for tripartite stakeholders on CBAs	Oct, 2009	Nov, 2009	Dec, 2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
4.2.1	Pilot CBA training activity with VCA (training courses, same trainers with that of VCCI)												→	
4.2.2	Pilot CBA training activity with VCCI (HRMN utilized)												→	
4.2.3	External consultants evaluate existing CBAs, develop training materials for VGCL and LWD and begin pilot training (to be continued in Year II)											→		

Outputs/Deliverables:

- 30 VCA officials will be trained on advanced CBA and social dialogue.

- 30 VCCI master trainers will be trained on advanced CBA and social dialogue.
- A set of training materials on CBA and social dialogue mechanisms is developed (ideally this set of materials could be developed firsthand, modified later and then serves as resources in training activities on CBA either for VCA, VCCI or VGCL)

Anticipated activities include:

- After external trainers are identified (either international or national qualified CBA experts), training materials and programs would be developed and tailored to mandates and capacities of the targeted stakeholders. The master training modules will be adapted from the FES-VGCL previous CBA training with the contribution of SIIR international and national experts
- Master trainees from VCA and VCCI would be strategically selected for the training to maximize technical assistance. While VCA and VCCI to some extent share some same features in collective bargaining and thus there can cost-effective training programs. The CBA training for the union trainers would place a special focus on VGCL trainees as resources and advisors for local unions in the negotiations.
- If it is possible in Year I, the VGCL/SIIR would jointly organize master training workshops on CBA and social dialogue for VGCL senior officials or those who are directly involved in bargaining and negotiation processes (though this would most likely be a Year II activity).

SUB-COMPONENT 5: BUILDING CAPACITY OF IR EDUCATION INSTITUTIONS

Sub-component Outcome 5: The role of educational institutions in promoting sound industrial relations is strengthened through improved training capacity of IR education in selected universities

Three universities in Vietnam have recently started to establish departments and/or offer courses in Industrial Relations: Ton Duc Thang University (TDT), Vietnam Trade Union University (VTU), and the University of Labor and Social Affairs (ULSA - which is part MoLISA). This is a much needed development, but there needs to be some coordination so there is consistency, including skills development and problem-solving, in the courses and subject matter being taught. There is also a great need for the latest materials, teaching methodologies and international technical support from countries where industrial relations studies have been a feature for many decades. This will be important as the students in these IR education programs will go into the trade union (from TDT and TUU), become human resource managers (from ULSA and TUU) and staff of MoLISA and DoLISA (from ULSA and TUU) and ideally will be equipped with skills in areas including negotiations and dispute resolution and an understanding of international labor standards, labor markets, and other critical topics.

Ideally one could take a standardized approach to build consistency in curriculums and enhance coordination between the three universities. However using terms such as curriculum development and standardization can lead to misinterpretation and hesitation by partners as this is jurisdiction of the Ministry of Education who is supposed to have oversight on such matters. In addition each university wants to operate its IR education program independently and while welcoming external help (e.g. expertise from the US universities) none have expressed interest in actively working with the other university programs.

Fortunately the Ministry of Education is now leading an effort to develop a framework program on HRM that might include IR as a component. ULSA would welcome any technical support that provides them with feasible recommendations in response to that strategy. A draft needs-driven program framework that includes technical approaches, structures, tentative syllabi, and study guides could be developed in line with the Ministry of Education guidelines and disseminated among relevant education undertakings. This could be an acceptable and be in line with government priorities. The SIIR project would partially contribute to the overall effort through promoting linkages to U.S. educational institutions and relevant expertise to develop the fundamentals of these IR decree programs.

The following activity areas will be carried out in Sub-component 5:

5.1 Increasing the roles of educational institutions in promoting sound industrial relations policies

Outcome 5.1: Increasing awareness of the role of educational institutions in promoting sound industrial relations

The three educational institutions in this sub-component are Ton Duc Thang University (TDT), which belongs to the VGCL/HCMC and is located in HCMC; Trade Union University (TUU), which also belongs to the VGCL and the main campus in Hanoi (and two other smaller campuses); and the University of Labor and Social Affairs (ULSA) which is part MOLISA, with a campus in Hanoi and one in HCMC. All three universities have requested technical assistance in developing current but new IR programs (two are this stage) or actually designing an IR program to be created. It will be important to create and maintain linkages with similar programs in the US and elsewhere. A cost effective way will be bring in international experts – though a longer term prospect may be to send selected educators to participate in overseas training programs.

Because this is a relatively new field for universities, there is the recognition that the importance of IR education programs needs to be promoted – both in terms of national strategies on IR and education but also in terms of awareness of the program and why their relevance to perspective students and to the main tripartite stakeholders in general.

5.1	Strengthening Educational Institutions in Promoting Sound Industrial Relations	Oct, 2009	Nov,2009	Dec,2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
5.1.1	International educational consultant evaluates institutional and human resource capacities of university IR education programs												→	
5.1.2	A national tripartite consultation on industrial relations education in response to the National Human Resource Management (HRM) Framework Program												→	
5.1.3	Development of Labor Educator Network (to be continued in Year II)												→	

Outputs/Deliverables:

- Needs of IR education programs are assessed and documented in a report.
- Roles of IR education institutions are emphasized and strategically defined and promoted respond to the National HRM Framework Program of the Ministry of Education.
- Structure and operation/coordination mechanism for a new Labor Educator Network will be identified and introduced. Cooperation areas identified and piloted.

Anticipated activities include:

- An international consultant assesses the three university programs and provides recommendations to further develop each specific program as well as how to access international networks and respond to the National HRM Framework of the Ministry of Education. An addition, the consultant would write a report on the overall IR education situation in Vietnam and how IR education might be mainstreamed into policy development.
- A national tripartite workshop will be held to highlight the need for an IR education strategy, the possibility of mainstreaming IR education into overall strategies, the development of linkages to education institutions and networks outside of Vietnam, and the viability of a Labor Educator Network and how it would function.
- The role of Labor Educator Network will be developed and supported based on the outcomes of the national tripartite consultation on IR education. Preliminary outreach work prior to the national consultation will be undertaken by the SIIR project to lay the groundwork for the Labor Educator Network. After the national consultation activities could include development of electronic forums, sharing of the curricula, syllabi and materials, exchange visits for representatives from each program, and possible of a committee to develop a current resource or text book.

5.2 Educational institutions are technically supported on IR education issues

Outcome 5.2: Improved training capacity on IR education in University of Labor and Social Affairs, Trade Union University and Ton Duc Thang University

Based on the results of Activity Area 5.1, SIIR and external consultants will provide technical assistance to each university identified. The assistance would be demand-driven and based on priorities of each institution due to limited resources. Ideally several cooperation areas will be piloted, (e.g., shared ideas regarding a framework for IR education program among IR institutions). Activities would be piloted when consensus reached which might be the initial basis for the Labor Educator Network. Sustainable outputs should also be discussed and developed in detail with an emphasis put on development of resources each program could adapt and use.

Prior to any joint activities or even consensus building, each of the universities programs will have to be dealt with individually at first— this is based on initial discussions (and above reasons) and on the fact that each is at a different stage. For example, TDT already has a class of 25 students in the first year of its program and has a sample curriculum while TUU and ULSA are still in the planning stages. The SIIR team plans to work with both the staff at each university directly implementing (or designing) the IR education program as well as with the bodies that have oversight (VGCL and MOLISA). The Director of CIRP is also the head of the ULSA IR education program and will be a great resource in this activity area. The focus should be on improving the programs and strengthening the capacity of the faculty and instructors as opposed actually training students.

5.2	Improving training capacity of IR Education of University of Labor and Social Affairs, Trade Union University and Ton Duc Thang University	Oct, 2009	Nov,200	Dec,2009	Jan, 2010	Feb, 2010	Mar, 2010	Apr, 2010	May, 2010	Jun, 2010	Jul, 2010	Aug, 2010	Sep, 2010	Year Two
5.2.1	Pilot activities for targeted IR educators and staff from the universities including presentations by international resource persons, capacity building, and material development (to be continued in Year II)									→	→	→	→	→
5.2.2	International expertise to begin capacity building and strengthening of IR education programs									→	→	→	→	→

Outputs/Deliverables:

- Ton Duc Thang University (HCMC) IR education program will enhance its original curriculum and syllabus in it degree program (carried over into Year II).
- ULSA (Hanoi and HCMC) is supported through technical inputs (materials, contacts) and curriculum development (carried over into Year II).
- Trade Union University (Hanoi) is supported through education material development (carried over into Year II).

Anticipated activities include:

- SIIR will work with each university to determine what type of support is feasible in the duration and scope of the project. The external consultant’s assessment will provided a baseline for moving forward.
- Pilot activities that will be initiated will be related to textbook and IR information development, providing resource persons develop further the faculty and staff on specific IR related topics and recommendations for course outlines and syllabus enhancement. Preparations will be made for capacity building and training of faculty and staff in Year II.