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

**ANNUAL WORKPLAN
YEAR 2**

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, MoLISA
DoLISA	Department of Labor, Invalids, and Social Affairs (MoLISA)
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 (VCCI)
ICD	International Cooperation Department, MoLISA
ILO	International Labor Organization
ILSSA	Institute of Labor Sciences and Social Affairs, MoLISA
IPZ	Industrial Processing Zone
IR	Industrial Relations
IRPP	Industrial Relations Promotion Project (officially approved project name)
LAO	Legal Advisory Office, VGCL
LAC	Legal Advisory Center, VGCL
LAS	Legal Advisory Service, VGCL
LD	Legal and Policy Department, MoLISA
LWD	Labor & Wages Department, MoLISA
LI	Labor Inspectorate, MoLISA
MIS	Management Information System
MoLISA	Ministry of Labor, Invalids and Social Affairs
MPI	Ministry of Planning and Investment
NA	National Assembly

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[N]IRC	National Industrial Relations Commission (MoLISA – LWD)
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, VGCL
ULSA	University of Labor and Social Affairs, MoLISA
STAR	Support for Trade Acceleration Project (DAI)
VCCI	Vietnam Chamber of Commerce and Industry
VGCL	Vietnam General Confederation of Labor
VNCI	Vietnam Competitiveness Initiative (DAI)
VTU	Vietnam Trade Union University, VGCL
Y I	Year I USAID Workplan (Oct. 1, 2009 – Sept. 30, 2010)
Y II	Year II USAID Workplan (Oct. 1, 2010- Sept. 30, 2011)

YEAR II WORKPLAN INTRODUCTION

Under this Year II Workplan, the Industrial Relations Promotion Project (IRPP) will continue to address on-going problems of major concern to state management agencies, private industry (both domestic and FDI), and civil society institutions (VGCL and universities). In 2010 the number of industrial actions continued to decrease from a high of about 700 in 2008 to little over 400 disputes. The Vietnamese government still considers addressing industrial relations as a main economic and governance priority. The labor laws designed to protect worker rights and attract both foreign and domestic investment are under-going a comprehensive revision throughout 2011, with enactment expected in 2012. With Vietnam becoming a full member of the Trans Pacific Partnership (TPP), there will be even greater emphasis on labor laws and their practice in relation to international standards. This project is designed to address key labor relations areas, including labor inspection, dispute resolution, collective bargaining and labor law and industrial relations education. Progress in these areas can play a vital role in both determining how far Vietnam can go in attaining trade benefits that in turn can help preserve its economic growth. Most importantly, progress in these areas can contribute to a predictable and stable industrial relations system that continues to represent the interests all of stakeholders and leads to greater economic and social stability.

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

Greater progress under the two project components – promoting sound industrial relations and strengthening the implementation of labor laws – had been anticipated. However the process of obtaining the Government of Vietnam's official approval, presumably granted in principle before the contract was awarded had a dramatic impact on the original schedule. The original project design anticipated 3-4 months project start-up and needs assessment phase, beginning October 1, 2009. However, for a variety of reasons, including specific GVN entities concerns about allowing a U.S.-funded contractor to work on politically sensitive issues, formal approval to undertake technical assistance activities was not granted until late August 2010 (i.e. nearly the end of Year I). The project was able to work creatively with partners to address project objectives prior to official approval. As a result the workplan for Year II includes a mixture of postponed on-going and new activities.

It is also important to note that this project has two separate mandated workplans – one for USAID and one for MoLISA. The latter is a two-year workplan that was included in the Project Document (in Vietnamese) that was required as part of the official government approval process. The former is really two one-year workplans corresponding to the original task order (and DAI project proposal). These workplans, while different in format, are composed of the same activity areas, outcomes and partners. The two-year workplan for MoLISA and the Project Steering Committee provides the overall framework for the project and the linkage and continuity between the two one-year workplans (even if there is a delay of a submission of a workplan). Thus while this Year II workplan is basically a continuation of the Year I workplan, there are additional areas covered and other changes which are within the two-year workplan framework – especially given how activities could only be conducted June 2010-September

2010 in Year I. Conversely, the USAID Year I workplan allowed for pre-approval activities to be initiated that were accounted for later in the two-year MoLISA workplan that was submitted and approved.

ASSUMPTIONS AND RISKS FOR YEAR II

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

- 1. Delays in implementation due to internal MoLISA issues:** Even though project approval process is completed and the various bureaucratic structures have been established for the project in accordance with Vietnamese government procedures, this does not mean that the partners had confirmed what they wanted to do, especially within MoLISA. Because there are at least four MoLISA departments involved (under three different Vice-Ministers) there is a lack of consistency in terms of planning and program development. The Labor Inspectorate as the designated lead (called Project Owner) does not have experience in coordinating bi-lateral projects or working with multiple project partners. The project team is spending more time than anticipated in having to follow up with each partner in developing plans. Even though a two-year activity framework was developed for MoLISA, partners have frequently changed their activity priorities making consistency in planning and timing of activities difficult.
- 2. Inability of main partners to complete planned activity:** Given the degree of control mandated by government procedures, the project cannot directly implement activities as such but needs to work through each partner through an officially approved workplan. However, while the project is not supposed to deviate from this two-year workplan, this does mean a particular partner is obligated to complete their particular activity areas. This inflexibility means the project is unable able to reprogram activities, even if a partners priorities have changed. This may be an issue in the second year if some anticipated activity areas are not completed by a specific partner and the project is unable to bring in another partner to complete the activity.
- 3. Partners not familiar with USAID requirements and regulations:** While most partners have experienced working with bi-lateral or foreign funded projects, most were unaware of the differences between USAID-funded projects and other donor projects. This has affected the project in various ways. First, on the initial timeline, MoLISA did not really appreciate that for USAID the project began on October 1, 2009 and not after the MOU was signed in August 2010. The restrictions and requirements by USAID are not fully understood by partners. For example, based on practices from other donors, some partners may expect time working on project activities to be compensated somehow. The project's insistence on strict adherence to guidelines means that some partners may not want to commit the time needed to fully complete activities (in the absence of compensation?). Anticipated attendance or participation in some activities may be affected at times, thus numbers of beneficiaries may decrease and the overall impact of the project diminished.
- 4. Labor Code and Trade Union Law are given absolute priority by main stakeholders for the remainder of the year:** Presently the Labor Code and Trade Union Law are scheduled to be drafted by late fall of 2011 and passed in the National Assembly session in the May 2011. Currently this timeframe is unchanged. Thus can be an opportunity for the project, but also can affect the implementation of activities. The anticipated outcomes of Year II activities, including policy recommendations and development of new IR approaches could potentially be used by lawmakers. Conversely the main tripartite partners, especially MoLISA, could delay conducting

most other activities, regardless of commitments, (with its attention focused on finishing and passing the draft Labor Code (and draft Trade Union Law)- The project is aware of this possibility and has tried to build flexibility in the second year plan to accommodate such a change.

5. **High inflation affecting the labor relations environment.** As was seen in the period from mid-2007 to mid-2008, the highest numbers of strikes corresponded with the worst inflation Vietnam had experienced. If inflation rises dramatically in 2011, this may cause the number of wildcat strikes to increase in number. In that case, the operating environment ~~in which~~ for activities focused on dispute resolution and other social dialogue mechanisms may change dramatically, including making these high priorities areas for the government and raising the profile of the project.
6. **The lead up to 2011 Communist Party Congress causes delays/changes plans.** This may make it difficult to schedule activities in December 2010 and January 2011. However, beyond that time, this should not be a factor.
7. **External/International events create a more difficult atmosphere in which to implement governance work.** While difficult to predict or anticipate, political or security sensitivities may mean a planned activity is not allowed to proceed, partners may not want to implement a planned activity or an international resource person is not allowed to come.

CHANGES FROM YEAR I WORK PLAN

As noted in the introductory paragraphs, the current plan for Year II differs in places from the second year draft plan envisioned by the project team when the first workplan was created in early 2010. The longer than anticipated approval process had the following effects on the planning process:

- Instead of 8-9 months for activity implementation (combined with 3-4 months for start-up), the project had a little under four months to begin activities and only in the last one month were they done under official approval.
- The project had to rely heavily and strategically on the use of international consultants and resource persons in conducting activities in a short period as the project partners could not start activities without the project being officially approved.
- The project began with a series of in-depth assessments and evaluations of a number of critical areas identified in the project design including dispute resolution, labor inspection, legal aid services which created the basis for follow-on work. Ideally these could have been conducted within the first six months of Year I; however the project could not get permission to bring consultants in until the ninth month of the first year (i.e. July 2010).
- Through the first few months of Year I, the project staff worked closely with the main partners to develop draft plans based on their needs and the initial project design. However, since an official start date could not be determined in advance, the main partners while drafting activity plans would not commit to them and frequent changes had to be made to accommodate changing timeframes and priorities. In the end, even after the official start of the project, the project staff had to continue working with partners to confirm what they exactly wanted to do within the project framework in the remaining months of Year I. It was the same scenario for the Year II workplan.

- The USAID Year I workplan was finalized and submitted prior to the start of activities in June. However the MoLISA, as coordinator for the Vietnamese counterparts, the project workplan is a two-year plan that is within the official Project Document submitted in September. While this two year framework incorporated all the activities that could be conducted in the USAID Year I plan, as a two-year plan it does not allow for flexibility or revision (according to MoLISA). Thus the project in developing Year II activities needed both to match this workplan as well as be realistic as to what could be accomplished within a limited time period that met the original project task order.

Based on these impacts and a compressed time period under which to address the needs of partners and the stated objectives, the Year II work plan has adopted these new approaches:

- In order to get work started in different areas of focus (e.g. labor inspection, dispute resolution and arbitration, collective bargaining, and industrial relations education), the project relied heavily on bringing in international expertise (in part because that was all that was allowed) within a short period of time. In Year II the project will rely less on US-based consultants and try to use more national consultants and have partners undertake their own activities.
- The four months of activities focused on and provided needed in-depth analysis and recommendations in strategic areas to be the basis for follow up. Year II will see more activities based on using this groundwork.
- The Year I workplan anticipated that the majority of the activities would need to be shifted into the second year. While this will happen in many cases, given the compressed timeline, the project will try to simplify its scope in Year II, combining some activity areas and reducing overall some of the identified areas of work in order to concentrate on priority areas. However any changes will be done through consultations with partners.
- In Year I, there was an initial component which encompassed project set up, needs assessment, project document preparation and coordination of support and partners. Most of these were completed with allocated funding, so the Year II workplan will not include this. The one remaining item to be held was a coordination and planning workshop. The project has placed this workshop, along with other Steering Committee meetings and the Project Management meetings, in an additional section at the end entitled monitoring and evaluation. However there are currently no allocated funds for these in the activity budget. As the project continues, and when the need arises, the project office will see if additional funds can be found for any such requested activities on a case by case basis and with USAID approval.

Notable changes from Year I (YI) to Year II (YII):

- The numbering of the main components changed so Component II is now Component I and Component III is now Component II (this is due to the fact at in the Year I Workplan Component I was the Assessment/Preparation phase which is now complete)
- Activity Areas 1.3 (in Y II Workplan) – Labor Inspection Training and Development - and 1.4 (in Y II Workplan) - Regional Labor Inspectorate model - are new as these were within the two-year MoLISA workplan and the scheduled partner, the Labor Inspectorate, was still interested in implementing these activities. The project will utilize the expertise of USDOL Labor Inspection specialists and national consultants to provide technical assistance in these areas.

- Activity Area 2.2 in (Y I Workplan) – Formulation of Accompanying Ordinances and Guidelines – the proposed activities were completed for the first year. The project will use the outputs in other areas (in 2.1 in particular) and has basically continued this work under other activity areas as opposed to keeping it as a distinct area.
- Activity Area 2.3 (in YII Workplan) – Strengthening Capacity of Legal Advisory Services for Employers – is new as it was within the two-year MoLISA workplan and the scheduled partner, VCCI, was still interested in implementing these activities. The project will utilize the expertise of the Legal Aid Services specialist from ULCA who has experience working with both trade unions and employers in this area.
- Activity Area 3.2 (in the YI Workplan) - Enhancing MoLISA’s Information System on Industrial Relations – has been reprogrammed according to the priorities of the implementing partner, Labor and Wages Department (LWD). They felt there was not enough time to fully implement the proposed activities in this area and wanted the activity budget to be reallocated to Activity Area 3.1 - Building towards a Participatory National Strategy for Promoting Sound Industrial Relations – in which LWD is to design and implement an industrial relations pilot model. This change is with the same sub-component and with the same partner.
- Activity Area 5.1(in YI Workplan) – Strengthening Educational Institutions in Promoting Sound Industrial Relations – has basically been merged with Activity Area 5.2 (which is in both YI and YII Workplans) – Improving training capacity of IR Education in TDT, ULSA and VTU. The funded activities in 5.1 were completed and the same partners were involved. The one non-funded activity – Development of a Labor Educator Network – will continue to be promoted with Activity Area 5.2. The same US labor education specialist will be involved in Year II working with each university individually.

Other specific changes in YII Workplan are within the designated activity areas – most activities added that had not yet been implemented in Y I (due to time constraints) or were already scheduled to be implemented in YII in any case. The chart of proposed activities in Year I and II on the following pages illustrate the difference between the two project years.

A summary chart of YI activity status is attached at the end as annex. A detailed explanation of any changes and current status of activities is provided in an accompanying Y I review report that is forthcoming.

An activity area budget summary for Year II (including Year I), as well as a detailed budget breakdown for both years is attached at the end of this workplan.

YEAR I	YEAR II	SIIR ACTIVITY WORKPLAN	June, 2010	July, 2010	Aug, 2010	Sept, 2010	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
		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 (<i>cancelled</i>)		→															
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)			→														
2.1.5		National consultancy for rapid assessment of capacity of stakeholders to implement labor laws and regulations (on going from year I)					→												
2.1.6		Consultative meetings on findings in rapid assessment of capacity of stakeholders to implement labor laws and regulations								→									
2.1.7		National Consultancy for development of Handbook on Propaganda, Dissemination and Education of Labor Laws and Regulations									→								
2.1.8		Consultative meetings on Evaluation of Impact of “Project 31” on Dissemination and Education of Labor Laws and Regulations															→		
2.1.9		National Consultancy for Developing training materials on ADR									→								
2.1.10		Pilot training workshop on ADR											→						
2.2		Formulation of Accompanying Ordinances and Guidelines																	

YEAR I	YEAR II	SIIR ACTIVITY WORKPLAN	June, 2010	July, 2010	Aug, 2010	Sept, 2010	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
	5.2.3	Writing and editing the textbook																	

 Year II new timeline

WORKPLAN – YEAR II

WORKPLAN – YEAR TWO

Brief Overview

This workplan covers the two-year period from October 1, 2010 to September 30, 2011.

SIIR has continued to engage officials of MoLISA, VCCI, VGCL, VCA and other concerned stakeholders in the development of this workplan based. 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 compressed time frame.

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 to 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 provide technical assistance in a series of tripartite consultation that are 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

CHART OF ACTIVITIES: YEAR II (OCTOBER 1, 2010 – SEPTEMBER 30, 2011)

YEAR TWO	SIIR ACTIVITY WORKPLAN	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
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SUB-COMPONENT 1: STRENGTHENING CAPACITY FOR LABOR INSPECTORATE

<i>1.1</i>	Promotion of New Approaches and Strategies to Improve the Labor Inspection Capacity													
<i>1.1.1</i>	International Consultancies of USDOL labor inspection specialists	→					→							
<i>1.1.2</i>	Workshop on Needs Assessment (“Enhancing the Role of Labor Inspection in Promotion of Sound Industrial Relations in Vietnam?”)	→												
<i>1.1.3</i>	National tripartite strategic planning workshop on compliance and inspection						→							
<i>1.2</i>	Strengthening management information system for labor inspectors													
<i>1.2.1</i>	National Consultancy on MIS for labor inspectorate									→				
<i>1.2.2</i>	Consultative Meetings on Data collection and MIS for labor inspectorate									→				
<i>1.2.3</i>	Workshop on management information system for labor inspectorate (with USDOL as potential resource persons)						→							
<i>1.2.4</i>	Training of Trainer workshop on computer-based MIS for labor inspectorate							→						
<i>1.3</i>	Labor inspection training and development													
<i>1.3.1</i>	Consultative Meetings of labor inspection training committee									→				
<i>1.3.2</i>	Training Workshop on labor inspection training development management	→												
<i>1.3.3</i>	Consultative Meetings of handbook/manual development committee									→				
<i>1.3.4</i>	National consultancy for development of training materials						→							

YEAR TWO	SIIR ACTIVITY WORKPLAN	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
	on labor inspection in the forms of handbook and manual													
1.3.5	Pilot training workshop on labor inspection for testing handbook and manual							→						
1.4	Regional labor inspectorate model in supplying technical advice													
1.4.1	Consultative meetings on pilot self-assessment scheme				→									
1.4.2	National consultancy for Development of Handbook on Self assessment					→								
1.4.3	Monitoring implementation of pilot models of self- assessment in Hanoi or Dong Nai								→					
1.4.4	Workshop on regional labor inspectorate model in supplying information and technical advice						→							
1.4.5	Training workshop on promotion of self-assessment through piloting a regional labor inspectorate model in supplying information and technical advice								→					

SUB-COMPONENT 2: PROMOTING EFFECTIVE APPROACHES TO LAW IMPLEMENTATION

2.1	Strategic planning for implementation of IR-related laws and regulations													
2.1.1	National consultancy for rapid assessment of capacity of stakeholders to implement labor laws and regulations (on going from year I)	→												
2.1.2	Consultative meetings on findings in rapid assessment of capacity of stakeholders to implement labor laws and regulations				→									
2.1.3	National Consultancy for development of Handbook on Propaganda, Dissemination and Education of Labor Laws and Regulations					→								

YEAR TWO	SIIR ACTIVITY WORKPLAN	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
3.1.3	Report on ADR and CBA within the framework of industrial relations strategies					→								
3.1.4	National workshop on draft national IR Strategies (LWD)									→				
3.1.5	Development of the finalized study report on NIRC/PIRC and planning for piloting PIRC model				→									

SUB-COMPONENT 4: STRENGTHENING CAPACITY FOR TRIPARTITE STAKEHOLDERS ON CBA AND DISPUTE SETTLEMENT

4.1	Strengthening capacity for tripartite stakeholders on collective bargaining													
4.1.1	Tripartite workshop on collective bargaining (Department of Labor and Wages, MOLISA)	→												
4.1.2	Piloting pattern bargaining model in textile sector (VGCL)	→												
4.1.3	Development of training collective bargaining materials and pilot training for selected 50 trade union officials (VGCL)									→				
4.1.4	Training on collective bargaining for 50 VCA officials (VCA)									→				
4.1.5	Development of training materials and advanced training on collective bargaining for 50 VCCI's HR officers (VCCI)									→				
4.2	Strengthening capacity for tripartite stakeholders on labor dispute settlement													
4.2.1	Tripartite workshop on dispute settlement (Department of Labor and Wages, MOLISA)							→						
4.2.2	Development of training materials on ADR			→										
4.2.3	Training on ADR for 50 selected trade union officials in IZ/IPZs (VGCL)			→										
4.2.4	Training on ADR for 50 selected VCA's HR officers (VCA)			→										
4.2.5	Training on ADR for 50 selected VCCI's and supporting the pilot development of labor arbitration center (VCCI)	→												
4.2.6	Training for strike resolution officials in IZs/IPZs (Department			→										

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

OBJECTIVE

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

SUB-COMPONENT 1: STRENGTHENING CAPACITY FOR LABOR INSPECTORATE

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

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

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

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

The project will continue to complement the on-going process of reform within Labor Inspectorate through the provision of technical assistance that identifies and promotes new approaches to the current understaffed and underfunded system of labor inspection. The project will continue to rely on the expertise of the USDOL team of labor inspection specialists, who first came out to Vietnam in July 2010, and conducted an evaluation of current capacity of the Labor Inspectorate and made recommendations on how to use the limited resources available. Due to delays of the project implementation, the main activities based on their initial findings will be conducted in Year II. These include at least two envisioned return trips by the USDOL team who will be resource persons at national forums on compliance as well as providing guidance to the Inspectorate based on their findings from the first trip. They will also be giving technical assistance on in Activity Areas 1.2, 1.3 and 1.4.

1.1	Promotion of New Approaches and Strategies to Improve the Labor Inspection Capacity	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
1.1.1	International Consultancies of USDOL labor inspection specialists	→					→		→					
1.1.2	Workshop on Needs Assessment (“Enhancing the Role of Labor Inspection in Promotion of Sound Industrial Relations in Vietnam”)	→												
1.1.3	Two tripartite strategic planning workshops on compliance and inspection						→							

Outputs/deliverables:

- An overview of US and Vietnam labor inspection systems presented at ASEAN Forum on Labor Inspection in October 2010.
- A presentation of findings by USDOL team at a workshop in conjunction with the ASEAN Forum on enhancing the role of labor inspection in promotion of sound industrial relations through a series of recommendations for strengthening the Labor Inspectorate submitted to MOLISA.
- A technical report of the national tripartite strategic planning workshop on compliance and inspection with minutes, discussion papers, handouts and other materials is produced.
- A series of technical committees including information system committee, manual/handbook committee, training of trainer committee (and tentatively self-assessment committee) established by MOLISA Inspectorate with technical assistance provided by the project.

Anticipated activities include:

- A team of USDOL labor inspection specialists will return to Vietnam in mid-October 2010 and with a proposed follow-up trip in either March and/or April 2011 (this will be dependent on the progress of the Labor Inspectorate and USDOL team's availability –a third could be possible in May/June). In the October visit, the USDOL team will be expected to present findings and recommendations from their rapid assessment of Vietnam's labor inspection systems in July 2010. They also will attend ASEAN Forum on Labor Inspection to be held in Ha Long city in mid-October 2010 where they will give a presentation on Overview of US and Vietnam labor inspection systems.
- A workshop on Enhancing Role of Labor Inspectorate for Promotion of Sound Industrial Relations will be held in Ha Long City in mid-October 2010. The workshop will highlight other effective approaches to enhancing labor inspection systems and promotion of sound industrial relations. This will follow the ASEAN Forum on Labor Inspection and the USDOL team will be key resource persons.
- Two Tripartite Strategic Planning Workshops on Compliance and Inspection will be held in Quang Ngai and in Hanoi/Nam Dinh in mid-March 2011. The first workshop in Quang Ngai will be focused on OSH in conjunction with the Launching Ceremony on National OSH Week. The second workshop in Hanoi/Nam Dinh will cover all aspects of compliance and labor inspection. The USDOL labor inspection specialists may be able to participate in the workshops in which they will present on best practices in using scarce resources. The workshops focus on improving compliance with labor laws and regulations through promoting effective approaches and best practices for enhancing and renovating labor inspection systems, among others (such as labor law education, business incentive schemes, corporate social responsibility, law compliance-based competitiveness strategy, Better Work program, sound industrial relations for better quality and productivity, etc.). The report on rapid assessment of Vietnam's labor inspection systems of the USDOL labor inspection specialists would lay a foundation for discussion at the workshops, among others.
- The USDOL team returning in March or April will work with the Inspectorate's technical committees formed in 1.2 and 1.3 (based on their previous recommendations). In addition they would be resource persons at a workshop on MIS for labor inspectorate and a workshop on regional labor inspectorate model in supplying information and technical advice to be held by MOLISA Inspectorate in Hanoi. They would also have opportunities to introduce new approaches

to improvement of the self-assessment model in Vietnam (such as on-line self-assessment of employer's compliance with labor laws and regulations, etc.).

1.2 Strengthened management information system for labor inspectors

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

Developing a management information system (MIS) is still a priority for the Labor Inspectorate, but after a national consultant was originally identified, the LI was not able to move on this activity as there were other commitments (especially relating to ASEAN labor inspection activities). The USDOL consultants recommended that the Labor Inspectorate put together a committee to work with the national consultant to make recommendations for upgrading the MIS system for the Labor Inspectorate. Ideally the MIS design would be able (i) link ministerial/regional inspectorates to the IPZ/enterprise-level and (ii) utilize the data on labor compliance pertaining to the self-enforcement record at workplace. In addition, the committee would be able to design the framework for the targeted training.

1.2	Strengthened management information system for labor inspectors	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011	
1.2.1	National Consultancy on MIS for labor inspectorate					→									
1.2.2	Consultative Meetings on Data collection and MIS for labor inspectorate			→											
1.2.3	Workshop on management information system for labor inspectorate (with USDOL as potential resource persons)						→								
1.2.4	Training of Trainer workshop on computer-based MIS for labor inspectorate							→							

Outputs/Deliverables:

- A Management Information System Committee/team established and recommendations submitted to MOLISA;
- An assessment report on MIS for labor inspectorate produced by national consultant in cooperation with Inspectorate MIS committee for a planning workshop on MIS;
- Upgraded software on MIS developed, tested and handed over to Inspectorate with users' guide;
- Recommendations from the planning workshop on MIS submitted to MOLISA;
- Up to 30 labor inspectors trained on computer-based MIS for labor inspectorate as MIS trainers by national consultant.

Anticipated activities include:

- Tentative formation of the MIS/data collection committee will be made by Inspectorate in February 2011. In the initial stages, this would be an ad-hoc taskforce within MOLISA

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

- Recruitment of a national consultant on MIS for labor inspectorate to work with a Data Collection/Management Information System (MIS) Committee of the Inspectorate will be made in February 2011. The national consultant would hold an IT background with relevant understanding and experience on MIS for labor inspectorate. This consultant would be responsible for computerizing MIS for labor inspectorate mainly through reviewing, proposing a framework and updating software needed for improved MIS on a pilot basis;
- Consultative meetings on data collection/MIS and software design/upgrading will be held between the Labor Inspectorate staff, Data Collection/MIS Committee members, national consultant and others concerned to promote implementing the recommendations on data collection made by USDOL inspection specialists. Specifically, these meetings will be held to prepare for a rapid assessment report on computer-based MIS for labor inspectorate and proposal for improved MIS as well as on software development;
- A workshop on MIS for labor inspectorate will be held in Hanoi, potentially with USDOL labor inspection specialists as resource persons (in either March or April). A rapid assessment report on MIS will be reviewed so as to develop a proposal for improved computer-based MIS for labor inspectorate;
- Upgrading of the present software for computer-based MIS for labor inspectorate to be developed by the national consultant in cooperation with the MIS committee with a focus on connection between MOLISA's and DOLISA's inspectorate systems on implementation of self-assessment;
- A training of trainers workshop on computer-based MIS for 30 labor inspectors will be held in Hanoi in April 2011 with the national consultant as the resource person. This workshop will create a pool of resource persons in the Labor Inspectorate in addition to pilot testing the initial software.

1.3 Labor inspection training development

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

The USDOL consultants recommended that the Labor Inspectorate form committees for training development and for development of educational materials (e.g. handbook and manual). The rationale for these committees (which would include some labor inspectorate officials and other stakeholders) will be to address some of the tasks to be performed as the Labor Inspectorate often has too many commitments and not enough manpower. These committees would be responsible for identifying national consultants, creating outlines and templates for materials to be designed and developing frameworks for the proposed training.

1.3	Labor inspection training development	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
1.3.1	Consultative Meetings of labor inspection training committee			→										
1.3.2	Training Workshop on labor inspection training development management	→												
1.3.3	Consultative Meetings of handbook/manual development committee			→										
1.3.4	National consultancy for development of training materials on labor inspection in the forms of handbook and manual						→							
1.3.5	Pilot training workshop on labor inspection for testing handbook and manual								→					

Outputs/Deliverables:

- A labor inspection training committee established within MoLISA to develop labor inspection training policy and programs;
- A labor inspection handbook and manual development committee established within MoLISA to design and oversee handbooks and manuals;
- 45 of labor inspectors and tripartite stakeholders (e.g. training managers and lecturers) trained in a workshop on training development management.
- A draft handbook for labor inspectors developed, tested and submitted to MOLISA;

Anticipated activities include:

- A Training Workshop on labor inspection training development management will be held in October 2010 to promote innovative approaches to improving labor inspection training and management through reviewing on-going programs and efforts and best practices and practical recommendations made by international consultants. This workshop is to focus on enhancing capacity of labor inspection systems with the USDOL specialist team as resource persons.
- A Labor Inspection Training Committee within MOLISA will be formed in February 2011. Initially this would be an ad hoc taskforce within MOLISA responsible for making and piloting proposals for improving management of labor inspection training development and coordinating capacity-building initiatives for labor inspection systems. Specifically, the Training Committee team would support project activities related to labor inspection capacity-building policy and program, training development management and piloting of model of regional labor inspectorate in supplying information and technical advice for promotion of employer’s self-assessment of compliance with labor laws and regulations. The USDOL specialist team would provide technical guidance during their planned visit(s).
- A Handbook and Manual Development Committee within MOLISA will be formed in February 2011. Initially, this would be an ad hoc taskforce within MOLISA responsible for making and

piloting proposals for development of manuals and handbooks for labor inspectors and others concerned. Specifically, the Handbook and Manual Committee team would support project activities related to labor inspection training materials and promotion of employer’s self-assessment model including identification of needs and potential candidates for national consultancy on development of manual and handbook for labor inspectors. The USDOL specialist team would provide technical guidance during their planned visit(s).

- Consultative meetings will be held between the project officer in charge, the Inspectorate staff, training committee team, handbook/manual committee team and others concerned so as to promote implementation of the recommendations on labor inspection training and employer’s self-assessment made by USDOL inspection specialists;
- Organizing development of manual/s and handbook/s as proposed by Inspectorate’s committees through operations of the committees and recruitment of national consultant/s if necessary in February – April 2011. Recommendations for on-line self-assessment and handbook for promotion of employer’s self-assessment could be considered by the committees in cooperation with the project office.
- Based on the design of the national consultant and in consultation with the Handbook and Manual Development Committee, hardcopies and electronic versions of the handbook and manual will be produced.
- Pilot workshop for testing the developed (i.e. handbook and manual) will be conducted by the Inspectorate in cooperation with the project office in Hanoi or Dong Nai.

1.4 Regional labor inspectorate model in supplying information and technical advice

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

The Labor Inspectorate identified a self-assessment program as a priority to assist in promoting compliance given the reality of continual shortage of labor inspectors. The project will work with the Labor Inspectorate in consultative process to create a strategy which will be tested through the implementation of a pilot activity and accompanied by creation of educational material materials. Paralleling this push on self-inspection will be the effort to develop regional inspectorate centers, which have been proposed as another means to address the lack of human resources available to the Labor Inspectorate. The USDOL specialists, working with the Labor Inspectorate and project office, will provide technical assistance in design and capacity building areas.

1.4	Regional labor inspectorate model in supplying technical advice	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
1.4.1	Consultative meetings on pilot self-assessment scheme				→									
1.4.2	National consultancy for Development of Handbook on Self assessment					→								
1.4.3	Implementation of pilot models of self-assessment in Hanoi or Dong Nai									→				

1.4.4	Workshop on regional labor inspectorate model in supplying information and technical advice							→						
1.4.5	Training workshop on promotion of self-assessment through piloting a regional labor inspectorate model in supplying information and technical advice								→					

Outputs/Deliverables:

- A pilot plan for promotion of enterprise-level self-assessment of compliance with labor laws and regulations through piloting a regional labor inspectorate model in supplying information and technical advice is developed;
- A plan for pilot models of regional labor inspectorate in supplying information and technical advice is developed;
- A framework for a handbook on implementation of self-assessment regulation developed and submitted to MoLISA;
- 50 tripartite participants trained on promotion of enterprise-level self-assessment of compliance with labor laws and regulations through piloting a regional inspectorate model in supplying information and technical advice;
- A report with recommendations based the implementation of pilot plan for promotion of enterprise-level self-assessment of compliance with labor laws and regulations through piloting a regional labor inspectorate model in supplying information and technical advice submitted to MOLISA.

Anticipated activities include:

- Consultative Meetings on pilot plan for self-assessment models will be held between the Inspectorate, the Project Office and Handbook/Manual Committee in Hanoi. The USDOL specialist team would provide technical guidance during their planned visit(s).
- Consultative Meeting on plan for pilot regional inspectorate models in supplying information and technical advice will be held between the Inspectorate, the Project Office and other concerned in Hanoi.
- A national consultant will be identified and used to develop a handbook on implementation of self-assessment model;
- A workshop on Regional Labor Inspectorate Model for supplying information and technical advice is tentatively scheduled to be held in Hanoi in March or April. The USDOL inspection specialists if available would act as resource persons;
- A training workshop for 50 participants (proposed: 10 regional labor inspectors, 10 DOLISA labor inspectors, 15 HR managers and 15 trade union officers) on promotion of self-assessment through piloting a regional labor inspectorate model in supplying information and technical advice will be held in Hanoi, possibly in June 2011 with a national consultant as resource person;

- Implementation of pilot models of self-assessment in Hanoi and Dong Nai will be carried out in a period of June – July 2011 by MOLISA Inspectorate in cooperation with Hanoi and Dong nai DOLISAs.

SUB-COMPONENT 2: PROMOTING EFFECTIVE APPROACHES TO LAW IMPLEMENTATION

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

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

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

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

This area will continue the work of enabling the Legal Department Legal Department of MoLISA to create workable strategies to educate both workers and employers on the new labor laws that will be enacted. Legal education and literacy is fundamental to ensuring compliance of laws and their implementation. The project has been supporting an assessment identifying ways the Legal Department can assist stakeholders in implementing laws in addition to bringing in a specialist who presented on comparative labor law education practices. These provide the basis for further work with the Legal Department in this area, including developing model educational materials and ways to strengthen the government’s program on legal education, Project 31. Aside from general labor law education, a priority area has been selected to work in-depth on with the Legal Department: Alternative Dispute Resolution (ADR). In ADR, the Legal Department will work with the project on developing ways to educate stakeholders on the legal processes. This will parallel the effort by the Labor and Wage Department 4.2.

2.1	Strategic planning for implementation of IR-related laws and regulations	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
2.1.1	National consultancy for rapid assessment of capacity of stakeholders to implement labor laws and regulations (on going from year I)	→												
2.1.2	Consultative meetings on findings in rapid assessment of capacity of stakeholders to implement labor laws and regulations					→								
2.1.3	National Consultancy for development of Handbook on Propaganda, Dissemination and Education of Labor Laws and Regulations							→						
2.1.4	Two Consultative roundtable meetings on Evaluation of Impact of “Project 31” on Dissemination and Education of Labor Laws and Regulations										→			

2.1	Strategic planning for implementation of IR-related laws and regulations	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
2.1.5	National Consultancy for Developing training materials on ADR				→									
2.1.6	Pilot training workshop on ADR								→					

Outputs/Deliverables:

- A report on the findings of rapid assessment of capacity of tripartite stakeholders to implement labor laws and regulations submitted to MoLISA;
- A draft handbook on propaganda, dissemination and education of labor laws and regulations developed and submitted to MoLISA;
- A draft plan for impact evaluation of labor law education program developed and submitted to MOLISA;
- A set of draft training curriculum and materials on ADR will be developed for the Legal Department;
- A pilot training workshop on ADR for 60 participants (enterprise labor conciliation council members, third party mediators, labor arbitrators) will be conducted.

Anticipated activities include:

- Consultative meetings on findings from the rapid assessment survey of capacity of stakeholders and partners in implementation of labor laws and regulations to be held on a tripartite basis in Hanoi in February/March 2011;
- Recruitment of national consultant and development of a handbook on propaganda, dissemination and education of labor laws and regulations will take place from February – 2011. The Legal Department will design an initial draft framework for a handbook that can be adapted to take into account the new labor laws to be adapted at the end of 2011. ;
- Consultative meetings on impact evaluation of labor law education program to be held in Hanoi in June-July 2011. A VNCI consultant/s could be resource person, among others, at the consultative meetings.
- Recruitment of national consultant and development of ADR training curriculum and materials in January – March 2011. An international ADR consultant working on similar work in Sub-component 4 may also provide technical assistance in April (the project will work to coordinate between the Legal and LWD of MoLISA which will both be working on ADR);
- Pilot training workshops on ADR to be held in Hanoi and Ho Chi Minh City in May-June 2011. These workshops would be targeted at specific provinces and cities that are the focus of other parts of the project. The potential participants would include enterprise labor conciliation council

members, third party mediators/conciliators managed by district labor administration, provincial labor arbitrators, etc.

2.3 Strengthening capacity of legal advisory services for employers

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

In this area, the project will work with the VCCI to develop a framework for of providing legal guidance and services to employers in the areas of dispute resolution and mediation, negotiation and even labor law education. This will be a new effort on the part of the VCCI which sees the potential of legal offices and centers of the VGCL. The project plans to utilize the expertise of Victor Narro, who is also working with the VCGL on strengthening their legal services in Activity Area 2.4.

2.3	Strengthening capacity of Legal Advisory Services for Employers	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
2.3.1	Consultative Meeting on Legal Advisory Services for Employers							→						
2.3.2	VCCI Training workshop on legal advisory services fundamentals and skills									→				
2.3.3	International and national consultancies to develop draft model.									→				

Outputs/Deliverables:

- A report of consultative meeting (including recommendations) on development of legal advisory services for employers submitted to VCCI;
- 30 employer representatives are trained in providing legal services at VCCI workshop on legal advisory services fundamentals and skills, with a reported submitted to VCCI.
- Recommendations for creating a legal advisory service system for employers, based on needs/demands and comparative practices and with inputs from international specialists are developed.

Anticipated activities include:

- Consultative Meeting/s on development of legal advisory services for employers to be held by VCCI in cooperation with the Project Office in Hanoi in April - June 2011. A proposal for development of legal advisory services for employers would be elaborated for submission to VCCI.
- VCCI Training workshop on legal advisory services fundamentals and skills will be held in Hanoi in June 2011. Victor Narro from UCLA Labor Center would be the resource person in conducting this first-ever workshop for participants from VCCI and provincial Employers' Councils.

- Victor Narro will coordinate a report based on comparative examples (including best practices) on employer legal services for the VCCI to consider.

2.4 Strengthening capacity VGCL’s Legal Advisory Services

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

The VGCL and the project will continue activities designed to strengthen the effectiveness of the Legal Aid Offices and Centers of the VGCL and transform these into providers of legal services. The basis for this approach will be a resolution by to be passed the VGCL, which the project has contributed to and a comprehensive assessment conducted the LACs and LAOs. The project will continue to utilize the expertise of Victor Narro, a legal services expert from the UCLA labor center, and work with the VGCL on the identified priority areas of (i) development of legal service materials for union counselors on industrial relations, (ii) promotion of better management services 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, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
2.4.1	International Consultancy on legal advisory services fundamentals and skills		→							→				
2.4.2	Training workshop on LAC/LAOs development management		→											
2.4.3	Development of union legal advisory service manuals						→							
2.4.4	VGCL Training workshop on legal advisory services fundamentals and skills									→				

Outputs/Deliverables:

- 30 directors and counselors from LACs and LAOs trained on union legal advisory services management
- A report on rapid assessment of union legal advisory services would be prepared by and international consultant and submitted to the VGCL;
- A framework for handbook on legal advisory services fundamentals and skills developed for the VGCL;
- 30 counselors from LACs and LAOs trained on fundamentals and skills of legal advisory services in Hanoi in June 2011.

Anticipated activities include:

- International consultancy by Victor Narro of UCLA Labor Center is scheduled in November 2010 and with a third visit proposed for June or July 2011. He will be involved in conducting

two training workshops for directors and counselors from union legal advisory services in Ho Chi Minh City in November 2010 and in Hanoi in June/July 2011 respectively. He would also be involved in conducting a VCCI training workshop on fundamentals and skills of legal advisory services for employers to be held by VCCI in Hanoi in June 2011 (Activity 2.5);

- A training workshop on union legal advisory services development management for 30 directors and counselors to be held in Ho Chi Minh City in November 2010. The aim of this training workshop is to strengthen the capacity of the current trade union legal advisory services through the introduction of comparative practices in case management systems, internal capacity evaluation systems, developing a clearinghouse of forms and training curricula, creating templates for handbooks and other materials among others;
- Organizing (maybe through recruitment of national consultant/s) development of handbook on legal advisory services fundamentals and skills in February - March 2011. New approaches would be taken to design and elaboration of such a handbook recommended by Victor Narro, legal services specialist from UCLA Labor Center;
- A training workshop on union legal advisory services fundamentals and skills for 30 LAC/LAO directors and counselors to be held in Hanoi on June 2011 which would be focused on dissemination and discussion on the final rapid assessment report and draft handbook on union legal advisory services.

COMPONENT II: 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

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.

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 project will continue its work with the Labor and Wages Department in its efforts to strengthen the National Industrial Relations Committee, to respond to central directives on developing sound labor relations policies, promote greater tripartitism through formal and informal channels and develop an industrial relations pilot model. The pilot model that has been proposed is the creation of Provincial Industrial Relation Committees which are to coordinate dispute settlements and prevention efforts among other envisioned roles. The project will directly contribute to this model by not only supporting the work of the LWD in this area, but also by providing important baseline data on industrial relations in Industrial Processing Zones and developing frameworks on Alternative Dispute Resolution and Collective Bargaining with technical assistance of international expertise.

3.1	Building towards Participatory national strategy for promoting sound industrial relations	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011	
3.1.1	An IR Survey is conducted in a number of IZ/IPZs		→												
3.1.2	Development of draft National IR Strategies					→									
3.1.3	Report on ADR and CBA within the framework of industrial relations strategies					→									
3.1.4	National workshop on draft national IR Strategies									→					

3.1	Building towards Participatory national strategy for promoting sound industrial relations	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
3.1.5	Development of the finalized study report on NIRC/PIRC and planning for piloting PIRC model													

Outputs/Deliverables:

- The pilot survey will be conducted in targeted IZs/IPZs and findings will be presented as a basis of policy formation.
- The second draft of National IR Strategies is submitted to competent agencies for review and comments.
- Recommendations on ADR and concept notes on sectoral and multi-employer collective bargaining in Vietnam are developed.
- A study report on NIRC and PIRC models is produced and the pilot of PIRC model is planned

Anticipated activities include:

- A national consultant in cooperation with LWD will undertake a targeted study of selected factories and IPZs which will be used in developing recommendations for national IR policies. The findings will be used by international consultants working on dispute resolution and collective bargaining initiatives as well as on IR policies.
- International consultants (tentatively Prof. Sarosh Kuruvilla or Prof. Lance Compa of Cornell University and Jan Sunoo from the FMCS) will work with the LWD and other tripartite actors to provide technical assistance (including comparative and best practices) in completing the finalization the second draft of National IR Strategies by the LWD.
- A national workshop on the second draft National IR Strategies will be held (tentatively in June 2011) prior the official implementation of the strategies. An international consultant will be a resource person and present on the draft.
- A series of industrial relations committee - related workshops will be conducted from March to June on the areas of assessment of current NIRC/PIRCs, comparative models, study results, recommendations and finalization of national proposal on NIRC/PIRC model.
- The project office in conjunction with LWD and international ADR and CBA specialists will produce a report on recommended CBA and ADR policies with an industrial relations framework.

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.

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

4.1 Strengthening capacity for tripartite stakeholders on labor dispute settlement

Outcome 4.1: Tripartite stakeholders are trained on labor dispute settlement

The project will continue its work with tripartite partners to promote effective dispute resolution remedies, including creating new models of dispute resolution, targeted capacity building on mediation, conciliation and even in arbitration and proposing policy and systematic recommendations. The project will continue to use expertise of international ADR experts and specialists from the FMCS to specific activities. One new industrial relations pilot model to be explored will be a potential labor arbitration center by the VCCI, which would complement existing commercial arbitration services. In Year I, the project working with an international ADR expert conducted an intensive assessment of existing ADR systems. The policy paper which has been worked on extensively and shared with key stakeholders as a draft will be the basis for new strategic approaches to be presented.

4.1	Strengthening capacity for tripartite stakeholders on labor dispute settlement	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
4.1.1	Tripartite workshop on dispute settlement (Department of Labor and Wages, MOLISA)							→						
4.1.2	Development of training materials on ADR by international consultants.			→	→	→	→	→						
4.1.3	Training on ADR for 50 selected trade union officials in IZ/IPZs (VGCL)			→	→	→	→	→						
4.1.4	Training on ADR for 50 selected VCA's HR officers (VCA)			→	→	→	→	→						
4.1.5	Training on ADR for 50 selected VCCI's and supporting the pilot development of labor arbitration center (VCCI)	→	→	→	→	→	→	→						
4.1.6	Training for strike resolution officials in IZs/IPZs (Department of Labor and Wages, MOLISA)			→	→	→	→	→						

Outputs/Deliverables:

- Training materials on ADR are compiled and developed for tripartite partners
- 50 selected trade union officials are trained on ADR
- 50 selected VCA officials are trained on ADR
- 50 VCCI (e.g. Human Resource managers) officials are trained on ADR
- Recommendations for a labor arbitration center, including a possible model, are developed for VCCI

Anticipated activities include:

- An international ADR specialist, Dick Fincher from Cornell University, is scheduled for a second trip in April 2011 to conducting targeted trainings on mediation and dispute resolution for tripartite partners. Prior to his trip, he would develop training materials in conjunction with the project staff. His consultancy is envisioned to be multi-purpose on ADR strengthening and he may also be a resource person for the Legal Depart of the MoLISA (the project will encourage coordination and collaboration between the Legal Department and LWD on ADR activities).
- The ADR specialist, Dick Fincher, is developing a comprehensive policy paper on ADR based on his trip findings in June 2010. This report, which will include relevant international comparative practices, is being finalized with editing and guidance from the project staff. The final draft will be translated and presented to stakeholders.
- Training workshops on dispute resolution will be organized by VGCL, VCCI and VCA between January 2011 and June 2011 using both international and national consultants.
- A national consultant will be recruited to work with VCCI, the project staff and designated international consultant in the development of VCCI's labor arbitration center. The international consultant will be a mediation specialist from the FMCS will make at least one trip (and possibly two) to work with the VCCI in creating a model for their labor arbitration center.

4.2 Strengthening capacity for tripartite stakeholders on collective bargaining

Outcome 4.2: New approaches to collective bargaining promoted, including training of trainers

In Year I, responding to the needs of the tripartite partners, the project was able to provide guidance on new forms of collective bargaining – namely multi-employer, sectoral and pattern bargaining – in an effort to present alternatives to enterprise bargaining, which had not yet proven effective in creating better industrial relations. The project will continue with this effort and will work with the VGCL to implement a pilot agreement that will serve as an industrial relations model. This will be a tripartite effort in a targeted industrial zone. Accompanying this pilot effort, will be a capacity building program for the main stakeholders who will focus on new types of negotiation and bargaining skills.

4.2	Strengthening capacity for tripartite stakeholders on collective bargaining	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
4.2.1	Tripartite workshop on collective bargaining (Department of Labor and Wages, MOLISA)	→												
4.2.2	Piloting pattern bargaining model in textile sector (VGCL), with international expertise	→												
4.2.3	Development of training materials and pilot training for selected 50 trade union officials (VGCL)									→				
4.2.4	Training on collective bargaining for 50 VCA officials (VCA)									→				

4.2.5	Development of training materials and advanced training on collective bargaining for 50 VCCI's HR officers (VCCI)														
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Outputs/Deliverables:

- A comprehensive report on effective approaches to collective bargaining in Vietnam’s context is developed and initial findings are presented in a national workshop.
- A pilot pattern bargaining model is conducted by the VGCL and serves as a basis for policy recommendations on collective bargaining are developed
- 50 trade union officials of VGCL are trained on collective bargaining.
- 50 selected VCA officials are trained on collective bargaining.
- 50 selected VCCI (HR representatives) are trained on collective bargaining.

Anticipated activities include:

- International consultancy by Katie Quan, UC Berkeley Labor Center, who made presentations in a series of individual workshops on collective bargaining with the VGCL,VCCI and ULSA, will present her initial findings at national workshop organized by the LWD on pattern bargaining. She will follow up will a full report and be available support the process of piloting pattern bargaining model with VGCL, is scheduled to begin in January 2011 and continues through July 2011. She may be available to come out for a second consultancy in either April/May or June/July.
- International consultancy (most likely by Prof. Sarosh Kuruvilla or Prof. Lance Compa of Cornell University and/or other international specialists) in the area of training on collective bargaining is slated in June 2011 for VCA, VCCI and VGCL
- Planning for pattern bargaining pilot project will begin in November 2011 with the VGCL. This will be the basis for a pilot program on pattern or multi-employer bargaining in a selected industrial area (e.g. an IPZ in Binh Duong or Dong Nai). Actual implementation of the pilot will depend on the schedule of the VGCL. A group of experts composed of VGCL officials (Binh Duong Labor Confederation), representatives from Binh Duong textile union and Binh Duong business association will be set up to consult and agree on a bargaining plan. After one review workshop, 3 bargaining sessions are scheduled be organized, followed by an evaluation workshop on the pilot CBA.

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

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

5.2 Educational institutions are technically supported on the development of an industrial relations education program/module

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 activities implemented in Areas 5.1 and 5.2 in Year I, the project will work with the three universities and bring in external consultants will provide technical assistance on specific topics. 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., development of an IR textbook and a labor law source book). The project will continue to put an emphasis on creating and maintaining linkages with similar programs in the US and elsewhere. The project hopes to leverage to time of US academic specialists and make them available to the three universities. Ideally they will also be resource persons for specific activities and needs of the universities IR education programs (as each is different). In addition the project will continue to promote the continued development of a labor educator network in Vietnam through providing opportunities (such as a proposed workshop to interact with US labor educators).

5.2	Improving training capacity of IR Education of University of Labor and Social Affairs, Trade Union University and Ton Duc Thang University	Oct, 2010	Nov, 2010	Dec, 2010	Jan, 2011	Feb, 2011	Mar, 2011	Apr, 2011	May, 2011	Jun, 2011	July, 2011	Aug, 2011	Sep, 2011	Oct, 2011
5.2.1	An extended workshop on industrial relations education with US labor educators									→				
5.2.2	Assessment of the IR Textbook 2008 edition's quality				→									
5.2.3	Writing and editing the textbook							→	→	→	→	→		

Outputs/Deliverables:

- US labor educators will work with academics and staff from the three universities to continue to provide technical assistance on curriculum development and strengthening ties between US and Vietnam labor educators, including planned follow-up beyond the life of the project.
- The second edition of the industrial relations textbook is co-authored by the three universities, lead by ULSA
- A draft international labor law sourcebook is co authored by the three universities, lead by the VTU
- A framework for an industrial relations undergraduate program will be finalized with TDT

Anticipated activities include:

- A two-day workshop on industrial relations education will be organized in March 2011 centered on the second visit of Kent Wong, an IR education specialist from the UCLA Labor Center. He will be arranging to bring 2-3 other labor educators from US universities (e.g. Harvard, CUNY) who will be resources persons in the workshop organized to address the needs of each of the three universities, which will send representatives to the workshop. The workshop format will be both

ANNEX III. STATUS CHART AS OF 30/9/10 (YEAR I)

YEAR ONE	SIIR ACTIVITY WORKPLAN	Completed	On-going	Postponed	Reprogrammed
	Project Start-up - Need Assessment and Cooperation Extension				
A	Project Start-up	<input type="checkbox"/>			
B	Assessment of needs of stakeholders and project design	<input type="checkbox"/>			
C	Project document development process	<input type="checkbox"/>			
D	Coordination workshops including project presentation and strategic planning	<input type="checkbox"/>			
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	<input type="checkbox"/>			
1.1.2	National tripartite strategic planning workshop on compliance and inspection			<input type="checkbox"/>	
1.2	Strengthening management information system for labor inspectors				
1.2.1	Planning workshop on management information system for labor inspectors			<input type="checkbox"/>	
1.2.2	Training workshop on client MIS for labor inspectors			<input type="checkbox"/>	
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		<input type="checkbox"/>		
2.1.2	Expert meetings for strategic planning to develop a program of action for labor education strategies			<input type="checkbox"/>	
2.1.3	Regional strategic planning workshops on developing labor education strategies	<input type="checkbox"/>			
2.1.4	International specialist for strategic planning and development of model labor law education templates (to be continued in Year II)	<input type="checkbox"/>			
2.2	Formulation of Accompanying Ordinances and Guidelines				
2.2.1	Tripartite planning workshops on developing dispute resolution procedures		<input type="checkbox"/>		
2.2.2	Dispute Prevention Overview/Preliminary Meetings	<input type="checkbox"/>			
2.2.3	FMCS service model overview workshops	<input type="checkbox"/>			
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	<input type="checkbox"/>			
2.4.2	National workshop on LAC/LAOs to development of new strategies		<input type="checkbox"/>		
2.4.3	Development of legal service related training materials/technical manuals for union counselors and leaders (continued in Year II)		<input type="checkbox"/>		
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)	<input type="checkbox"/>			
3.1.2	Targeted IR themed study of selected IPZs			<input type="checkbox"/>	
3.1.3	Roundtable on development of IR indicators for labor research and studies				Cancelled

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				Cancelled
3.2.2	Expert meeting and regional workshops to build consensus on IR information systems and design				Cancelled
3.2.3	Pilot development of IR data yearbook template (to be continued in Year II)				Cancelled
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	<input type="checkbox"/>			
4.1.2	Training workshop on developing ADR education/capacity for VCCI experts (HRMN involved)			<input type="checkbox"/>	
4.1.3	Basic trainings on ADR and IR fundamentals for tripartite stakeholders (MOLISA Legal Department)			<input type="checkbox"/>	
4.1.4	Pilot tripartite training for third party ADR (MoLISA LWD)			<input type="checkbox"/>	
4.2	Strengthening capacity for tripartite stakeholders on CBAs				
4.2.1	Pilot CBA training activity with VCA			<input type="checkbox"/>	
4.2.2	Pilot CBA training activity with VCCI			<input type="checkbox"/>	
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)		<input type="checkbox"/>		
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	<input type="checkbox"/>			
5.1.2	A national tripartite consultation on industrial relations education in response to the National Human Resource Management (HRM) Framework Program	<input type="checkbox"/>			
5.1.3	Development of Labor Educator Network (to be continued in Year II)		<input type="checkbox"/>		
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)				<input type="checkbox"/>
5.2.2	International expertise to begin capacity building and strengthening of IR education programs				<input type="checkbox"/>