

Trade union's involvement in the implementation of unemployment insurance scheme

I. Organization and operation of trade union of vietnam

1. **Organization:** trade unions in Vietnam is organized in a unified body, consisting of 4 tiers:
 - Central level: Vietnam General Confederation of Labour.
 - Provincial and sectoral levels: 63 provincial federation of labour; 20 sectoral trade unions, trade unions of national economic corporations, and trade unions of Vietnam civil servants.
 - Upper-grassroot level trade unions include: federation of trade union at districts, towns, municipal cities, local sectoral trade unions.
 - 111,000 grassroot trade union at enterprises, administrative bodies, with more than 7.5 million members.

2. Operation:

Trade Union of Vietnam shall operate under the Trade Union Statues of Vietnam and shall comply with Vietnamese laws:

- Article 10, Constitution of the S.R. of Vietnam;
- Trade Union Law 1990 and guiding documents for the implementation of the Trade Union Law;
- Labour Code of Vietnam 2002;
- Law on Social Insurance 2006 (Article 11);
- Other provisions of the law pertaining to workers and trade unions.

II. TRADE UNION'S INVOLVEMENT IN THE IMPLEMENTATION OF UNEMPLOYMENT INSURANCE SCHEME

1. Legal basis.

- **Article 10 of the Constitution:** Trade Union, as the socio-political organisation of the working class and workers, shall together with State bodies and economic and social organisations, care for and protect the interests of workers, public employees and other employees; take part in the inspection and supervision of the activities of State bodies and economic organisations”.
- **Labour Code:** “Trade unions shall, in conjunction with State bodies and economic and social organizations, care for and protect the rights of employees; and inspect, supervise the implementation of the provisions of the laws on labour” (Article 12).

- Trade Union Law.

- Trade unions shall represent and organize workers by participating in the management, in social and economic terms, of bodies, units, organizations, and state administration. Trade unions shall, within its functions, exercise its power to control the activities of bodies, units and organizations in accordance with the provisions of the law (Article 2).
- Trade unions shall be responsible for encouraging and monitoring the implementation of labour policies and regimes. (Article 5, para. 3).
- Each trade union shall work in conjunction with related bodies, units, and organizations to create employment, provide training, and improve the professional standards, culture, and science and technology skills of workers (Article 7);

- Trade unions shall, within its functions, monitor the observance of the laws on labour contracts, recruitment, dismissal, wages, bonuses, labour protection, social insurance and policies in relation to the rights, obligations and interests of workers. (Article 9, para. 1);
- Grassroots trade unions shall represent workers in signing collective bargaining agreements with directors of enterprises in all economic sectors and shall monitor the signing and performance of labour contracts. (article 11, para. 1);
- A worker who is not yet a member of the trade union shall have the right to request the executive committee of the trade union to represent and protect his/her rights and legitimate interests before a court, or the head of the body, unit or organization concerned (Article 11, para. 4);

- State bodies, heads of units and organizations shall have to consult the trade union of the same level before making any decision in relation to the rights, obligations, and interests of workers (Article 12, para 1).

The Trade Union Law is elaborated in a number of decrees:

* Decree No. 133/HDBT dated 20/4/1991 providing guidance for the implementation of the Trade Union Law;

* Decree No. 302/HDBT dated 19/8/1992 on the competence and responsibilities of grassroot trade unions in enterprises and

- ***Law on Social Insurance:*** (Article 11)

* Trade Unions shall have the rights to:

- + protect legitimate rights and interests of workers with respect to social insurance;
- + request employers, social insurance organizations to provide information on workers' social insurance;
- + recommend competent State administrative bodies to handle violations against social insurance legislation.

* Trade Unions shall have the responsibilities to :

- + communicate, educate workers on social insurance legislation, policies;
- + recommend, participate in the development, revision, amendment, supplementation of social insurance legislation and policies;
- + participate in the monitoring of compliance to social insurance legislation.

- ***LuËt Thanh tra:***

- *People's inspection boards established in state agencies, public units and state enterprises shall be organized and operate under the guidance and direction of grassroots Trade union's Executive Committees in these agencies, units and enterprises (Article 12, para 1).
- * People's inspection board shall monitor the compliance to law, regulations, settlement of complaints and denunciations, and compliance to legislation on grassroots democracy (Article 66).
- * People's inspection boards shall be managed directly by the grassroots trade union's executive committee (article 73).

2. Participation and results.

****Vietnam General Confederation of Labour:***

- Participate in the development of Social Insurance Law, including provisions on unemployment insurance;
- Participate in the development, amendment and supplementation of guiding legislative documents for the implementation of the provisions on unemployment insurance in the Law on Social Insurance;
- Participate in the Management Council of the Unemployment insurance fund;
- Organize and provide guidance for trade unions at all levels to participate in communication, education for workers and employers to comply with unemployment insurance legislations; monitor the compliance with unemployment insurance;
- Review, evaluate, and recommend amendments to the unemployment insurance.

*** *Provincial federation of labour; sectoral TUs and TUs of corporations :***

- Communicate, educate workers and employers on unemployment insurance legislation;
- Collaborate in organization, monitoring enterprises, state bodies in implementing unemployment insurance scheme;
- Propose amendments to UI policies, lodge complaints and denunciation on violations.

*** *Grassroot and upper grassroot trade unions:***

- Monitor and promote the implementation of UI scheme at local level;
- Communicate and disseminate information, provide guidance for workers to monitor employers' compliance to legislation;
- Detect, recommend to competent authorities or refer to

Results:

- After 3 years, the number of workers participating in UI scheme increased to more than 7.4 million (out of more than 13 millions employees). More than 90% of unionised workers participate in UI scheme.
- Many proposed amendments have been made by trade unions with respects to UI:
 - + procedures for workers to claim UI are simplified;
 - + scope and coverage are broadened;
 - + on the competences and responsibilities of UI implementing agency.
- Monitor the compliance at local level, bring to court a number of violating enterprises.
- Participate to ensure effective management and use of UI fund;

Thank you for your attention!