

**Vietnam General Confederation  
of Labour**

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# **CONSTITUTION**

## **OF THE VIETNAM TRADE UNIONS**



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Under the leadership of the Communist Party of Vietnam, during the past six decades or more (from July 28, 1929 to now) the Vietnam Trade Unions have organized and agitated workers and employees to march in the van of the struggle for independence and freedom of the Fatherland and for the well-being of the labouring people. Bringing into play that fine tradition, the Vietnam General Confederation of Labour has organized and mobilized the workers and employees to go ahead in the renovation of the country for achieving the objectives "wealthy people, strong and prosperous country, civilized society".

The Vietnam General Confederation of Labour is a broad socio-political organization of the working class, the intelligentsia, and the workers employed in different economic sectors administrative services, social organizations who are getting involved in

it of their own free will with the aim of striving for the building of an independent, democratic, rich and prosperous Vietnam advancing on the socialist-oriented path and for protecting the labouring people's interests.

The Vietnam General Confederation of Labour is a member organization of the Vietnam Fatherland Front led by the Communist Party of Vietnam and entertains cooperative relations with the State and coordinates on an equal footing with friendly mass organizations. All the trade unions should operate within the framework of the Constitution and in accordance with laws of the Socialist Republic of Vietnam.

The Vietnam General Confederation of Labour bears the mass and class character of the working class and operates according to the following functions representing and protecting the legitimate interests of the working

people; participating in the management of State affairs; educating and mobilizing workers and employees and motivating them to bring into play their right to be master of the country, to fulfil their obligation as a citizen, and to build and defend the Fatherland.

The Vietnam General Confederation of Labour is very keen to develop the tradition of international solidarity, intensify and expand its cooperation with the trade unions of other countries and with international organizations regardless of different tendencies on the principle of friendship, solidarity, equality, cooperation, mutual benefit and in a common striving to attain the objective : for the benefit of the working people, for peace, democracy, national independence, development and social progress.

## Trade union members

### Article 1 :

Membership in the trade unions is open to all the workers and employees, irrespective of occupation, gender, religious belief, who have matured to work for hire in the businesses belonging to all economic sectors, non-productive establishments, state offices, social organizations, to the workers and labourers who work on a contractual basis for a limited period of time in foreign countries or to those engaged in liberal professions, provided they accept the Constitution of the trade unions and voluntarily operate in a primary organization of the trade unions and pay regularly membership fees as stipulated in the Constitution.

### Article 2 :

The person who desires to join the trade union has to make an application for membership. His or her admission to the trade union membership shall be examined by the executive committee of the primary trade union which would then register the name of the applicant and deliver to the latter a membership card. When the person concerned wants to leave the trade union, he or she must ask to cross out his or her name and hand back the membership card and should have the consent of the primary union executive committee.

### Article 3 :

*A trade union member has the right :*

1- To take part in the discussion about trade union affairs; stand for nominate and elect the leading body of the trade

union; criticize and question any leading official of the trade union; recommend the revocation of the mandate of a trade union official having committed errors and shortcomings in his work;

2- To demand that the trade union should intervene to protect his or her dignity and legitimate interests when infringed upon;

3- To enjoy the assistance of the trade union in the search for a job or in learning a trade or a craft, benefit from financial aids when falling sick or being in straitened circumstances, and reduction of fees when participating in cultural, tourist, rest and recreational facilities under the trade union management.

4- To be exempt from payment of membership fees when retiring on a pension; enjoy care and assistance in case

of need and the protection of legitimate interests by the trade union in the locality where to live in old age to say nothing of free participation in the club of pensioners organized by the trade union.

#### Article 4:

*A trade union member has the duty:*

1- To carry out the resolutions of the trade union, participate in the trade union life, propagandize for developing the membership and to build the trade union organization;

2- To unite with and help colleagues to raise their professional standard, to work with efficiency and well organize their life;

3- Not to cease studying for raising his or her political, cultural, professional, level and to work according to the Constitution and the laws in force.

## *Chapter II*

# **Organizational principles and structural system of the trade unions**

### **Article 5 :**

The trade unions are built up on the principle of democratic centralism.

- The leading bodies of the trade unions at all levels are democratically elected;

- The highest leading body of each trade union level is the trade union congress at that level. In the interval between two congresses, the leading body is the executive committee elected by the congress of that trade union level.

- When setting up a new trade union at lower level, the higher level trade union is entitled to appoint a provisional

executive committee. The period of activity of the provisional executive committee does not exceed 12 months.

- The executive committee of the trade union at any level operates according to the principles of collective leadership and individual responsibility and of the minority submitting to the majority and the lower-ranking officials obeying the higher-ranking ones ;

- The resolutions of the trade unions at all levels must be passed by the majority of voices and should be implemented in a strict and serious manner;

- The executive committees of the trade unions at all levels have the duty to make a report on their activities to the congress of their respective trade unions, to the trade union at higher level and to

issue a communique to be sent down to the lower level trade unions for information. The primary trade unions must periodically inform their members about what they have done.

#### Article 6 :

The Vietnam trade unions are organized on the basis of industry, profession and locality, comprising four following levels :

- The Vietnam General Confederation of Labour (TLD).

- The Confederation of Labour of province, city directly dependent on the national trade union centre; the National Industrial and Professional Union.

- The local industrial and professional union; the confederation of labour at city precincts, district, provincial capital, provincial town level and other corresponding levels.

- The primary trade union and the occupational union.

Each trade union level has been supplied with concrete guidance by its organizational system in conformity with its characteristics and at the same time according to the stipulations of the Constitution of the Vietnam Trade Unions.

The Confederation of Labour of province, city and the National Industrial and Professional Union have the right to examine and accept the application for affiliation to the trade unions made by legally-organized associations in the locality and in each industry and profession and at the same time it is authorized to set up associations to meet the requirement of diversifying the forms of gathering the masses but these associations should be suited to the tasks and functions of the trade unions and the

stipulations of the laws. The forms of presidential council, secretarial staff commission, or the organizational forms of the Vietnam trade unions operating in foreign countries must be set up according to the regulations defined by the Presidium of the Vietnam General Confederation of Labour.

**Article 7 :**

*The congress is the highest leading body of the trade union at each level*

*1- The tasks of the trade union congresses at all levels*

- To discuss and approve the reports presented by the executive committee and decide on the tasks of the trade union for the next period of time.

- To approve the report of the inspectors board.

- To give ideas and suggestions to the draft documents to be presented to the trade union congress at higher level;

elect delegates to attend the trade union congress of the higher-level trade union (if the case may be).

- To approve the constitution and rules (with regard to the National Congress of the Vietnam Trade Unions and to the national industrial and professional unions which are entitled to build their own constitution and rules with the permission of the Presidium of the Vietnam General Confederation of Labour).

*2- Time for holding trade union congresses at all levels*

- It is scheduled that the congress of trade union group, trade union section and occupational union is to be held twice every five years;

- And that the congress of the trade union at a level higher than the primary



one is to be held once every five years.

3- The delegates to be sent to attend the congress of the trade union at the same level shall be decided and convened by the executive committee of the trade union level concerned - The composition of official delegates is the following : still active executive members of the trade union level responsible for the holding of the congress, delegates elected by lower-level trade unions, delegates nominated by the executive committee responsible for convening the congress with a number not exceeding 3% of the total number of delegates;

4- The delegates attending the congress must be voted by the latter for recognition of their credentials as a delegate, the executive committee responsible for convening the congress is not entitled to refuse the credentials of

the delegates elected by the congress of the lower-level trade union or by the delegates conference of the latter. In the event the delegates are submitted to sanction ranging from warning upwards, or prosecuted for wrongdoings or criminal charges the executive committee responsible for convening the congress would examine the cases and decide on their capacity as a delegate, then report to the congress for information.

#### **Article 8 :**

##### *The delegates conference.*

\* In the place where it would be necessary and with the permission of the higher-level trade union, the executive committee at the place concerned is entitled to convene the delegates conference in the interval between two congresses. The number of delegates to the conference is determined by the

executive committee responsible for convening the conference. The composition of the delegates is as follows : members of the executive committee of the trade union level responsible for convening the conference; delegates elected by the congress (if coinciding with the occasion of holding the congress) or by the executive committee of the lower-level trade union, the nominated delegates cannot exceed 3% of the total number of delegates to the conference.

The delegates conference is entrusted with the task of :

- Renewing the execution of the congress resolutions supplementing the program of activity during the period covered by the congress.

- Supplementing the executive committee with new members to fill the possible vacancies:

- Discussing and drawing up the documents and electing the required number of delegates to go and attend the congress of the higher-level trade union (as the case may be)

#### Article 9 :

The executive committee is the leading body in the interval between two congresses of the trade union at each level;

1- The executive committee of the trade union at a level higher than the primary one are elected by the congress of the trade union at that level. - The executive committee of the primary trade union, the trade union section or the occupational union are elected by the delegates congress or the trade union members congress. When required by the majority of congress delegates, the

the occupational union would be permitted to directly elect the president of the primary trade union, the president of the occupational union.

*2- Tasks and competence of the executive committees of the trade unions at all levels :*

- To organize the implementation of the resolutions of the congress at their corresponding level;

- To carry into effect the instructions and decisions of the trade union at higher of level;

- To guide and control the activities of the trade unions at lower levels.

- To periodically report on the organizational situation and activity of their respective trade unions to the Party Committee at the corresponding level, the higher-level trade union and to send

a communique to the lower-level trade unions for information.

- To manage the finances and property, and the economic activities of the trade union.

*3- The number of executive members at any trade union level is determined by the congress of that level.*

When there are vacancies for executive members in a trade union, the delegates conference or the executive committee at the level concerned must carry out supplementary elections to fill the vacancies but the number of supplemented executive members cannot exceed one-third of the number of executive members elected by the corresponding congress. The election to supplement the executive committee of the Vietnam General Confederation of

Labour is considered and decided by the V.G.C.L. Executive Committee itself.

4- *The executive committee of the lower-level trade union must be recognized by the immediately higher trade union level.*

5- *Regular sessions of the executive committee of the trade union at any level*

- The executive committee of the Vietnam General Confederation of Labour and of the national industrial and occupational union shall hold its session at least once in a year.

- The executive committee of the confederation of labour of province, city shall hold its session at least one every six months.

- The executive committee of the primary trade union and of the occupational union shall hold its session once every month.

## Article 10 :

The congress, the delegates conference, the trade union executive committee sessions are only held to be valid when at least two-thirds of the delegates convened to them are present : The election of the leading bodies of the trade unions at all levels and of the delegates to the trade union congresses at all levels must be done by ballot, the elected person must get more than a half of votes conform to regulations.

## Article 11 :

*The standing organ of the executive committee of the trade union at any level.*

1- The standing organ of the executive committee of the Vietnam General Confederation of Labour is the Presidium, that of the executive committee of the trade union at any level

\*below the national centre is the standing committee. The standing organ has a president, a vice-president and a number of members. The number of members forming a standing organ of the executive committee of any trade union level is determined by the executive committee at that level but this number cannot exceed one-third of that of the executive committee. If the executive members number only from 3 to 5 persons, only a president and a vice president of the standing organ are to be elected.

2- The standing committee of the trade union at any level has the responsibility of making necessary preparations for the holding of the session of the executive committee and supplying concrete guidance to the implementation of the resolutions passed

by the executive committee; it handles the affairs in the interval between the two sessions of the executive committee, and making a report on its own activity to the regular session of the executive committee.

3- On behalf of the executive committee of the Vietnam General Confederation of Labour, the Presidium of the General Confederation would make necessary preparations for the session of the executive committee, see to the implementation of the resolutions passed by the V.G.C.L. executive committee; in the interval between two sessions of the executive committee; the Presidium is entitled to issue resolutions and make decisions for a well implementation of the resolutions adopted by the National Congress of the Vietnam Trade Unions and of those passed by the latter's executive

committee. The Presidium supplies its direct guidance to the activities of the headquarters of the V.G.C.L. and of related services.

4- The President is the head of the executive committee. He is responsible for the handling of the affairs of the standing organ. When the post of President, Vice-President or member of the standing organ of the trade union at any level is vacant, the executive committee of the trade union concerned must elect a person to fill the vacancy from among the executive members and submit the list of the new elected persons to the immediately higher trade union level for recognition.

In case of need, the trade union at higher level is entitled to appoint persons to fill the vacant posts in the standing and executive committee of the trade union at lower level.

#### Article 12 :

Executive members of the trade union at any level are the representatives of trade union members, workers and employees at that level; trade unions at all levels are held responsible for the training and fostering of the abilities for trade union officials to enable them to operate well in their fields of action. Any trade union official who meets with difficulties in the course of his activity shall enjoy aid and support from the trade union concerned, and if need be intervention and protection from the latter.

#### Article 13 :

The executive committees of the trade unions at all levels shall organize their respective working apparatuses in accordance with their duties, competence, and financial possibilities and with the regulations of the V.G.C.L.

### *Chapter III*

## **Primary trade union organizations**

### **Article 14 :**

The primary trade union organization is the basic unit of the trade unions. It is the very place where the workers and employees are directly dealt with and the activities of the whole trade union system are tested to see whether they are effective or not.

Primary trade union organizations are composed of :

- The trade unions at the grassroots operating in businesses belonging to all economic sectors, in non productive establishments, state, offices, social organizations with each a membership of ten persons upwards;

- The occupational unions organized in the locality for the purpose of gathering the workers of the same occupation. The minimum membership for the formation of an occupational union is 20 persons.

### **Article 15 :**

The duties and competence of the trade unions at the grassroots operating in businesses, non-productive establishments and state offices.

- To mobilize trade union members, workers and employees in the unit to vie with one another for gaining better results in their labour and in the management of the enterprise in accordance with the rules and regulations in force;

- To represent the workers and employees in the signing of collective

agreements with the management, nominate their officials to sit in the council for examining and settling cases of violation of the rights and interests of workers and employees, together with the managing director of the business, and head of the office to ensure adequate employment for workers and employees, improve the latter's living standard, raise their income, see to the betterment of their life and welfare;

- To control and supervise the implementation of the policies, and laws, discover and prevent negative phenomena, and acts of corruption which cause damages to public property, violate the labour contract and the collective agreement;

- To educate workers and employees, strive to raise the latter's political, cultural, scientific and technical

standards and professional qualifications and skills, see to the organization of social activities and charitable ventures among workers and employees.

- To develop further the trade union membership, build strong and steady primary trade unions, secure a good management of the trade union finances and property;

#### Article 16 :

The duties and competence of the primary trade unions in production cooperatives, industrial service establishments, handicraft and small industrial enterprises.

- To organize the emulation movement in production and business establishments;

- To cooperate with the managing board of cooperative to ensure adequate



employment, improve working conditions, care for the life of co-op and trade union members;

- To participate in the building of internal regulations, statutes for the management of the cooperative, supervise the implementation of the policies towards trade union and co-op members;

- To visit and give care and assistance to the trade union members who are in straitened circumstances or meeting with difficulties, to act in coordination with the managing board to organize rest and recreational facilities excursions, tourist trips for trade union and co-op members;

- To develop the trade union membership, build strong and steady primary trade unions, collect and use membership fees economically as defined by the rules and regulations;

## Article 17 :

The duties and competence of primary trade unions in private businesses, limited liability companies, joint-stock companies foreign-funded undertakings;

- To guide workers and employees in the signing of labour contracts with the employers or representatives of the owners of enterprises;

- To represent workers and employees in drawing up and signing collective agreements with enterprise owners; supervise and push up the implementation of the clauses already signed between the two sides;

- To organize dialogues for the purpose of conciliating between the employers and the workers in their dispute in accordance with the law. In case of non-settlement the dispute should

be reported to the higher-level trade union and recommendation made to the state organs for settlement;

- To encourage workers and employees to help one another in their occupation and in life;

- To give wide publicity of the policies and laws of the state, supervise the implementation of the state legislation in businesses;

- To make propaganda for developing the trade union membership, build strong and steady primary trade unions, collect and utilize trade union funds according to the rules and regulations.

#### **Article 18 :**

*Organization, duties and competence of occupational unions*

- 1- The occupational unions located in whatever locality are set up by the local

confederation of labour concerned which supplies a concrete guidance to their activities.

- 2- *The occupational union has the following duties and competence:*

- To make known widely to everyone about the policies and laws relating to the life and the occupational practice of workers and help the latter to conduct their occupational activities;

- To care for and protect the legitimate interests of trade union members, workers and employees;

- To help workers to carry out mutual assistance in occupational practice and in life.

- To develop trade union membership build strong and steady occupational unions; set up a fund for the occupational union to help its members in difficult circumstances;

### **Article 19 :**

Any primary trade union or occupational union which could enroll numerous persons as members is entitled to form trade union groups, occupational union groups, occupational union groups, trade union sections, occupational union sections. The duties and competence of the trade union group, occupational union group, trade union section, occupational union section are to be defined by the primary trade union and occupational union themselves on the basis of embodying in concrete forms the duties and competence of the primary trade union and occupational union.

### *Chapter IV*

## **Organization, duties and competence of the trade unions at levels higher than the primary organizations**

### **Article 20 :**

*The trade unions at levels higher than the primary ones*

a- Local industrial and professional unions are at a level immediately higher than the primary trade unions and the occupational unions in the locality irrespective of the management level and the economic sector.

The local industrial and professional unions are to be founded by the province, city confederation of labour and shall be disbanded by the latter after due consultation with the national industrial and professional union concerned.

The local industrial and professional unions are placed under the direct guidance of their respective national industrial and professional unions in matters of technique and speciality relevant to their industry and profession and under the direction of the local confederation of labour on matters related to socio-economic problems arising in the locality.

b- The trade union of company, general company, union of enterprises is to be organized in the establishment having its member units closely connected with one another in terms of economic activity.

The trade union of company, general company, union of enterprises is the organization at a level immediately higher than those operating in different member units of the company, general company, union of enterprises;

The trade union of company, general company, union of enterprises operating within the scope of a province, city is founded by the provinces, city confederation of labour concerned and place under the direct guidance of the latter; the national industrial and professional union (if there exists such a national union) would supply concrete guidance in technical and professional matters.

As regards the company, general company, union of enterprises having their member units located in the territory of several provinces cities, the foundation of their respective trade unions is under the competence of the national industrial and professional union which would issue a decision to this end and supply its direct guidance to the trade union concerned while the

trade unions operating in member units located in different localities shall be guided in matters of social work, security national defence by the confederation of labour of the locality concerned.

c- The confederations of labour of city precinct, provincial town, provincial capital are the higher levels of the primary trade unions and occupational unions located in the territory (with the exception of the establishments placed under the direct competence of the province, city confederation of labour or transferred to the local industrial and professional union for management.

d- The districts having numerous working people and boasting a good number of businesses belonging to different economic sectors or those occupying an important position in economic, national defence, security fields are entitled to found a

confederation of labour which then acts as a level immediately higher than the primary trade unions and occupational unions located in the territory of the district concerned (except the primary organizations which are placed under the direct authority of the province, city confederation of labour or the local industrial and professional union). In places where conditions do not permit to found a district confederation of labour, a secretarial staff commission, a presidential council or a primary trade union of the district offices and services shall be set up instead and directly dependent on the provincial, city confederation of labour in terms of direction and guidance.

#### Article 21 :

The duties and competence of the trade unions at a level immediately higher than the primary organizations

(local industrial and professional union; the city precinct, district, provincial town and provincial capital confederation of labour; the trade union of company, general company, union of enterprises).

1- To guide primary trade unions in the implementation of instructions and decisions of the trade unions at higher levels and those of the congresses at their respective levels.

2- To represent the primary organizations for discussing with the administration at corresponding level about the problems related to the responsibilities and interests of the working people; guide the primary organizations of the trade unions in matters of social insurance and labour protection in accordance with the law and the directives of the higher-level trade unions; intervene in order to

protect the legitimate interests of the working people when infringed upon.

3- To give direction to the building of strong and steady primary trade unions and occupational unions, to the organization, professional training and fostering of trade union officials;

4- To see to the proper management of finances and property of the trade union; organize suitable economic activities for the trade union according to the delegation of powers by the province, city confederation of labour and the national industrial and professional unions.

## Article 22 :

Province, city confederations of labour and national industrial and professional unions constitute the two systems forming the Vietnam General

## Confederation of Labour.

1- The national industrial and professional unions are organized on the basis of the particular traits of their respective industries and professions and they are not necessarily arranged in accordance with the administrative organization of the State.

The national industrial and professional unions rally round them manual and brain workers involved in the same industry or profession irrespective of the economic sector which they belong to, and this, on the country wide scale.

The national industrial and professional unions would supply a direct guidance to scattered and itinerant primary trade unions, trade unions operating in ministry offices, trade unions of company, general company,

union of enterprises having their branch establishments located in many provinces, cities. They would guide the local industrial and professional unions, the primary trade unions operating in central government offices and services and centrally-run business undertakings, met directly dependent on the national industrial and professional unions.

2- The province, city confederations of labour are organized according to the administrative boundaries of the provinces and cities directly dependent on the central government.

The province, city confederations of labour group in their ranks manual and brain workers operating in the sphere of activity covering the province or the city.

The guidance of the province, city confederations of labour is directed towards:

- Cooperating with the national

industrial and professional unions in guiding the local industrial and professional unions and the primary unions operating in central government offices and services and centrally-run economic establishments not directly dependent on the national industrial and professional unions for guidance;

- Giving direction to the primary organizations of the trade unions not directly dependent on the national industrial and professional unions for guidance and located in the locality on the social work, security, national defence;

- Supplying a direct and all-sided guidance to the confederations of labour at district, provincial capital levels, the primary trade unions and occupational unions located in the locality irrespective of the management level and the economic sector to which they belong;

## Article 23 :

*Duties and competence of the national industrial and professional unions :*

- To represent and protect the legitimate interests of trade union members, workers and employees;

- To join with the administration of the industrial or professional branch in drawing up and implementing the policies and regimes concerning labour, wages, bonuses, collective welfare of the workers and employees of that branch ;

- To supervise the implementation of the policies and laws on labour, collective agreements, policies on social insurance and labour protection and to intervene when necessary in order to protect the legitimate interests of workers and employees when infringed upon; represent workers and employees in



sitting at the council of the branch concerned in order to properly solve the problems related to the working people.

- To recommend to the Vietnam General Confederation of Labour or directly to the state organs what would be most suitable for workers and employees in terms of regimes and policies in order to meet the requirements of development of the industry and profession and the interests of workers and employees;

- 2- To join with the branch administration in drawing up and implementing the plan for application of scientific and technological advances in production and in setting up economic and technical norms and standards and in improving the working conditions in the branch of industry;

- To give direction to the primary trade unions operating in state-owned

businesses and see to the realization of the management in accordance with the law; to join with the administration of the industrial or professional branch in solving the recommendations from trade union members, workers and employees, put forward proposals and coordinate with the Vietnam General Confederation of Labour to give advices for helping the government to solve the problems under its competence;

- To cooperate with the administration of the branch of industry in organizing the emulation movement, summing up the experiences, and giving rewards and commendations to the persons of merit in the industry;

- To guide and advise the local industrial and occupational unions, the trade unions of company, general company, union of enterprises on the

signing of collective agreements with the administrations concerned, represent the workers and employees to sign the labour agreement for the whole industry (if it happens to be).

3- To give direction to the propaganda and education made among the workers and employees on the tasks devolving upon the industry and profession; make known to them about the regimes and policies towards the workers and employees; organize cultural, artistic, sport activities bearing an industrial and professional character.

- To cooperate with the administration in organizing the training and fostering of skills and professional qualifications for workers and employees;

4- *Cadres organization work.*

- To build a statute for the activities of the trade unions in the industry and

profession in conformity with the constitution of the Vietnam Trade Unions (the industrial and professional unions which need to have a constitution of their own must submit a draft constitution to the Présidium of the V.G.C.L. for consideration and approval and then report to the executive committee of the V.G.C.L. for information, the content of that separate constitution should not be at variance with the Constitution of the Vietnam Trade Unions ;

- To define by regulations the structural system of the industry or profession and the duties and functions of the units forming the whole system; organize the apparatus and determine the staff of the industrial and professional unions and the units directly dependent on them according to the guide-lines of the V.G.C.L; join with the

confederations of labour of province, city in working out a statute for cooperation in the direction of local industrial and professional unions and of primary trade unions operating in centrally - run economic establishments situated in the locality;

- To decide on the establishment of trade unions placed under their direct authority and give recognition of their elected executive committees;

- To organize the training and fostering of trade union officials according to the required industrial and professional standards; see to the implementation of policies towards trade union officials in the directly dependent units and in the offices of industrial and professional unions.

5- *Financial and economic work.*

- The local industrial and professional unions, the trade unions of company,

general company, union of enterprises and the directly dependent offices have to deduct a certain proportion from their membership fees and other receipts for paying to the fund of the national industrial and professional unions (this proportion is determined by the Vietnam General Confederation of Labour) and the latter thereby must be self-supporting in terms of finances :

- The industrial and professional unions have been entrusted by the V.G.C.L. with a certain amount of money and property that they could use according to what they think best and still receive from their corresponding administration all the facilities for carrying out fruitful activities according to the stipulations of the Law on Trade Unions, and in fact they are the master responsible for the management of the

money and property confided to their care and disposal.

- With the money and property made available by the V.G.C.L. and the corresponding administration, together with the borrowed funds and other pecuniary aids, the industrial and professional unions must know how best to get involved in economic undertakings so as to be self-supporting in finances and held accountable for their conduct of economic activities before the law.

#### Article 24 :

The trade unions in the national defence and public security services are intergrant parts of the Vietnam General Confederation of Labour in which have been involved workers and employees who get their earnings by working in production, scientific, technical, non-productive and service

establishments and institutions in these two branches.

The organization and activity of these industrial and professional unions shall be defined by the V.G.C.L. after consultations with the leading bodies of the Ministry of National Defence, and the Ministry of the Interior on the principle of a strict adherence to the stipulations of the Law on Trade Unions and the Constitution of the Vietnam Trade Unions.

#### Article 25 :

*Duties and competence of the province, city confederations of labour*

1- To represent and protect the legitimate interests of trade union members, workers and employees operating within the scope of the province of city;

- To propagandize and publicize the regimes and policies related to the responsibilities and interests of workers and employees; control and supervise the implementation of policies with the aim of securing the interests of the working people.

- To join with the local administration in policy-making in order to guarantee the rights and interests of the working people in the locality; put forward ideas and suggestions to the Vietnam General Confederation of Labour for recommending to the state those policies which need to be amended in order to be suited to the characteristics of the locality and the region;

- To intervene for protecting the dignity and the legitimate interests of the working people; represent workers and employees in the local conciliation board and before the local law-court;

- To guide and advise the trade unions in the locality in the control over the implementation of the regimes, policies and laws of the state in every establishment or institution;

- To give direction to the signing of collective agreements in businesses belonging to all economic sectors in the locality;

- To organize and manage rest house, tourist centres under the competence of trade unions; cooperate with the services concerned in implementing the policies on social insurance and labour protection for the benefit of workers and employees;

2- To join with the local administration in the socio-economic administration and in the management of State affairs according to the law;

- To give direction to the emulation

movement for better production and work; encourage trade union members, workers and employees to participate in social activities sponsored by the trade union and together with the corresponding administration to make preliminary summing-ups, then total summing-ups of the activities done and reward and commend the emulation winners;

- Through the local industrial and professional unions, the city precinct, district, provincial town, provincial capital confederations of labour and the trade unions of company, general company, union of enterprises in the locality, to guide, and control the primary trade unions to see whether the latter participate in the management and in the settlement of petitions from workers and employees along with the local administration;

- To join the local administration in developing health care, education, culture, arts, sports, physical culture, and in seeing to the caring for the health and working conditions to the rest and recreational facilities of workers and employees in the province, city, and to agitate workers and employees for the implementation of family-planning,

3- *Education and mobilization of trade union members, workers and employees.*

- To propagandize and publicize the resolutions of the Party, the regimes, policies, and laws of the State, the line of action of the trade unions among workers and employees;

- To manage the workers' houses of culture; organize propaganda, see to the education, culture, arts, sports and physical culture, clubs in order to get trade union members, workers and

employees involved in trade union activities and actively respond to the trade union sponsored social work;

- To organize vocational training and employment promotion centres on the territory of the locality;

#### 4- Cadres and organization work :

- To make decision on the establishment or disbandment of the trade unions and occupational unions placed under the local management; consult with the national industrial and professional unions before coming to any decision on the establishment or disbandment of the local industrial and professional union, the primary trade unions operating in centrally-run establishments without having yet a local industrial and professional union;

- To give direction to the trade unions at all levels in different localities on the

holding of their respective congresses, decide on the recognition of the executive committee and the inspectors board of the local industrial and professional union and the trade unions placed under the authority of the locality;

- To guide and advise in the work of developing trade union membership, of building strong and steady primary trade unions and occupational unions; propose to the Vietnam General Confederation of Labour to reward and commend outstanding and meritorious primary trade unions and occupational unions;

- To manage full-time trade union officials operating in the province, city confederations of labour, in the local industrial and professional unions, the precinct, district, provincial town, provincial capital confederations of labour, and in the primary unions; see to the realization of the plans for training

and fostering trade union officials and the implementation of regimes and policies towards trade union officials under the central authority.

#### 5- *Financial and economic work*

- All the trade unions located on the territory covered by the confederation of labour of province or city must deduct a certain percentage from their allocated fund and collected membership fees (this percentage is defined by the V.G.C.L.) to pay to the latter which is duty-bound to manage its affairs on a self-supporting basis.

- The confederations of labour of province, city are to be entrusted with funds and property by the General Confederation of Labour and with the material supplies and means of activity by the administrations at corresponding levels according to the stipulations of the

law on trade unions and they are held responsible for the good management of the funds and property in their capacity as owners;

- With the funds and property confided to them by the V.G.C.L. and the administration, together with their available fund and borrowed money, the confederations of labour of province, city would get involved in economic activities so as to earn more money from them for covering their expenditure, they are held accountable for their economic activities before the law.

#### Article 26 :

The Vietnam General Confederation of Labour decides on the founding or disbanding of the provinces, city confederations of labour and the national industrial and professional unions.



## Article 27 :

### *Duties and competence of the Vietnam General Confederation of Labour*

1- To decide on the programs, and activities of the trade unions with the aim of putting into effect the resolutions of the national trade union congress and those of the Communist Party of Vietnam; supply concrete guidance to the trade unions in the summing-up of practical experiences and in the study of trade union theory.

2- To share in the management of state affairs and socio-economic activities, in the control and supervision of the implementation of regimes, policies and laws related to the obligations and rights of workers and employees, take part in the National Labour Protection Council and in the Central Social Insurance Administration

; control and supervise the execution of social insurance and labour protection policies towards the objects of labour; organize the management of scientific and technical research projects on labour protection and provide guidance for the trade unions all levels in the labour protection work;

3- To cooperate with state organs and mass organizations affiliated to the Vietnam Fatherland Front in launching movements of action among workers and employees;

4- To define the orientations and measures for renovating the organization of trade union officials; make recommendations to the Party and the State suitable line and policy regarding the building of the working class in Vietnam;

5- To decide on the course of action to be taken in order to best manage the finances and property of the trade unions, the rest and recreation facilities, trade union tourism, trade union managed houses of culture for the benefit of workers and employees and to motivate the trade unions to engage in economic activities according to the law;

6- To carry out external activities, expand relations with the trade union organizations in other countries and with international organizations in accordance with the foreign policy of the Party;

#### Article 28 :

The agitation of working women must be fully grasped in all the activities carried out by the trade unions at all levels in order to rally more and more working women round the trade unions

and to see to the protection of women's rights and interests and to the fulfillment by the latter of their obligations. The working women sections of the trade unions are responsible for representing working women in the discussion and settlement of matters directly related to working women and children.

## **Trade union inspectors board**

### **Article 29 :**

A trade union inspectors board is set up in the trade union at any level and elected by the executive committee of the trade union concerned, and the elected inspectors board must secure recognition from the higher-level trade union. The Inspectors Board of the Vietnam General Confederation of Labour is elected by the national executive committee. The number of inspectors for a trade union at any level shall be determined by the trade union executive committee at that level. The inspectors board must be composed of some executive members and some non-executive ones, the executive members should not exceed one-third of the total number of

inspectors. The head of the trade union inspectors board at whatever level shall be elected by the executive committee at that level. The deputy-head of the inspectors board is elected by the collective of inspectors themselves.

The term of office of the inspectors board coincides with that of the executive committee at the same level.

Any primary trade union having a membership of less than 30 persons shall nominate one of its executive members to act as inspector.

### **Article 30 :**

The trade union inspectors board has the duty

- 1- To inspect the management and utilization of finances, possessions, and the economic activities carried out by the trade unions at its level and at lower level.

2- To inspect the implementation of the constitution by the trade unions at its level and at lower level.

3- To cooperate with state offices and the standing organ of the executive committee to settle the complaints and grievances of trade union members, workers and employees;

4- To organize the fostering and guidance in professional knowhow for the trade union officials acting as an inspector.

### Article 31 :

*The inspectors board of the trade union at whatever level is entitled*

- To attend the session of the executive committee at its corresponding level to report and make recommendation to the executive committee about the program of work of the board;

- To request the inspected unit and its responsible person to produce the documents necessary for the examination and to answer to the questions posed by the inspectors board;

- When the recommendations made by inspectors board to the standing organ of the trade union executive committee at the corresponding level are not properly solved, the inspectors board has the responsibility to report the case to the trade union executive committee at the corresponding level and also to the inspectors board of the trade union at higher level for settlement.

The regular meeting of the inspectors board coincides with the session of the executive committee at the corresponding level.

## *Chapter VI*

# **Rewards and disciplinary measures**

### **Article 32:**

Any trade union officials or members having contributed to the successful build-up of the trade union, any trade unions or occupational unions having recorded outstanding achievements are entitled to be considered for praise or reward by their respective unions;

The forms of praise and reward are congratulatory letter, certificate of merit, medal for the cause of building the trade union organization. The regime of praise and reward and what trade union level is entitled to do this are decided by the general Confederation of labour.

### **Article 33:**

Any trade union members or officials having violated the constitution of the trade unions and not executed the instructions and resolutions of the trade union, not paid their membership fees or failed to attend the trade union meeting for three consecutive times without good grounds, are submitted to sanction ranging from reproof, warning to discharge, crossing out their name on the list of trade union members and recovery of their membership card. With regard to the trade union itself, if it commits a serious violation, it shall be submitted to such sanctions as reproof, warning, disbandment.

The crossing-out of a trade union member's name is proposed by the trade union group and examined for final decision by the executive committee of the primary union. After having the name crossed out, the said trade union

member may be reintegrated into the trade union if he or she rectifies the error or shortcoming committed and expresses the wish to be readmitted to the trade union membership. The infliction of a disciplinary measure on a member of the executive committee of a trade union level should be examined by the executive committee of the trade union level concerned, then proposed by the latter to the immediately higher trade union level for decision. The infliction of a disciplinary measure on a member of the executive committee of the General Confederation of labour should be decided by this executive committee itself.

- As regards the inspectors board or any inspector, if any disciplinary measure is to be considered and taken, it shall be done as in the case of trade union official and the executive committee at the corresponding level.

## Chapter VII

### Trade union finances and property

#### Article 34:

*The Trade union manages its finances on a self-governing and self-supporting basis*

1- *The finances of a trade union come from the following sources of receipts:*

- Trade union membership fees collected from its members who would have to pay a sum of money equal 1% of their wages or salaries (those members having no fixed wage would pay an amount of money equal to 1% of the pay for their work in a month).

- The fund allocated by the State

budget and the money deducted from the receipts of the business according to a rate determined by the Presidium of the V.G.C.L.

- The proceeds from cultural, sport and tourist activities, from business undertakings of the trade union and financial aids from establishments and institutions both inside and outside the country.

2- The trade union finances are to be used for covering the following spending:

- To pay salaries to full-time trade union officials and function allowances to non-professional trade union officials;

- To pay for the expenditure on trade union activities;

- To pay for aid and assistance to trade union members and to cover the spending on trade union-sponsored social work;

- To pay for rewards given to trade union members and officials in return for the latter's merit or services in the trade union build-up;

3- The collection and distribution of financial resources to be allocated to each trade union level are determined by the Presidium of the V.G.C.L.

#### **Article 35:**

According to law, the Vietnam General Confederation of Labour constitutes a possessor of any asset whether created by trade union fund, offered by foreign organizations or entrusted by State.

#### **Article 36 :**

The management of finances and other possessions of the trade unions is separately defined by the Vietnam General Confederation of Labour to be suited to the State laws.

## *Chapter VIII*

### **General provisions**

#### **Article 37:**

The Constitution of the Trade Unions having been passed by the national congress of trade unions should be amended only by the latter.

All trade union members and trade union organizations must strictly execute the Constitution of the Vietnam Trade Unions.

*Hanoi November 12, 1993*