

UNIVERSAL PERIODIC REVIEW OF VIETNAM (3rd cycle)

United Nations Human Rights Council

JOINT STAKEHOLDERS SUBMISSION ON THE RIGHTS OF WORKERS IN THE ELECTRONIC INDUSTRY

I. ENGAGING WITH THE UN HUMAN RIGHTS STANDARDS AND MECHANISMS

1. **The protection of the rights of laborers should be ensured through UN conventions and human rights mechanisms.** Vietnam has joined 7 of the total 9 UN conventions on fundamental human rightsⁱ, but are not yet members of important conventions related to the protection of laborers such as the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICMW) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICED). Although in the Universal Periodical Review (UPR) 2009, the Vietnamese Government accepted the recommendation of Argentina on “Considering the ratification of the ICED”. In the UPR 2014, the Vietnamese Government accepted Recommendation 143.18. Considering the ratification of the ICMW (Egypt)/Considering joining the ICMW (Algeria). However, by June 2018, the Vietnamese Government had not yet joined this convention.

Recommendations:

- (a) The State should ratify and fully implement the ICMW and ICED and optional protocols related to grievance and information on violations of rights under these conventions as soon as possible.
2. **Vietnam should address recommendations relating to the protection of the rights of laborers sent to Vietnam at UPR 2014.** The recommendations include Recommendation No. 143.180 (USA), Recommendation No. 143.28 (Uruguay), and Recommendation No. 143.215 (Kyrgyzstan)ⁱⁱ. Vietnam has made great effort in strengthening the legal protection for vulnerable labor groups such as migrants and domestic workers through its Labor Code 2012 and related Decree 27, 2014ⁱⁱⁱ. Vietnam is considering the ratification of the ILO Convention on Domestic Workers (Convention 189) by 2020.^{iv} However, women migrant workers are a missing group in important and relevant policies. They are not specified as a group in special needs in the Law on Legal Aid (2006). Half of women migrants were not covered by health insurance due to barriers from the household registration system,^v therefore had to cover their health care cost from their own pocket.^{vi} Even if the migrant managed to get a health insurance where she was from, the share of her health care cost in the destination would be 40% of the total cost, which is very high. Women migrants had few learning opportunities^{vii} and experienced poor treatment as being harassed or even beaten (49,2%), or working over-time without being paid (38,3%). They also have less connections with the authorities or community in the destination, which make them less access to other public affairs.^{viii} Moreover, outbound migrant workers have been increasing in recent years with 100,000 people per year, especially, in 2017, there were 134,000 Vietnamese overseas migrant workers including about 40% were female^{ix}. Most migrant women work as foreign domestic workers, particularly in Gulf countries, they are cheated by recruiting agencies^x, pay high cost for work such as brokage fee, recruitment fee, deposit cost, are mal-treatment by employers and are received less effective and un-timely oversease assistance from government.

Recommendations:

- (a) Vietnam should provide develop and implement specific policy measures to address the situation of migrant domestic workers, particularly women, especially in terms of social policies on health care and access to other social services.
- (b) Ratify ILO fundamental conventions relevant to Social Protection, including but not limited conventions C102 on Social Security (Minimum Standards), C118 on Equality of Treatment (Social Security), C157 on Maintenance of Social Security Rights to protect and fulfill rights to social security.
- (c) Immediately cooperate and work with governments of hosting countries to ensure the rights of Vietnamese migrant workers to be respected;
- (d) The Law on Legal Aid should be updated to include women migrant workers as a group in special need.
- (e) Household registration procedures should be updated to permit women migrants to obtain health insurance and the share of costs should be the same as for non-migrant workers.
- (f) Programs should be developed and implemented to monitor treatment of women migrant workers, including violence prevention and fair payment of wages.

3. **Vietnam should increase cooperation with UN special procedures and the Working Group on the UN Guiding Principles on Business and Human Rights and develop conflict of interest rules.** Although Vietnam has accepted the Recommendation on continued cooperation with the High Commissioner on Human Rights, convention committees and experts in the special procedures (Chad), it has not yet accepted permanent invitation or accepted all requests for visits sent to Vietnam from the special procedures. The UN Guiding Principles on Business and Human Rights are highly relevant to the electronics industry, but the Working Group has not visited the country.^{xi} Finally, policies should be developed to prevent conflict of interest in government appointments and processes. Recently, South Korea nominated, Kim Do Hyun, a former Samsung mobile phone executive to serve as ambassador to Vietnam.^{xii} Mr. Kim told Korean media that, “Ambassadors must serve from a corporate perspective.”^{xiii}

Recommendations:

- (a) The State should make an open invitation with the special procedures to the United Nations to visit Vietnam and develop reports on their findings after meeting with representatives of government, UN agencies, industry, workers, and civil society organizations, among others. These include:
 - Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
 - Special Rapporteur on the environment
 - Special Rapporteur on the rights to freedom of peaceful assembly and of association
- (b) Vietnam should invite Members of the Working Group on the UN Guiding Principles on Business and Human Rights to conduct a review of the electronics industry in Vietnam and develop reports on their

findings after meeting with representatives of government, UN agencies, industry, workers, and civil society organizations, among others.

- (c) Vietnam should develop policies to prevent conflict of interest in government appointments and processes.

II. WORKING ARRANGEMENTS IN VIETNAM'S ELECTRONICS INDUSTRY

4. Working time and overtime regulations should be monitored and enforced. In Labour Code 2012, there are detailed regulations about working time and rest period in order to ensure health and benefits of workers.^{xiv} However, the Ministry's preliminary survey in the whole country shows that there are numerous violations on the safety and welfares of workers, especially on working time and rest period.^{xv} In a survey of seventeen companies, two asked workers do more than 100 hours/month overtime, and two required workers do nearly 50 hours/month overtime. In contrast, the Labor Code stipulates that companies cannot mobilize workers do more than 30 hours/month overtime and 200 hours/year overtime. In the reality of Vietnam's electronics industry, working times are also strictly regulated in various forms such as use of "sanitation cards" issued to workers to limit the duration of toilet breaks.^{xvi} Exhausted working conditions include a continuous change between day and night or standing for the entire working time during 9-12 hours with the high level of noise which often exceeds the allowable limit.^{xvii xviii}

Recommendations:

- (a) By 2019 complete the legal framework for sanctioning administrative violations on working time and overtime to provide adequate enforcement and stiff penalties to discourage violations.
- (b) In 2018, issue an advisory prohibiting use of "sanitation cards" and other mechanisms that violate workers' human rights to decent work.
- (c) Reject current lobbying efforts of the electronics industry to weaken overtime regulations.

5. Labour contracts should be provided and violations should be strictly enforced. According to Labour Code 2012: "before employees begin their work, the employer and employee must sign a labor contract directly."^{xix} The final report of Labor Inspection Campaign of the Ministry of Labor Invalids and Social Affairs (MOLISA) shows that of 216 companies in the electronic industry, 1794 violations were found, an average of 8.3 violations/company with the main violation being "content of labour contract does not meet the regulations and does not fully express the rights and responsibilities of employer and employee." A recent study found that 100% of the electronics industry workers who participated in the interviews did not receive a copy of their contract, did not know the content of their contract, and did not even remember signing a labour contract.^{xx} This is a violation of Vietnamese law.

Recommendations:

- (a) By 2019, develop and implement a national standard for labour contracts taking into account ILO standards.
- (b) Sharply increase inspections of electronics industry companies and provide stiff financial penalties for violations.

- (c) Raise awareness among workers about their rights regarding labour contracts in collaboration with ILO.

III. TOXIC CHEMICALS, WOMEN WORKERS AND THE ELECTRONICS INDUSTRY

6. In 2009, more than 100 countries agreed that hazardous chemicals in the lifecycle of electrical and electronic products was a global emerging policy issue under the UN Environment-led Strategic Approach to International Chemicals Management (SAICM).^{xxi} The designation triggered an 2011 expert group meeting in Vienna Austria, to develop global recommendations for dealing with hazardous chemicals in electronics hosed by the United Nations Industrial Development Organization (UNIDO) and the secretariats of the Basel and Stockholm Conventions. The Vienna meeting of 32 governments (including Vietnam^{xxii}), industry and non-governmental organizations developed a comprehensive list of global recommendations on design, production, and waste phases of the electronics lifecycle that were subsequently endorsed at two global SAICM meetings.^{xxiii} The recommendations included actions on pollution prevention by using cleaner production techniques, waste minimization, and prioritizing reduction of exposure to chemicals, primarily by elimination or substitution of the most hazardous substances and production processes.^{xxiv} Environmentally unsound technologies and products that are prohibited or cause severe environmental degradation or are found to be harmful to human health should not be transferred to other countries.^{xxv} Finally, information on health and safety for humans and the environment for the substances used in manufacturing of electronic and electrical products and present in products should not be considered confidential.^{xxvi}
7. Despite the rapid development are being considered as a “symbol of integration”^{xxvii} of Vietnamese economy, information about working conditions in electronic industry is still limited, especially the impacts on environments and worker’s health in this industry. The 2016 MOLISA survey of the electronics industry showed a striking lack of information about chemical use but indicated that surveyed companies used alcohols, corrosive detergents, and sulfuric acid, among others. Few companies had even minimal information about illness and injuries due to exposure to chemicals.^{xxviii}
8. Women workers make up 80% of the electronics workforce in Vietnam. They are workers in the assembly lines or manual workers and, “almost hold no technical or management positions.”^{xxix} Discrimination in recruitment and employment is provided in Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Non-discrimination is recognised as a principle in the Constitution (Article 35 para.2 and 3) and the Labour Code provides that employees are entitled with just and safe working environment and prohibition of discrimination based on gender (Article 8.1, Article 153 and 154). Voluntary national review report of Vietnam on Sustainable Development Goals are also lacked of information refers to the working environment of labourers groups (Goal 8), especially those facing high risk such as workers in the electronics industry^{xxx}.
9. The UN Guiding Principles on Business and Human Rights outline private sector responsibilities to provide safe and healthy working conditions, including special protections for pregnant women. SAICM’s Overarching Policy Strategy notes that, “in many countries some stakeholders, particularly women and indigenous communities, still do not participate in all aspects of decision-making related to the sound management of chemicals, a situation which needs to be addressed” and states the importance of public participation in decision-making, “featuring in particular a strengthened role for women.”^{xxxi} Risk reduction measures need to be improved, “to prevent the adverse effects of chemicals on the health of children, pregnant women,

fertile populations, the elderly, the poor, workers and other vulnerable groups and susceptible environments.”^{xxxii} Finally, one of SAICM’s objectives is, “To ensure equal participation of women in decision-making on chemicals policy and management.”^{xxxiii}

10. A research study conducted by CGFED-IPEN on women workers in the electronics industry in Vietnam in 2017 showed that: female workers reported exhausting working conditions include alternating day and night shifts for periods of 4 days; standing for the entire 9 – 12-hour shift; and high noise levels regularly exceeding Vietnamese legal limits; fainting or feeling dizzy at work – though it was described as a “normal” consequence of shift work. Miscarriage was reported to be “very normal if they are young.” Other reported problems included eyesight damage, nosebleeds, “big legs,” changes in beauty, and aches in the stomach, bones and joints.^{xxxiv}
11. These observations raise concerns about the prior experience of workers at Vietnam’s largest electronics company, Samsung, in the company’s home country of South Korea. UNSR Toxics noted in his official report after visiting South Korea, “As of January 2015, more than 350 former workers in the electronics industry, of which approximately 130 have died, had alleged that they had developed various diseases. Victims had suffered from cancer, including lymphoma, malignant brain tumors, myelogenous leukemia and non-Hodgkin’s lymphomas, as well as aplastic anemia, reproductive abnormalities and other health impacts. All former workers described to the Special Rapporteur are young females, including several in their early twenties. With many female workers of childbearing age, the alleged victims extend to the children of former workers. For example, the Special Rapporteur heard from a mother who had been pregnant during her employment and subsequently given birth to a child with birth defects.”^{xxxv} An examination of reproductive risks among Korean female microelectronics workers aged 20 – 39 years old found a significantly higher risk for spontaneous abortion and menstrual aberration.^{xxxvi}
12. In Vietnam, women workers in the electronics industry are mostly from domestic migrant groups who migrate from one place to another. Migration surveys show that the proportion of migrant women is increasing, creating a phenomenon of “womenization of migration.”^{xxxvii xxxviii} The research study conducted by IPEN-CGFED on women workers in the industrial industry points out that interviewed women workers are migrants. Although factories and industrial parks provide accommodation, dormitories for workers but they are almost not used by the workers due to strict regulations controlling their activities and out-of-working hours. Therefore, workers have to rent cheap lodging with limited access to safe water and sanitation. All women workers with small children have to accept living far from their children due to being unable to bring them along, thus they have to leave their children in other cities with family members.^{xxxix} Women make up 52.4% of the total domestic migrant population. A research study conducted by Oxfam Vietnam in 2015 shows that most migrant women and their children face difficulties in having access to basic social protection services.^{xl}

Recommendations:

- (a) It is necessary to quickly review, develop, and implement a system of occupational safety and health regulations that is based on hazard elimination and prevention of exposure to hazardous substances, electromagnetic fields, and radiation to ensure workers’ human rights and safety. Any exposure limits should be protective of the most vulnerable populations, which include women of child-bearing age, and should provide equal protection in the workplace and the community.

- (b) To ensure the right to a safe and healthy working environment, strict right to know regulations should provide information to workers on chemicals used in production; guarantee their right not to be exposed without prior consent; and provide publicly available information on chemical releases through a pollutant release and transfer register. Electronics industry companies and factories should be required to make public all chemicals used by them in order to ensure worker and community right to know.
- (c) The government should collaborate with the International Labour Organization (ILO) on the collection and reporting of worker health information specific to the electronics industry. Companies, trade unions and other actors should be encouraged to contribute to this process.
- (d) Vietnam should commission independent in-depth research on health and safety in the Vietnamese electronics industry to reveal impacts on workers' health and form the basis of improvements in working conditions. Gender disaggregated data should be a key part of study plans and reporting of results.
- (e) Vietnam, in consultation with stakeholders including civil society, should identify if environmentally unsound technologies, processes, and chemicals, that are prohibited, cause environmental degradation, or found to be harmful to human health in other countries have been transferred to Vietnam. This particularly important for Vietnam which has large foreign companies and no double standards should be allowed.
- (f) Vietnam should raise public awareness by providing media and the public with information about chemical safety, evidence of harms in other countries, and SAICM recommendations on electronics, including those from the Vienna 2011 expert group meeting. The SAICM national focal point, trade unions, public interest NGOs, and other stakeholders should be encouraged to contribute to this process.
- (g) The State should commission independent in-depth research in consultation with civil society and workers to identify impacts of the working environment on the health of women workers including gender disaggregated data in its findings.
- (h) The State should develop and implement policies to support women domestic migrants including protections for the family unit
- (i) The State should ensure that the government and the private sector protect women whistle blowers, workers, and rights defenders from intimidation and harassment.

IV. FREEDOM OF ASSOCIATION AND EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE NEGOTIATION

13. Article 10 of the 2013 Constitution of Vietnam stipulates the Trade Union as an organization of the laborers.^{xli xlii} This stipulation is, in fact, understood that only one trade union – the Vietnam General Confederation of Labor is recognized. The Law on Trade Union No. 12/2012/QH13 stipulates that the Trade Union is under the leadership of the Communist Party of Vietnam.^{xliii} Although Article 5.1 of the Law stipulates that the laborer “has the right to establish, join and run the trade union”, the establishment, joining and running of the trade union are also stipulated as having to comply with the statutes of the Vietnam Trade Union, and Article 5.2, Article 6 and Article 7. This stipulation requires laborers to establish or join the grassroots level organization in the system of Vietnam Trade Unions, and are, in fact, not free to establish, join and run independent trade unions as they wish. Moreover, in the way of organizing the trade union at present, “there are not rare cases in which leaders of the grassroots level organizations of the trade union

are senior managers of the enterprise.”^{xliiv} For these reasons, the current trade union is not effective in representing and protecting the interests of the laborer, particularly when negotiation with the employer is needed. According to the International Labor Organization Vietnam Office, from the middle of 1990 up to now, 6,000 strikes have taken place; “all of them are spontaneous, not initiated by the trade unions”. A report of a research study conducted by CGFED and IPEN on female workers in the electronics industry in Vietnam in 2017 points out that when problems occur during employment, the workers sent their petition directly to the enterprise not through the trade union or not seeking support from the trade union.^{xlv}

14. Collective negotiation is stipulated in Article 66 -72 of the Labor Code, 2012^{xlvi}, the laborers, through their representative – the Executive Committee of the grassroots level organization of the trade union take part in collective negotiation.^{xlvii} This requires the representative of the laborers to be an organization in protecting their legitimate interests which is independent and representative. However, Article 192, Clause 2 of the 2012 Labor Code stipulates that the employer “arranges specialized trade union official at enterprises, agencies and organizations.”^{xlviii} This leads to creating favorable conditions for the employer to continue influencing, intervening and controlling, thus losing the independence of the trade union.
15. There are also restrictions on the right to strike and the freedom to gather. The right to strike of the worker is stipulated in Article 209-222 of the 2012 Labor Code.^{xlix} Yet, the right to strike of the worker is restricted by the normative legal documents issued by the Government including Decree 38/2005/NĐ-CPⁱ and Circular 09/2005/TT-BCA.ⁱⁱ These documents limit freedom of assembly and ability to petition.ⁱⁱⁱ Formation of trade unions and freedom of association are fundamental human rights and are requirements of ILO Conventions 87ⁱⁱⁱⁱ and 98^{liv}, but Vietnam has not ratified them.

Recommendations:

- (a) The State should ensure the freedom of association of workers by soon ratifying the Convention on Freedom of Association and Protection of the Right to Organize, 1948 (ILO No. 87) and the Convention on the Right to Organize and Collective, 1949 (ILO No. 98)
- (b) The revised Labor Code should increase and ensure the independence and representation of the trade union when entering collective negotiation by revising the stipulation on the responsibilities of the employer toward independent trade unions.
- (c) The State should promulgate the Law on Strike and annul Decree 38/2005/NĐ-CP and Circular 09/2005/TT-BCA to ensure the right to strike and freedom of peaceful meeting of workers.

ENDNOTE

ⁱ They include the International Covenant on Civil and Political Rights (ICCPR), joined on Sept 24, 1982; the International Covenant on Economic, Social and Cultural Rights (ICESCR) joined on Sept 24, 1982; The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed on July 29, 1980 and ratified on 17/2/1982; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), joined on June 9, 1982; the Convention on the Right of the Child, signed on Jan. 26, 1990 and ratified on Feb. 28, 1990 (Vietnam was the second country in the world and the first country in Asia to join this convention); the Convention on the Rights of Persons with Disabilities, signed on Nov. 22, 2007 and ratified on Feb. 5, 2015; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed on Nov. 7, 2013 and ratified on Feb. 5, 2015

ⁱⁱ Recommendation No. 143.180 (USA): Protect internationally recognized workers' rights and enforce laws prohibiting forced labour; Recommendation No. 143.28 (Uruguay): Consider ratifying other pending fundamental International Labour Organization (ILO) Conventions such as Convention No. 189 (2011) concerning decent work for domestic workers; Recommendation No. 143.29 (Uruguay): Harmonize its legislation, regulations and policies with ILO Convention No. 29 (1930) concerning Forced or Compulsory Labour and No. 138 (1973) concerning Minimum Age for Admission to Employment; Recommendation No. 143.215 (Kyrgyzstan) Combat poverty among migrant workers

ⁱⁱⁱ The Labor Code, 2012, Decree 27/2014/NĐ-CP guiding the implementation of the Labor Code relating domestic workers: These legal documents stipulate the minimum wage, insurance, working during public holidays, minimum resting time and annual leave for workers in this group. <https://thuvienphapluat.vn/van-ban/Lao-dong-Tien-luong/Nghi-dinh-27-2014-ND-CP-huong-dan-Bo-luat-Lao-dong-ve-nguoi-giup-viec-gia-dinh-225805.aspx>

^{iv} Decision No. 2528/QĐ-TTg issued on 31 December, 2015 on approving the plan of implementation and proposal to access the conventions of UN and ILO in the labour and social field of 2016-2020 period

^v GSO. 2011. *Vietnam Gross Population and Housing Survey. Survey on woman and migration.*

^{vi} Existing Law on Health Insurance provided at Article 12 para 5 that members of a household could be registered for a household's health insurance², but the practice was rather difficult as the head of the household gets to decide who would be included. If a woman lives on a rent, the landlord (often the head of the household in the registration) might already have been covered by health insurance, or does not want to include the tenant, or all the members of the households were not covered by health insurance.

^{vii} 94.5% did not get any new learning opportunity since their migration. GSO. 2011. *Vietnam Gross Population and Housing Survey. Survey on woman and migration.*

^{viii} *Op. Cit.*

^{ix} DOLAB (Department of Overseas Labour) <http://www.dolab.gov.vn/New/View2.aspx?Key=3521>

^x DOLAB (Department of Overseas Labour) http://dolab.gov.vn/New/Tong-QuanTTLD.aspx?&LIST_ID=1766&Key=1987

^{xi} <https://business-humanrights.org/en/vietnam-study-finds-that-miscarriages-extreme-fatigue-fainting-dizziness-are-common-among-women-workers-in-samsung-factories-company-denies-allegations>

^{xii} <https://www.ft.com/content/70d8aa18-4c5e-11e8-8a8e-22951a2d8493>

^{xiii} <http://www.fnnews.com/news/201804301715257686>

^{xiv} Labour Code 2012, Chapter III, article 104-105: working time and rest time
Article 104. Normal working time

1. Normal working time must not exceed 8 hours per day or 48 hours per week.

2. An employer may determine the working time on an hourly, daily or weekly basis; in case of working on a weekly basis, the normal working time must not exceed 10 hours per day and not exceed 48 hours per week.

The State encourages employers to apply 40 working hours per week.

3. The working time must not exceed 6 hours per day for employees who perform extremely heavy, hazardous or dangerous jobs on a list issued by the Ministry of Labor, War Invalids and Social Affairs in coordination with the Ministry of Health.

Article 105. Working hours at night

Working hours at night are counted from 22:00 pm on the previous day to 06:00 am on the next day.

Article 106. Overtime work

1. Overtime is time worked in addition to normal working hours prescribed in the law, collective labor agreements or internal working regulations.

2. An employer may request an employee to work overtime upon fully meeting the following conditions:

a/ Obtaining the employee's consent;

b/ Ensuring that the number of overtime working hours of the employee does not exceed 50% of the normal working hours per day; in case of applying regulations on weekly work, the total of normal working hours and overtime working hours must not exceed 12 hours per day; does not exceed 30 hours per month and the total of overtime working hours must not exceed 200 hours per year, except some special cases as stipulated by the Government in which overtime working hours must not exceed 300 hours per year;

c/ After each period with many consecutive days of working overtime within a month, the employer shall arrange compensatory days off for the employee.

^{xv} MOLISA, Summing up the labor inspection campaign in the electronics industry,

<http://thanhtralaodong.gov.vn/chien-dich-thanh-tra/tong-ket-chien-dich-thanh-tra-lao-dong-trong-linh-vuc-dien-tu-44137.html>

^{xvi}

<http://www.nhandan.com.vn/xahoi/tin-tuc/item/32638902-thanh-tra-lao-dong-tap-trung-yao-nganh-dien-tu-trong-nam-2017.html>

^{xvii} MOH. (2016). Retrieved from Ministry of Health (2016): National Technical Regulation on Noise

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Permissible Exposure Levels of Noise in the Workplace

^{xviii} MONRE. (2010). Retrieved from Ministry of Natural Resources and Environment (2010): National

Technical Regulation on Noise (QCVN 26:2010)

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Labour Code 2012, Chapter III, article 18: Obligation to enter into a labor contract

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CGFED-IPEN (2017) Stories of Women Workers in Vietnam's Electronics Industry

<http://www.ipen.org/news/samsung-workers-line%C2%A0unique-report-reveals-lives-vietnamese-women-workers-making-samsung-smart>

^{xxi} UNEP. (2009). Report of the International Conference on Chemicals Management on the work of its

second session, Strategic Approach to International Chemicals Management, Hazardous substances within the lifecycle of electrical and electronic products. UNEP.

^{xxii}

The participants included 32 government representatives from both electronics manufacturing countries (China, Czech Republic, Germany, Indonesia Japan, Malaysia, Thailand, and Vietnam) and countries affected by electronic waste (China, Colombia, Cote d'Ivoire, Ethiopia, Ghana, Indonesia, Malaysia, Mozambique, Nigeria, Peru, Philippines, Tanzania, Thailand, Vietnam, and Zambia.)

^{xxiii} UNEP. (2012). Report of the international workshop on hazardous substances in the lifecycle of electrical and electronic products, SAICM/ICCM.3/INF24. UNEP

^{xxiv} UNEP, International workshop on hazardous substances within the life-cycle of electrical and electronic products.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwiB5e7ay4jcAhUUE4gKHUX5AfwQFggsMAE&url=http%3A%2F%2Farchive.basel.int%2Ftechmatters%2Fwrks-eew-unido%2FFinalReport-25-05-2011.doc&usg=AOvVaw2G9fuiTAxYrzu1MO-fubgB>

^{xxv} UNEP, International workshop on hazardous substances within the life-cycle of electrical and electronic products.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwiB5e7ay4jcAhUUE4gKHUX5AfwQFggsMAE&url=http%3A%2F%2Farchive.basel.int%2Ftechmatters%2Fwrks-eew-unido%2FFinalReport-25-05-2011.doc&usg=AOvVaw2G9fuiTAxYrzu1MO-fubgB>

^{xxvi} UNEP, International workshop on hazardous substances within the life-cycle of electrical and electronic products.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwiB5e7ay4jcAhUUE4gKHUX5AfwQFggsMAE&url=http%3A%2F%2Farchive.basel.int%2Ftechmatters%2Fwrks-eew-unido%2FFinalReport-25-05-2011.doc&usg=AOvVaw2G9fuiTAxYrzu1MO-fubgB>

^{xxvii} ILO: “New partnership agreed for more and better jobs in electronics sectors” Hà Nội, 2016 http://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS_530711/lang-vi/index.htm

^{xxviii} "Occupational safety issues in the electronics industry can lead to cancer and heart disease due to exposure to chemicals, radioactive elements, electromagnetic waves ... But this is inferior without evidence however poisoning and occupational disease exist". (MOLISA, 2016)

^{xxix} ILO, Labor inspectors to focus on electronics firms in 2017, http://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS_550912/lang--vi/index.htm

^{xxx} Vietnam, 2018, Vietnam's Voluntary National Review on the implementation of Sustainable Development Goals, page 50-53 https://sustainabledevelopment.un.org/content/documents/19967VNR_of_Viet_Nam.pdf

^{xxxi} UNEP - WHO (2006) Overarching Policy Strategy, para 2, 9, Strategic Approach to International Chemicals Management http://www.saicm.org/index.php?option=com_content&view=article&id=73&Itemid=475

^{xxxii} UNEP - WHO (2006) Overarching Policy Strategy, para 7, Strategic Approach to International Chemicals Management http://www.saicm.org/index.php?option=com_content&view=article&id=73&Itemid=475

^{xxxiii} UNEP - WHO (2006) Overarching Policy Strategy, para 16, Strategic Approach to International Chemicals Management http://www.saicm.org/index.php?option=com_content&view=article&id=73&Itemid=475

^{xxxiv} CGFED-IPEN (2017) Stories of Women Workers in Vietnam’s Electronics Industry <http://www.ipen.org/news/samsung-workers-line%C2%A0unique-report-reveals-lives-vietnamese-women-workers-making-samsung-smart>

^{xxxv} Tuncak, B (2016) Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on its mission to the Republic of Korea, Human Rights Council, Thirty-third Session, A/HRC/33/41/Add.1

^{xxxvi} Kim I, Kim MH, Lim S (2015) Reproductive Hazards Still Persist in the Microelectronics Industry: Increased Risk of Spontaneous Abortion and Menstrual Aberration among Female Workers in the Microelectronics Industry in South Korea, PLoS One doi: 10.1371/journal.pone.0123679

xxxvii General Department of Population, 2009, The Phenomenon of “Womenization in migration”. Statistics provides clear evidence of the phenomenon of “Womenization in migration”. This is clearly expressed through two indicators: first the migrant women population makes up half of the total migrant population; and second, the migrant women proportion over the total migrant population has constantly been increasing over the last two decades. By 1989, women made up more than half of the migrant population within districts and between districts during 1984-1989. Women made up nearly half of the migrant population between provinces in 1989; yet by 1999, the proportion of men and women in the migrant population was balanced. By 2009, the number of women was more than men in all migrant population groups. Other surveys also produced similar results. The reduction of labor demand in agricultural activities in rural areas and the increase of employment opportunities for women in cities and industrial parks was the main reason for the increase in number and proportion of migrant women. The opposite trend observed in the non-migrant population groups with the proportion of non-migrant women has been gradually reduced by time.
http://www.gopfp.gov.vn/home;jses-sionid=6E8BD299D5B2586A8751A333A219C1E2?p_p_id=47_INSTANCE_2wAt&p_p_lifecycle=0&p_p_state=exclusive&p_p_mode=view& 47_INSTANCE_2wAt_struts_action=/CMS_NEWS_LIST/view_category& 47_INSTANCE_2wAt_ArticleID=88193& 47_INSTANCE_2wAt_TypeID=NC-TD

xxxviii National Internal Migration survey 2015 - General Statistics Office and UNFPA, 2015, [page 2](#)

xxxix CGFED-IPEN (2017) Stories of Women Workers in Vietnam’s Electronics Industry
<http://www.ipen.org/news/samsung-workers-line%C2%A0unique-report-reveals-lives-vietnamese-women-workers-making-samsung-smart>

xl Oxfam Vietnam, 2015, Legal and Practice Barriers for Migrant Workers in the access to social protection <https://www.oxfamblogs.org/vietnam/2015/12/22/bao-cao-cua-oxfam-ve-rao-can-phap-luat-thuc-tien-doi-voi-nguoi-lao-dong-di-cu-trong-tiep-can-an-sinh-xa-hoi/>

^{xli} Article 10 states, “The Trade Union of Vietnam is a socio-political organization of the working class and laborers voluntarily established to represent laborers, care for and protect the rights and lawful and legitimate interests of laborers.”

xlii Vietnam Constitution, 2013, Article 10, “The Trade Union of Vietnam is a socio-political organization of the working class and laborers voluntarily established to represent laborers, care for and protect the rights and lawful and legitimate interests of laborers; participate in the state management and socio-economic management; participate in the examination, inspection and supervision of the operations of state agencies, organizations, units and enterprises regarding issues related to the rights and obligations of laborers; and mobilize laborers to learn to improve their professional qualifications and skills, abide by law, and build and defend the Fatherland”.

^{xliii} Law on Trade Union No. 12/2012/QH13, Article 1.

xliv http://www.ilo.org/hanoi/Informationresources/Publicinformation/comments-and-analysis/WCMS_620717/lang--vi/index.htm

xlv CGFED-IPEN (2017) Stories of Women Workers in Vietnam's Electronics Industry
<http://www.ipen.org/news/samsung-workers-line%C2%A0unique-report-reveals-lives-vietnamese-women-workers-making-samsung-smart>

xlvi The Labor Code, 2012, Article 66: The collective negotiation is that the labor collective makes discussion and negotiation with the employer for building harmonious, stable and progressive labor relations; establishing new working conditions as a basis for signing the collective labor agreements; settling the problems and difficulties in implementing the rights and obligations of each party in the labor relations

xlvii The Labor Code, 2012, Article 69, Clause 1, a) For the labor collective in collective negotiation, the scope of enterprise is the representative organization of the labor collective at the grassroots level; the collective negotiation of the scope of sector is the representative of the sector Executive Committee of the Trade Union;

xlviii Labour Code 2012

xlix The Labor Code, 2012, Section 4: Stride and Settlement of Strike

i Decree No. 38/2005/NĐ-CP issued by the Government dated 18/3/2005 stipulates some measures to maintain public order. <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Nghi-dinh-38-2005-ND-CP-bien-phap-bao-dam-trat-tu-cong-cong-52936.aspx>

ii Circular No. 09/2005/TT-BCA issued by the Ministry of Public Security dated 5/9/2005 guiding the implementation of some articles of Decree No. 38/2005/NĐ-CP <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Thong-tu-09-2005-TT-BCA-bien-phap-bao-dam-trat-tu-cong-cong-huong-dan-thi-hanh-Nghi-dinh-38-2005-ND-CP-17573.aspx>

iii Under these legal documents, the gathering of a crowd, specifically the cases of gathering of more than five people in public spaces such as pavement, street, square, economic and cultural establishment and community meeting places; at the headquarters of State offices, socio-political organizations or at other public places for the purpose of delivering demands or petitions on issues related to the legitimate rights and interests of individuals, families, organizations or demands and petitions on issues related commonly to the socio-political life, to the legitimate rights and interests of other organizations and individuals. These activities must be registered beforehand with the People's Committees at the district or provincial level and the timing for such activities can only take place between 8.00 a.m to 17 p.m, except other stipulations by other legal documents.

iiii http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312243

lv http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312232