

# LABOR RIGHTS IN VIETNAM

*Presented by M.Net\**

*UPR Info Pre-sessions*

# Mnet Members

The joint submission is prepared by Mnet, a network of 7 members of Civil Society Organisations, partners and individual experts.

In this UPR cycle, some of our members were invited into national consultation process but we still hope we can contribute to more inclusive consultation in the next cycle.

The members include

- Institute for Development and Community Health
- Center for Development and Integration
- Center for Gender, Family and Community Development
- Institute for Research on Policy, Law and Development
- Vietnam Justice Support Association for the Poor
- Social Work and Community Development Research Centre
- Center for Family Support and Community Development
  
- Partners include Research Center for Gender, Family and Environment in Development Human Rights Space

# The Issues

- Mnet, in its submission report, presented 7 issues including economic and labor rights, inequality in employment, equal access to social protection, sexual harassment at workplace, minimum living wages, forced labor, right to organise
- We has chosen four matters to highlight today.
- (i) access to economic rights for workers, including rights of migrant workers in the informal sector;
- (ii) gender inequality in workforce;
- (iii) forced labor; and
- (iv) freedom of trade unions.

# RATIFICATION OF INTERNATIONAL HUMAN RIGHTS CONVENTIONS

- As of today in Vietnam:
  - 40 International recommendations have been adopted on ratification of instruments.
  - 7 (of 9) UN human rights conventions ratified
  - 5 (of 8) ILO fundamental conventions ratified



# Recommendations

- The State should accelerate ratification of priority conventions regarding:
  - ❑ Rights of migrant workers and their families (ICMW)
  - ❑ Forced labor (C105)
  - ❑ Freedom of association & protection of right to organize (C87)
  - ❑ Right to organize and collective bargaining (C98)
  - ❑ Conditions for domestic workers (C189)

# Issue I.

## SOCIAL AND ECONOMIC RIGHTS of LABORERS

### Positive Changes

Approval of conventions, including

- ILO 131 re: minimum wage
- ILO 95 on wage protection

### Still Challenges

- Limited social protection of the Informal economy: 40 million of 54 million workers (74%) are informal workers
- Access to health insurance for migrant workers: only 40% of workers in *the formal sector* and only 10% of workers *in the informal sector* have access to health insurance
- Voluntary health insurance and low rates of coverage for illness, accidents and maternity benefits
- Current minimum wage below living costs and adequate living standard: Regional minimum wage only meet 50-60% living costs.



# Recommendations regarding social and economic rights

## State should

1. Accelerate Ratify ILO Convention 131 on minimum wage fixing
2. Amend the Labor Code to include migrant workers and laborers in the informal economy
3. Set minimum wage rates to mitigate income inequality and ensure adequate living standards
4. Eliminate discrimination against vulnerable groups in policy to ensure access to social protection, health care, education and housing



## Issue II.

# INEQUALITY IN EMPLOYMENT

### Progress in:

- ❑ 2012 Labour Code provides
  - ❑ favourable working conditions
  - ❑ for female laborers

### Remained inequality:

- ❑ lower mandatory retirement age for women at 55 compared to man at 60 hinders women's employment, promotion, training and retraining opportunities.





# Recommendations regarding Inequality in employment

- The Government should amend the Labor Code to eliminate differences in mandatory retirement age for women and men in workforce.

# Issue III: FORCED LABOR

- Overtime and low minimum wage situations tantamount to forced labor:
  - workers compelled to work overtime to survive
  - Overtime limits and overtime payment are not well monitored in some sectors



# Recommendations regarding Forced Labor

1. The state should ratify ILO convention 105 abolishing forced labor
2. The Government should monitor overtime and enforce standards to ensure
  - overtime is voluntary
  - overtime is paid
3. Increase minimum wage so that overtime is not necessary for survival

# Issue IV: TRADE UNIONS AND RIGHT TO ORGANISE

## ➤ Current Challenges:

- ❑ Vietnam has not subscribed to conventions
  - Freedom of Association (C87)
  - Protection of the Right to Organize (C87, C98)
  - Collective Bargaining (C98)
- ❑ Legislation on freedom of association postponed
- ❑ Trade Union Law (as amended, 2013) allows unions to organise and strike, but applies only to unions affiliated with the Vietnam General Confederation of Labour (VGCL)
- No independent unions other than VGCL is recognised



# Recommendations regarding Trade Unions

1. State should Accelerate ratification of Conventions C87 and C98.
2. The Government should enact legislation on freedom of free association including provision of establishment of labor unions.
3. The government should amend Trade Union law to recognize independence of unions and extend the right to organise and right to strike to all workers.