

Abstract of Workplace Dispute Resolution in Vietnam

Sunoo, J. J. (2011, June). *Some ideas for developing operational guidelines for wildcat strike intervention for mediators*. Discussion paper for workshop initiated by the Vietnam Ministry of Labor, Invalids and Social Affairs, Labor and Wages Department for local officials from the southern provinces involved with mediating labor disputes. The meeting was sponsored by the USAID/SIIR project, Vietnam.

Abstract

This discussion paper outlines best practices in preventing or responding to wildcat strikes. As excerpted by the author, “There is now a wealth of experience and a high level of skill among dedicated provincial labor officers, union officials, and employer representatives who have been thrust into the tense situations of assisting workers who spontaneously refuse to work until their grievances are addressed. At the meeting the experienced labor mediators were asked to share their best practices accumulated over the past years. The goals were threefold: a) describe the best practices of experienced mediators on resolving spontaneous strikes, b) use these best practices to begin to compile a set of Standard Operating Procedures to maximize the effective handling of strikes, and c) share these experiences with policy makers so the best practices could best be harmonized with the current labor law reforms efforts.

As excerpted from the author, “the phenomenon of wildcat strikes in Vietnam tend to have the following characteristics: sudden and without warning, involve many workers, no distinct leader comes forward, official enterprise union is not involved, and tending more and more to be over interest issues such as wages, excessive overtime, complaints over food, etc. The District People’s Committee Chairmen, local Labor Department officials, District union officials and employer organization representatives are usually the first on the scene and must respond to the crisis. The first actions, demeanor, and attitude of the first officials towards the strikers are critical to a successful and quick resolution of the strike. The first actions are critical for establishing the official’s credibility to the workers.

Suggested Operating Procedures for Spontaneous Strikes:

- Be clear on your role! Find the Real Cause for the Strike Action.
- Consult with the local enterprise union officials or seek to create an ad hoc striker’s negotiation committee. Analyze your information in the Strike Team before you visit the employer, Visit the employer to explain what the INTERESTS and CONCERNS of the strikers.
- Finding Solutions: Joint and Separate Meetings between Employer and Enterprise Union or ad hoc Workers’ Committee
- Post-Strike Preventive Actions once the strike is resolved and workers are back on the job
- Encourage the parties to initiate formal CBA negotiations

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