

Abstract of Workplace Dispute Resolution in Vietnam

Clarke, S., Le, C., & Chi, D. (2007). From rights to interests: The challenge of industrial relations in Vietnam. *Journal of Industrial Relations*, 49(4), 545-568 . doi: 10.1177/0022185607080321

Abstract:

As excerpted from the author, “in this article we look more closely at what is happening to labor relations in Vietnam at the level of the workplace. In particular, we examine the reasons for the failure of the Vietnamese industrial relations system effectively to regulate the conflict between employers and employees, which is the inevitable concomitant of the transition to a capitalist market economy. On the one hand, virtually no cases proceed through the conciliation and arbitration structures established to handle industrial disputes. On the other hand, between 1995 and 2005 there had been 978 recorded strikes, not one of which had been called according to the provisions laid down for a strike to be recognized as legal. These issues came to a head with a massive wave of strikes in early 2006.

Since the mid-1990s, Vietnam has achieved rapid economic growth based on the attraction of foreign investment within an unchanged political environment. Changing employment relations have presented a major challenge to the rights-based institutional forms of regulation of industrial relations established in the early stages of reform. The persistence of strikes has led the authorities to pay increasing attention to industrial relations issues, but their approach remains confined within the legalistic framework of the state-socialist era. Trade unions show little inclination or ability to stand up to employers on behalf of their members, while Vietnamese workers show a preference for direct action over representation. The weakness of the system does not lie in the inadequacy of dispute resolution procedures, but in the absence of an institutional framework that can reduce the likelihood of such a breakdown arising in the first place. The priority for the development of a stable industrial relations system in Vietnam is therefore, the strengthening of mechanisms that ensure the accountability of the trade union organization to its members and by providing workplace trade union officers with the skills and resources required to bargain effectively on behalf of their members.”

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