

Viet Nam

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1. A Contemporary Snapshot

Since the launch of the Renovation ('doi moi') Policy in 1986, Viet Nam has quickly entered the whirlwind of globalization with its export-oriented economy and the fast development of its private sector. Viet Nam has become a WTO member in 2006 and has been ranked sixth among the most attractive economies in the world in terms of foreign direct investment (FDI). It will be a rising star in Southeast Asia in terms of attracting FDI in the coming years.¹ From 2003 to 2006, there was an addition of 260,800 workers in FDI enterprises, i.e. a 37 per cent increase, and many domestic private enterprises became sub-suppliers for transnational corporations (TNCs).

Viet Nam is a young nation having a labour force of more than 43 million people (2006), which is 51.5 per cent of the total population. One million new labourers joined the labour force every year from 2003 to 2006. The unemployment rate declined from 5.78 per cent (2003) to 4.82 per cent (2006) in the urban areas. The number of unemployed women was higher than that of unemployed men.² The economy developed very fast, with a yearly average GDP growth rate of 7.9 per cent (2003 – 2006) and a declining general poverty rate (28.9 per cent in 2002, 19.5 per cent in 2004).³

The informal sector mobilizes a major part of the labour force: about 33 million people (77 per cent), including the farmers. The informal economy contributes more than one third of GDP (37 per cent on average in 2003-2006). These figures are only an approximate reflection of the reality, due to unreliable statistics. According to the World Bank, it was more than 50 per cent in 2003.⁴

Who are regarded as the workers in the informal economy? All economic activities that, in law or in practice, are not at all or insufficiently covered by formal arrangements,⁵ – the informal sector comprises much more than 33 million people. It includes seasonal, casual, domestic and home workers, workers in unregistered enterprises (family/micro enterprises, craft villages), self-employed workers such as street vendors, small traders and producers, as well as farmers and a part of the workers active in the formal sector, but who, for some reason or another, are out of any formal arrangements, especially workers in labour-intensive enterprises, and migrant workers.

In 2005 and 2006, the strong equitization (a kind of privatization) process⁶ in the state economy transferred a great number of redundant workers to the private sector. Many if not a majority of them (100,400 redundant workers, according to the statistics⁷) joined the informal sector due to age limits set for entry into the formal sector. According to one research, two thirds of redundant workers, after state-owned enterprise (SOE) equitization, said their life became worse,⁸ their situation changing from stable to unstable jobs.

While the cultivated land for households in rural areas is already very small in size (about 350-500 square meter per head), because of the ongoing urbanization and industrialization

process, the government is narrowing down even more the land allocation for agricultural production, forcing rural people to move out in order to look for new kinds of jobs. From 2000 to 2006, about 2.5 million farmers lost their jobs. In some areas of the Red River Delta region, 17 per cent of farmers became workers after losing agricultural land, compared to 10 per cent before that process.⁹ On one hand, the women farmers join the groups of seasonal workers, domestic/home workers or vendors, scrap-iron dealers; on the other hand, men farmers join groups of casual and mobile construction workers at certain periods of the year, while continuing to do farm work. Young people from the rural areas seek jobs away from home, out of agriculture. Quite a portion of them have the opportunity to work abroad through the State labour export programme or private labour enterprises.¹⁰ After a few years working abroad, they seek other labour export opportunities or start small businesses with their savings. But the majority of them become workers in family/micro/small enterprises, shops, restaurants, or migrant workers in export-processing zones (EPZs) and industrial zones (IZs), which are mushrooming all over the country.¹¹

In labour-intensive enterprises, especially in IZs and EPZs,¹² young female migrants from rural areas arrive to work, hoping that with an independent and stable job, they can save money and send some of it back home to support their families. But because of the common practice with the employers to follow orders at short notice and minimize production costs, they make a precarious living and suffer from bad working conditions, therefore they spend limited spans of time at their workplace. In short, they are classified as formal workers, but in practice, they are informal workers. They can be considered informal workers as they have short-term contracts or even no contracts at all, and accordingly also have no social or health insurance and are faced with poor working conditions and low salaries that force them to return home or find other jobs after a few years of work. Many girls and women end up seeking jobs abroad or agreeing to marry foreigners (e.g. Taiwanese and Koreans), and then get exposed to slavery work or precarious living conditions overseas.

Generally speaking, informal workers in Viet Nam are facing the following concerns:

- *Bad working conditions.* Farmers, especially women, are chronically or in long-term contact with pesticides due to the misuse of the recommended restrictions and their unawareness of the existence of regulations to protect them. Women workers in labour-intensive enterprises also suffer from exhaustion and stress affecting their health in the long term.¹³ Workers in small and medium enterprises, handicraft and traditional job villages, are affected by the highest ratio of lung and nose diseases (40 per cent) due to a polluted working environment, as well as by muscle and bone diseases (13 per cent) due to wrong working posture.¹⁴ Eighty-four per cent of small and medium construction workers are farmers (working during non-busy agricultural periods of the year). More than 90 per cent of them have no instructions on occupational safety and health (OSH). In 2002-2006, 18 per cent of accidents happened in the sector of construction (34 per cent in civil, industrial and transportation constructions), with 23 per cent of total death rate.¹⁵
- *Unstable income and precarious living.* Eighty per cent of the population is earning less than 515,000 VND (Vietnamese dong) —approximately US\$33 per month.¹⁶ The average monthly income of women is equal to 85 per cent of the income of men (66 per cent in agriculture and 78 per cent in industry). Many of them, especially migrant workers, have difficulties in getting access to basic social services.
- *Lack of appropriate legal mechanisms for social security.* Informal workers only have access

to voluntary medical insurance. For OSH protection, they can legally have access to compensation mechanisms in case of accident, but in practice, the mechanisms are rarely used.

- *Lack of organization for the informal workers to help them claim their rights.* There are several socio-political organizations and local NGOs paying some attention to informal workers. The Women's Union organizes women, the Youth Union organizes young people and the Farmers' Union organizes farmers in general. These unions are considered semi-governmental bodies, similar to Vietnam General Confederation of Labour (VGCL), because they are paid for by the government. But at the same time, they collect membership fees from their members. So, they all have dual responsibilities: one towards the Communist Party (which leads both the government and these mass organizations), and one towards their members. Very similar to in China, the unions have high membership rates, but their programmes focus more on disseminating the Party's and the Government's directives and policies on social issues, such as family planning and HIV/AIDS, as well as on job creation for the members, rather than focusing on labour rights and creating conditions for decent jobs. In principle, the Labour Union allows informal workers to join the organization through professional unions, but in practice this is not successful. The dual responsibilities of the above organizations (towards the Party and the Government and towards their members) makes it difficult for them to be the real voice of their members.

2. Summary of the Labour Laws in Relation to Informal Work

The Labour Code of Viet Nam, approved by the National Assembly's ninth term on 23 June 1994, came into effect on 1 January 1995. The Code institutionalized the Vietnamese Communist Party's 'renovation' direction after 1986 regarding the labour relations and management. It covers issues such as employment, apprenticeship, labour contracts, collective bargaining agreements (CBAs), wages, working time, rest time, labour discipline OSH, specific provisions on women labour, children/adolescents and other types of labour, social insurance, labour unions, settlement of labour disputes, state management of labour and inspections, and handling violations of labour legislation. The Code regulates labour relations between workers and employers and directly related social relations, and applies to all workers, organizations and individuals using contracted labour in all economic sectors and all forms of ownership, as well as to apprentices, domestic workers, and a number of other jobs, with the exception of workers doing outwork (i.e. work done at home which is done at the order of factories) (Articles 1-2 and 137). The Code is considered one of the most comprehensive and progressive labour laws in the region, creating a more suitable legal framework for labour relations during the transitional stage from a centralized economy to a market economy. This is reflected in the ILO membership status of Viet Nam. From 1980 to 1985 and from 1992 up to date, Viet Nam ratified 18 conventions among 188 ILO's conventions, including five out of the eight fundamental conventions (see Appendix 1).

The current Labour Code (amended in 2007) still keeps the same structure of 17 chapters, as in the original one. However, its contents were revised, adjusted three times (in 2002, 2006 and 2007).¹⁸ Several contents have been specified in separate laws such as the Law on Vocational Training (2006), the Law on Vietnamese Employed on Contract Abroad (2006), and the Law on Social Insurance (2006).

The Labour Code version of 2002 included revision of almost all the chapters of the 1994 one, with minor changes and additions, in order to better match the new situation of the country's

economy, with its rapidly growing private sector. The 2006 Labour Code comprehensively amended Chapter 14 on labour dispute resolution, reflecting the fact that, with the yearly increase of FDI and flourishing domestic private enterprises, the violations of the labour laws have caused an increasing number of strikes, especially in 2005 and 2006, while the law regulating labour disputes has proven helpless.

The review of the Labour Code directly related to informal work is mainly based on two amendments, including relevant decrees, circulars and specific laws. It focuses on two main aspects: arrangements for social security and mechanisms for enforcement. The first aspect includes how to ensure good working conditions, a decent income and effective social protection. The Labour Code tries to ensure this with detailed regulations on OSH, working time, minimum wage and social insurance. The second aspect refers to institutions dealing with Labour Code violations and labour disputes, the legal framework for collective action and labour union work.

How the Labour Code Arranges For Social Security of Workers

Working Conditions Seen From the Angles of Work Time and Occupational Safety and Health Conditions

1. Work Time

Work time should not exceed eight hours per day or 48 hours per week (40-44 hours per week for administrative and non-productive agencies and state-owned enterprises).¹⁹ Workers and employers can agree on extra work time, but this should not exceed four hours per day and 200 hours per year. The 2002 Labour Code added some exceptional cases granting extra work time of up to 300 hours per year (Article 69) to enterprises producing and assembling export products in the garment and textile, footwear and leather, and seafood processing sectors. However, this is far from what was actually happening. Long working hours were quite common, especially in the garment and footwear sectors. Workers had to work extra 400-600 working hours per year. A research study conducted in 2003 in six footwear factories revealed that all the factories still relied on long working hours, especially in the footwear sector where workers claimed to work 11 hours a day on average, six days per week.²⁰ The employers claim this was due to short notice of orders and inflexible deadlines. Extra working hours are supposed to be agreed on a voluntary basis, but in fact are often forced, as the employer had informed the workers at too short notice. Forced to accept, the workers often worked in such tense conditions that the only way to defend themselves was through a work stoppage. There were clear cases where workers participated in a strike because of exhaustion as they just wanted to get some days off.²¹ Workers were also not allowed to take annual leave, or even sick leave, due to a complex procedure for approval. In practice, sick workers dared not stop working or they would decide to take a day off without specifying the reason and receive a salary that was reduced by 60,000-100,000 VND at the end of the month.²²

But this is only one side of the picture. In labour-intensive enterprises, workers have to work perfunctorily and discontinuously for several months, for an income of less than US\$20 and they have to accept extra shifts in other months of the year. This leads to a practice of 'borrowing money in the summer and paying back in the winter', as one female worker said.²³ Such a practice increases the vulnerability of the workers and pushes them towards the informal sector.

2. Occupational Safety and Health (OSH)

Regarding OSH, the Labour Code clearly stipulates the responsibilities in OSH of all the

parties concerned, including the Government, the employer, the workers and the labour union. The Government integrates an OSH programme into its socio-economic development plans and its state budget. It also invests in scientific research, supports the production of OSH equipment and issues OSH standards, procedures and mechanisms.²⁴ The employer must fully provide employees with individual labour protection tools and knowledge, and ensure and improve OSH at the shop floor, coupled with several specific conditions for women workers. In 2006, the Labour Code was improved thanks to new laws on social insurance and on gender, which give detailed regulations for the protection of female workers (in the cases of pregnancy, maternity, feeding a baby under 12 months, etc.) and for people working in hazardous and noxious conditions. Workers have the right to refuse a job or to leave the workplace if they become aware of the threat of an occupational accident. When suffering from occupational accidents or diseases attested by a doctor's certificate, the worker has the right to be assigned an appropriate job and to benefit from social insurance, or an allowance equal to it paid by the employer if the enterprise is not yet part of a social insurance system. The employer is responsible for covering all the medical costs of first aid and any treatment due to occupational accidents and diseases. The employer has to pay at least 30 monthly salaries to workers whose working capacity has been reduced by at least 81 per cent. The 2002 Code added the responsibility of the employer and his legal obligation to compensate for occupational accidents and diseases that reduced the worker's working capacity from five per cent up to 80 per cent.²⁵ In the 2002 Code the social insurance had already covered 21 occupational diseases and the 2006 Code added four new ones. This, in theory, has broadened the target group for OSH compensation to informal workers. However, not many of them benefit from the law (as will be explained further below).

According to a recent OSH survey done by MOLISA (Ministry of Labour, Invalids & Social Affairs), the working conditions and environment at national level are worrying, with 30 per cent of enterprises offering bad to very bad working conditions, 50 per cent of enterprises offering average working conditions and only 20 per cent of them working conditions meeting legal standards.²⁶ Another survey by NILP (National Institute for Labour Protection) conducted in 2,036 small and medium enterprises (SMEs), home industries and traditional craft villages reveals that almost all those enterprises do not pay any attention to acquiring individual OSH equipment for workers.²⁷

Occupational accidents are increasing at an alarming rate. In 2003-2006, 2,119 people were killed at the work floor and 18,451 injured in 20,052 accidents. Compared to 2002, the number of deaths increased by 4.5 per cent in 2003, 17 per cent in 2004, one per cent in 2005 and nine per cent in 2006.²⁸ This severely underestimates the real number of victims, as even the Vice Minister of MOLISA Le Bach Hong has stressed, only 3,400 out of 160,000 enterprises (2.13 per cent) provided OSH reports.²⁹ The common practice of the employers is to cover up serious accidents in order to avoid punishment and reduce the compensation to be given to the affected people. The highest risk sectors are construction, electricity and natural resources, and the most vulnerable workers in these sectors are the mobile workers.

5,018 out of 53,863 workers who had a health check were reported to have contracted job-related diseases in 2006 (up 381 per cent compared to 2005).³⁰ This sudden rise can be explained partly because of the four new officially recognized occupational diseases approved in 2006.

The most common OSH violations mentioned by MOLISA in its 2006 labour inspection report include: absence of OSH training, of declaring, surveying or listing occupational accidents, no organization of regular health checks for workers, or medical examinations to discover occupational diseases, etc.³¹ As for female workers, the most common violations included the

dismissal of pregnant workers and workers feeding their children less than 12 months old.³² In 2003, they also faced limited access to the toilet with 'toilet cards', and no payment for workers during breastfeeding time (though by law 30 minutes breastfeeding time during work is paid).³³

3. Social Protection

By law, the workers receive social insurance in the case of sickness, occupational accident and disease, maternity, retirement and death. This is regulated in more details in the Law on Social Insurance (Articles 21-68).³⁴ The compulsory social insurance mechanism before 1 January 2003 applied to people working in enterprises employing ten workers or more. In enterprises of less than ten workers, this insurance was added to the salary. This article was amended so that for workers with less than a three-month contract, the social insurance money is added to the salary, but if afterwards the workers go on working or sign a new fixed-term contract, the compulsory social insurance must be applied as above (Article 141). In the case of people working abroad, the rules in the matter of social insurance still prevail if they benefit from paid social insurance before leaving (Law on Social Insurance, Article 2). This change helped to include many workers from the informal sector into the social insurance target group, because there are many small-scale enterprises that have less than ten workers. The Law also included people working abroad.

Compulsory insurance for unemployment is a new regulation that was added to the 2002 Labour Code and will come into effect on 1 January 2009. By this, the State specifically regulates the re-training of jobless workers (Article 140) and the social insurance becomes compulsory. Under this new insurance regulation, the State has to contribute to the unemployment insurance fund. Labourers will thus have a right to receive unemployment benefit, which provides support for their vocational training and finding a new job. But only workers having 12 to 36-month contracts or open-ended contracts and working in enterprises employing at least 10 workers can have access to this insurance (Law on Social Insurance Law, Article 2).

According to the Assembly's committee in charge of social affairs, currently, more than 40 per cent of the labourers having a right to compulsory social insurance do not really benefit from it. Even among the workers benefiting from it, a number of them cannot get the full payment from the employer. Many enterprises use the money intended for social insurance payments and the workers' contributions to social insurance for other purposes.³⁵ This means that more than 40 per cent of the formal workers become informal workers in a sense because they can not have access to social security. There are many ways to avoid paying social insurance, such as declaring a false number of workers, reducing the salary fund (real payments are higher than the salaries shown in the wage scale and wage table, which is the basis for calculating social insurance payment), not signing a labour contract, extending the probation period, signing fixed-term contracts for long-term jobs, accepting to pay a fine rather than social insurance. Being indebted to the social insurance scheme is a common practice in enterprises. The Social Insurance Office of Ho Chi Minh City just handed over to the local Department of Labour, Invalids and Social Affairs (DOLISA) a list of 39 FDI enterprises owing 37.5 billion VND for nearly 10,000 workers. Many of these enterprises appropriated the six per cent of the workers' salaries which were supposed to be the workers' contribution to social insurance.³⁶ That six per cent of the workers' salaries together with an amount equal to 17 per cent of workers' salaries paid by the employer were supposed to be submitted to the social insurance office, but the enterprise used it as part of capital for their business, and so when workers would get sick or suffer accidents, they could not get compensation from their social insurance. This is a serious problem because the plunder by the enterprises of the workers' social welfare system could be punished and deterred if there were more inspections and if the fines for violating the law were not so low. (Employers can earn

interest from depositing the workers' insurance money (17% of workers' salaries) in a bank, and use that interest to pay for the low fines in case inspectors discover their violation of the law.)

The main issue of female workers is the maternity policy. On top of the fact that employers avoid signing labour contracts and paying social insurance, very few female workers benefit from the maternity policy. In theory, they are supposed to have access to maternity benefits within the social insurance scheme or through payment by employer. However, in practice, employers evade their obligations in many ways, such as offering fixed-term contracts, dismissing pregnant workers, or forcing female workers not to have any children during the first three years of work.³⁷

The Workers' Income Seen From the Angle of the Minimum Wage Policy

The State has introduced a minimum wage system based on the cost of living.³⁸ The minimum wage is used to calculate the salary of any type of labour and subjected to adjustment when a rise of the cost-of-living index (consumer price index - CPI) causes a drop in the real value of the workers' wage. The Labour Code of 2002 allows private enterprises to work out their own wage scales and tables, and their own production norms based on certain principles given by the State, instead of following wage scales and production norms directly dictated by the State. Decree 3/2006/ND-CP regulates that the lowest salaries to be paid to workers who received vocational training (including workers trained by the enterprise) should be at least equal to 107 per cent of the minimum wage.

There are two minimum wage systems, one applied to SOEs and domestic private enterprises and the other to FDI enterprises. The latter has been changed four times (see Appendix 3). In Vietnamese dong (VND) the minimum wage in FDI enterprises is supposed to be adjusted each time the cost-of-living index rises by ten per cent—in order to attract FDI—but it has not changed since 1999. So, in 2003, this minimum wage was not changed³⁹ although the CPI from 1999 to 2002 was 4.76 per cent.⁴⁰ It was not adjusted in 2005 either, though the CPI by then had risen to 17.26 per cent (since 1999),⁴¹ and though the minimum wage in SOEs and the domestic sector had already been adjusted twice. According to VGCL and MOLISA, while from 1999 to January 2006, the market wage had increased by 40 per cent, the CPI by 28 per cent, and the VND/US\$ exchange rate by 14 per cent, the minimum wage in the FDI sector was still the same.⁴² On 6 January 2006, the minimum wage was finally adapted, rising to US\$45.5 (in FDI enterprises), but this rise is nothing compared to the growth of the profit made by of the enterprises. The revised minimum wage is still too low and not fair, given the fact that the average profit of the enterprises during the last few years increased by 41.2 per cent a year and the work productivity by 18.3 per cent, while the workers' salaries only increased by 12.6 per cent.⁴³

From 1999 to January 2006 the state kept the the minimum wage level at US\$45-40-35 in FDI enterprises and allowed the enterprises to use VND for paying salaries. The state fixed the minimum wage level due to the consideration of the rise of CPI and inflation. The Law demands adjustment of the minimum wage in accordance with the rise of the cost-of-living index by 10 per cent up, but it does not clearly say that whether the State or the enterprises is obliged to adjust it. On one hand, neither the State nor the enterprises respects the law. On the other hand, the State did not revise the unrealistic ten per cent rule nor establish a systematic yearly adjustment system based on the changes in CPI. So, compared to the 1999 salary level, the real income of the workers obviously declined every year. Moreover, the workers' income was greatly lowered due to the exploitation methods commonly applied to intensive labour. The common methods included increased production standards and extended working hours, lower payment per unit in order to force the workers 'voluntarily' work overtime if they wanted to get higher income, as well

as lack of clear policy regarding payment of overtime work. This all explains why, in spite of long working hours and more intense working speed, the average income of the workers in the FDI sector is still low, not higher anyway than the income of workers in other sectors (earlier on, they had been quite different).⁴⁴

Most workers in the industrial zones earn an average monthly income of 600,000-700,000 VND in Vietnamese private enterprises and 800,000-1,000,000 VND in FDI enterprises (including the bonuses). With that income, only residential workers can meet their basic needs, but for migrant workers, it is even more difficult because they have to cover other expenses such as the house rent.⁴⁵ With such low salaries, the workers have to live in very bad conditions in order to minimize their costs. They are generally accommodated in an average living space of 2 to 2.5 square meters, five or six workers often sharing a room of 12 square meters, having no light or ventilation.⁴⁶ This badly affects the workers' health in the long term.

However, apart from the minimum wage, another problem is that the government uses a very complicated salary scaling system. The minimum wage is only a base for calculating salary levels that differ according to different types of labour and working skills, as well as for calculating wage tables and scales that take into account the workers' experience and seniority (minimum wage multiplied by coefficients of position, skill level, working shift food, yearly increase, etc.). Only ten per cent of the enterprises (mainly SOEs) apply this system to develop their salary scaling table for workers.⁴⁷ The complexity of calculation and consequent neglect of the system leads to the development of not two but three salary systems: in SOEs, domestic private enterprises and FDI enterprises. Under the very general guidelines of the State,⁴⁸ each enterprise develops its own salary tables and scales, but there is a common point between all of them, which is the very small difference between salary levels (only US\$0.6 to 1.2).⁴⁹ Some FDI enterprises in Bac Giang province show a difference of only 5,000 VND (US\$0.3).⁵⁰ In Hai Phong City, only two per cent out of 6,000 domestic private enterprises and 4.7 per cent out of 210 FDI enterprises registered their salary scaling table with DOLISA.⁵¹ Neither did the employers consult the labour unions when preparing the salary scaling table, nor did they publicly inform the workers as required by the law. Normally, FDI enterprises pay their workers at a salary level that is a little bit higher than the minimum wage, but they use it as the floor level for basic salaries, so that almost all the workers receive the basic salary of 800,000 VND, while the criteria for salary increase are education, labour productivity and ranking but not experience (which is rarely used). For the last three years, only 70 per cent of the workers had their salary scaled up.⁵² There are enterprises in Da Nang province where the workers have not received any salary increase in ten years.⁵³ Questioned by the labour union why the Labour Management Office could accept that kind of salary scaling, the reply was that they did not have any mechanism to deal with it. Thus, salary increases have added almost nothing to the workers' income in the private sector.

This explains why migrant workers who want to have a job that allows them to send some money back home to support their families, must accept to work in bad conditions for long hours. With starvation wages, no housing allowance, no kindergarten, this can only be a temporary solution and can hardly ensure their position in the formal sector in the long run.

Institutions Dealing With Labour Code Violations and Labour Disputes

The Labour Code gives a clear description of a labour inspection and a labour dispute resolution system.

Several improvements have been made in recent years to strengthen the labour inspection system. The number of labour inspectors has increased and the organization is being restructured.

Since 2003, the inspection of labour sanitation has been combined with the inspection of labour safety in order to simplify the mechanism. However, up to now, no guidelines for its operation have been enacted and there has been no implementation.⁵⁴ The inspectors are responsible for certain areas/regions, so they can understand better the local situation and be more proactive in dealing with labour issues. A self-monitored checklist on the respect of the Labour Code has been developed to support labour monitoring in the enterprises.⁵⁵ In 2006, the ministerial and the provincial inspectors increased respectively by 160 per cent and 190 per cent the monitoring of the implementation of the labour legislation, compared to 2005. The number of law violations discovered by the provincial inspectors increased by 389 per cent and the administrative penalties by 170 per cent, in comparison to 2005. The total of the fines is 4.333 million VND.⁵⁶ However, the Government has not yet fulfilled its inspection role. The whole country has only about 300 inspectors. To cover 20,000 private enterprises and 5,000 FDI enterprises, it would need at least 10 years.⁵⁷ As an example, if the five inspectors in Khanh Hoa province want to inspect all the companies having at least 50 workers, at a speed of 20 enterprises per year, it would take them 100 years to inspect them all.⁵⁸ Thus the informal workers as well as workers in smaller factories benefit very little, if at all, from the government inspection system.

Besides this administrative tool to enforce the law, the State provides a legal framework and mechanisms for solving individual and collective labour disputes for all kinds of labour. The Grassroots Reconciliation Committee (grassroots C) and the Labour Reconciler of the District Labour Management Office have the right to help solve labour disputes at their first stage. At the second stage, the District People's Court can do it if the reconciliation endeavours have failed in the case of individual labour disputes, or the Provincial Arbitration Committee (PAC) and the Provincial People's Court in the case of strikes or collective labour disputes. The Labour Code of 2002 tried to simplify the labour dispute-solving system. The whole Chapter 14 on labour dispute solution was comprehensively revised in the Code amendment of 2006, aiming at strengthening the role of the State in law enforcement by dividing the labour disputes into three types: individual labour disputes, collective labour disputes about rights, and collective labour disputes about benefits. According to this system, there are three labour dispute solution procedures, in which, the People's Committee President of a district or town has the right to solve the dispute at the second stage, i.e. in case of collective disputes about the workers' rights, instead of the PAC. The 2006 Code shortened down almost by half this procedure of three stages and gave detailed regulations about strikes and strike resolution.

From 2003 to 2006, the number of strikes was much higher than during the six previous years (798 strikes compared to 567). The number of strikes has progressively increased (in 2006 alone, there was more than one strike per day on average), mainly in FDI enterprises (73 per cent of the strikes, compared to 61 per cent from 1999 to 2002 and 55 per cent from 1995 to 1998 - see Appendix 5). Ninety per cent of the strikes were due to the employers violating the law and the rights of the workers⁵⁹ in matters related to low salary, late payment, long working hours, bad working conditions, lack of social and health insurance, lack of sick leave, maternity leave or annual leave, 'bad' behaviour of the managers, etc. Recently, the strikes have become more frequent, are of a larger scale and duration, include more workers and are more critical.⁶⁰ Almost all the strikes are considered spontaneous and illegal because they do not follow the legal procedure, which is generally considered too complicated and unfeasible: 'In practice, it has been proved that during the last ten years and more, the grassroots reconciliation committees and reconcilers have not been able to solve collective labour disputes, and the Arbitration Committees and Courts were almost jobless'.⁶¹ Only one legal case out of hundreds of illegal strikes was reported in the media. In enterprises where there are grassroots labour unions, the workers went on strike without any involvement of the grassroots labour unions.

The 2006 Labour Code adjusted the dispute solution mechanisms by allowing to use better legal tools and limiting spontaneous strikes. However there are many questions about their feasibility. When Grassroots Reconciliation Committees are established by the employers on a 50/50 (employers/workers) per cent basis, the labour union people dare not intervene directly to defend the workers, so the workers lose trust in them. In order to overcome this problem, the 2006 Code proposed the appointment of a 'third person', agreed by the employer and the labour union. Another new point in the 2006 Code is that, in the case of collective disputes about the workers' rights leading to a work-stoppage (Article 159), the president of the District People's Committee is responsible for seeking a temporary solution.⁶² 'Temporary collective work stoppages' are not considered by the labour union as strikes because they do not include a set of different steps of which the work stoppage is only considered as the final one. From a practical point of view, this allows the workers to take a warning action to call for the support of the Government if the employer does not respect the law and the Grassroots Reconciliation Committees do not work properly. However, strict requirements about the organization of strikes can be seen as a challenge to the workers and the labour union movement.

Informal workers can have access to the mechanism for individual dispute solution based on the labour contract and termination conditions, which are considered as legal evidence for the worker. There are four types of labour contracts. Three of them are written: open-ended contract, 12 to 36-month contract, seasonal or under 12-month contract. The fourth one is verbal and the most common to informal workers: less than 3-month contract, or housework.

Several studies and investigations show that in different kinds of private enterprises, between 16 per cent and 92 per cent of workers have not signed labour contracts⁶³ due to the fact that the employers extend the probation time and do not sign or do not fully sign the labour contract; in some cases employers simply sign it with key staff, or sign only a less than 3-month contract with workers doing regular long-term jobs. The workers without a formal contract are actually informal workers. In principle, a verbal contract is a very weak legal evidence for workers in case of labour dispute, making it impossible for them to be protected by the legal labour dispute system.

What Institutions Provide a Legal Framework for Collective Action and Labour Union Work?

Organized workers can negotiate with the employers through collective bargaining about working conditions, and workers' rights and benefits. Although three of the eight fundamental ILO conventions have not been ratified by Viet Nam, including the Right to Organize and Collective Bargaining Convention of 1949 (No. 98), the main contents of the convention are reflected in the Labour Code. The obstacle for signing this convention is the mechanism for the development of CBAs. The representative of the workers in collective bargaining and in signing the agreement must be delegated by the steering committee of the enterprise labour union or the temporary grassroots labour union, which has legal status only when it is established under the labour union law, officially recognized by the higher level labour union.⁶⁴ Thus, the right to organize and to collectively bargain falls under the sole authority of the labour union.

A collective bargaining agreement (CBA) mainly consists of commitments about employment and security of employment, working time, rest time, salary, bonus, labour norms, OSH and social insurance that are in line with the Labour Code and elicit more favourable terms for the workers (Articles 44, 46). The 2002 Code added some amendments in order to make the CBA more workable. The CBA takes effect on the date it is signed, and the signed CBA is considered invalid when it contravenes the law. The Provincial Labour Management Office has

the right to declare the CBA partly or wholly invalid, while the rights of both sides have to be defined in accordance with the law.⁶⁵

According to VGCL, only 20 per cent of the enterprises of the private sector have CBAs⁶⁶ and in general they only formally meet with the legal requirements. Most CBAs are only copies of the legal stipulations and very few clauses provide any additional benefits for the workers. Several agreed items bestowed by the employer are not put in the CBA, such as shift meals, transportation, housing, hard work bonus, so that they are easily forgotten. The CBA negotiation procedure is violated and getting workers' approval is just a formality. Moreover, even when there is a CBA, the employers do not strictly follow what they have signed.⁶⁷

The CBA mechanism functions at work floor level where there is a labour union, which, as said before, works in the framework of a 'one-union system', in accordance with the Labour Union law. Thus the labour union has the right to participate in the development of the Labour Code (regarding minimum wage and OSH) and to monitor the Labour Code enforcement, to participate in the State management of labour and to solve problems regarding labour relations. The law guarantees the legal status of a grassroots labour union if its establishment follows the labour union law regulations, and the employer must recognize the labour union, cooperate with it, provide favourable conditions for the labour union's activities and not discriminate nor interfere in the labour union's organization and activities.

The 2002 Labour Code amended one important article about enterprises having no grassroots labour union and about newly registered enterprises where, after six months of operation, the local or sectoral labour union must organize a grassroots labour union and have the right to appoint a temporary labour union steering committee while waiting for the establishment of a normal labour union. The employers must provide favourable conditions for the early setting up of a grassroots labour union and not block the establishment and operation of a labour union in an enterprise (Article 153). The Vietnamese national labour union system has four levels, from the centre down to the grassroots level (see Appendix 2). Workers in enterprises and organizations have the right to set up and join a labour union in the framework of the Vietnamese labour union regulations.

The Labourers' associations (i.e. professional unions gathering freely and labourers working in a same geographical area or professional sector) established in accordance with the law have the right to join the labour federations (Article 1 – Labour Union Law, Article 14 – Labour Union Regulations). This is an important channel for informal workers to organize themselves and join the labour union, although the efforts by the labour union to organize the informal workers has been very limited until now due to their lack of experience and capacities, but also because this is not considered as a priority. Moreover, a CBA can only be negotiated within one enterprise, so it is not yet a tool for informal workers to negotiate better conditions, in accordance with the law and the regulations.

Although the 2002 Labour Code (Article 153) requires the establishment of labour unions, the ratio of grassroots labour unions in the private sector is still very low. Ms Hoai Thu, Director of the Assembly's Social Affairs Committee declared that 85 per cent of Vietnamese private enterprises and 65 per cent of FDI enterprises still have no Labour Union.⁶⁸ The employers of the private sector, especially FDI enterprises, do not want to set up grassroots labour unions and deliberately ignore the law or even create obstacles for the establishment of grassroots labour unions; or they imitate the labour union style in SOEs, meaning that the grassroots labour unions are led by the company's vice director or personnel manager. Another kind of violation is the

organization in private SMEs of 'family-style grassroots labour unions' led by the employer's relatives. There was only one such legal strike reported, but there were cases where the presidents of a grassroots labour union and staff were dismissed because they participated in a strike or supported it.⁶⁹

Although the labour union has an important position in Vietnamese society and Government structure, its dual function weakens its role towards its members. For the labour union, protecting the workers' rights is only one among many objectives, which are to 'stabilize production and business, see to the rights and the benefits of both sides in labour relations and of the State'.⁷⁰ This duality explains why, in the last few years, the role of the labour union in labour dispute solution has been very weak. There is very little information available about the number of professional grassroots labour unions and the way they perform. In the case of one handicraft union in Ho Chi Minh City (10th District Labour Union), the professional union helped the workers have access to a labour contract, get information about OSH and jobs.⁷¹ The labour union took some other initiatives to organize the informal workers under professional unions.

3. Responses, Initiatives, and Struggles

Legal Initiatives

There are several legal initiatives in favour of the informal sector. The most remarkable ones are the Law on Social Insurance of 2006 and the Decree on Medical Insurance of 2005. As mentioned above, the Labour Code has tried to offer social insurance to a larger target group. However, there is still a huge number of people who have not yet accessed to this social security network (about 33 million workers in the informal sector, including the farmers, a group that is almost three times bigger than that of the workers joining compulsory social insurance.⁷² The Law on Social Insurance of 2006 developed a new mechanism of voluntary social insurance that allows all labourers to have access to it (effective from 1 January 2008). However, it only covers the last two items, i.e. retirement and death, but not the whole list of items that are considered as compulsory.

The voluntary medical insurance was introduced in 1994. Its first target group was the school students, but the aim was to expand it later to all the people. In 2003, there were more than five million people benefiting from this insurance, and in 2007 more than 11 million.⁷³

In 2005, a broader target group benefiting from the compulsory medical insurance and a new scheme for voluntary medical insurance applied to all people, with government subsidy to support the poorest, was introduced by decree.⁷⁴ The compulsory medical insurance applied not only to workers having a contract of three months or more and to children less than six years old, but also to other target groups such as the poor, aging people, veterans, commune kindergarten teachers and other commune officials, health workers, etc. That increased the number of people benefiting from the policy from 18 million to 34 million (the percentage of the beneficiary population going up from 20 per cent to 40 per cent). The objective is that, by 2010, 100 per cent of the population will benefit from medical insurance.⁷⁵

With these two legal initiatives, the informal sector has access to some aspects of social security, such as sickness, retirement and death. Other issues such as occupational accidents and diseases, and maternity are still out of reach.

Other legal documents related to the informal sector are the Law on Vietnamese Employed

on Contract Abroad (2006), and the draft Farmer Law.

The Law on Vietnamese Employed on Contract Abroad of 2006 was an attempt to formalize the situation of the informal workers in this sector. It clearly regulates the working conditions and guarantees the labour rights of those workers. However, its enforcement is a big problem, especially when the host country offers no legal protection for foreign workers, e.g. for domestic work. Also, a new decision was issued on 31 August 2007, setting up a fund to support the workers working abroad in case of death or sickness, when they have to be repatriated before the end of their contract (Decision 144/QĐ-Ttg).

In 2006, the Farmer Union started drafting a new Farmer Law, but it has not been finalized yet. This law will define the rights and responsibilities of the farmers, the Farmer Union and the Government. It will cover important issues such as employment, social insurance, land use and management, promotion of agriculture and agricultural products. However, it is not clear yet how the labour rights of the farmers will be addressed.

Labour Union Advocacy and Movements

VGCL remains the main and only government-recognized labour union federation. VGCL has increased free and paid legal aid services for labour union members, labourers and labour unions. In 2004, there were two important decrees of VGCL on the organization and operation of union legal aid services.⁷⁶ In 2007, the union had set up 13 centres, 30 offices, and created 375 groups for legal aid, employing 838 counsellors and collaborators from the central down to the grassroots level, and providing legal aid to 14,914 people.⁷⁷ This is a good mechanism to support workers in general and informal workers in particular. Apart from this, located next to the door of EPZs and IZs, there are labour union offices providing information and advice to workers in a more proactive way.

Some of the priorities of the labour union strategy are:⁷⁸ 1) to strengthen the worker and labour union movement through law dissemination and legal aid support, so as to make the workers be aware of their own rights and help them defend themselves; 2) to develop models in grassroots labour union and professional unions, so that they can organize themselves and operate in an appropriate way within enterprises, especially in the private sector, but also for informal workers; 3) to raise awareness among the workers and the labour union staff about the legal mechanisms and policies directly related to their rights; 4) to monitor the implementation of the policies related to the workers, in particular in matters of salary, CBAs, labour contracts, policies regarding workers made redundant during the restructuring of SOEs, social insurance, medical insurance and the policies for female workers.

We can already see some encouraging results, such as a more successful advocacy for the wage and the housing policy for workers, and the signing of pilot sectoral CBAs. The labour union newspapers had informed the public at large about the destitute living conditions of the workers. The government agreed to develop a special housing programme for workers in EPZs and IZs, through policies regarding master planning, land, tax, finance, credit, etc. The sectoral CBA that will be tested in 2008 in the garment sector will be of utmost importance for the collective action of the workers, including the informal workers. The labour union widely consulted labour unions at different levels and among its members regarding the Labour Code amendment of 2006 to canvass support for its recommendations—even though, according to some labour union staff, the labour union recommendations were only partly taken up in the amended Code. For example, workers are allowed to go on strike to protect their rights and benefits and a work stoppage can be

accepted as a first step in a labour dispute solution process, which is a practical solution so long as the full strike procedure is still too complicated.

The labour union also developed other initiatives, such as disseminating the Grassroots Democracy Decree in stock and private enterprises in order to make them aware of the democratic rights of the workers, heighten their awareness on the importance of signing CBAs, increase blue collar participation in the grassroots labour union steering committees, establish reconciliation committees in order to assist grassroots labour unions in solving labour disputes, and creating a fund for the protection of the union staff.

Although the national labour union goes on playing multiple roles, in the current debates in preparation of the coming Labour Union Congress in 2008, labour union leadership and staff have been arguing a lot about what should be the first priority of the labour union, i.e. representing and protecting the workers' rights. They look quite straightforwardly into the current weaknesses of the labour union. As said in the VGCL website, 'when translating the labour union directives, many labour union levels 'unintentionally' forget the ownership role of the workers, are not close enough to the grassroots level and so don't understand the essential needs of the workers, adopt a mainly 'top-down' and bureaucratic approach, consider the workers as having to meet the targets fixed by the management rather than having the right to be protected and represented by the labour union', and it should affirm that 'the workers have the right to elect their own leaders, especially at the grassroots level, the labour union's role not being to assign staff for leading the grassroots labour unions'.⁷⁹ Having seen the above discussions, we expect that the Viet Nam labour union can improve its role in the future.

Other New Ways of Organizing Workers

A new way of organizing workers outside the work floor has been initiated in several provinces by mass organizations such as the Youth Union and the Women Union, which are centralized state-established unions of similar nature to the VGCL as a Labour Union. So, migrant workers in dormitories are organized in clubs, in which workers have the opportunity to discuss in regular meetings on different topics, including the labour law, the law on women and family, on gender, health and HIV, and to share their concerns about the workplace. The clubs also give the workers the opportunity to negotiate with the dormitory owners on issues such as security, hygiene or the access to water. In these kinds of activities with migrant workers, the Women Union and the Youth Union cooperate with each other and also with the labour union, according to the issues. This work allows workers to organize themselves around issues that cannot easily be discussed at the workplace.

Several local NGOs and foreign NGOs have been working with informal workers, such as migrant workers, street vendors and small traders, on basic social services, micro-credit, productive health and HIV/AIDS. This provides workers with the opportunity to analyze their situation and to learn practically how to organize themselves.

4. Recommendations

The above survey is a quick look at the informal sector in Viet Nam from 2003 to 2006, seen from the angle of the Labour Law. Here are some initial recommendations regarding the informal sector:

- Based on case studies of the different target groups, the Government should provide an appropriate mechanism for giving access to social security to all the workers, translating it

- into specific stipulations of the Labour Law or into a separate law;
- OSH protection should be developed in a separate law to cover the formal and the informal workers;
- The Government should promote appropriate maternity policies for the informal female workers;
- The Government should merge the different current minimum wage systems into a single one, adjust it yearly, and propose clear regulations for a simplified salary scale and table system that can be used as a reference by the workers, including the informal workers, in their negotiations. The minimum wage should reflect appropriately the economic growth and the cost of living, and address the basic needs of the workers;
- A more effective mechanism to encourage the informal workers to organize themselves should be developed;
- An appropriate mechanism should also be developed for the informal workers to help them negotiate collective agreements and protect their rights and benefits;
- The Government should better support the informal workers in having a better access to information and resources, as well as to basic social services;
- The Farmer Law should include regulations ensuring a decent job to farmers, good working conditions and mechanisms to empower them in their relationship to buyers and suppliers.

APPENDIXES

Appendix 1. List of Ratifications of the International Labour Conventions by Viet Nam

Of eight fundamental conventions, five have been ratified (C100, C111, C182, C138, C29), and one is under consideration (C105).

Of four priority conventions, one has been ratified (C81).

Three conventions have been newly ratified since 2003 (C138, C29, C144).

Viet Nam - List of Ratifications of International Labour Conventions

Member from 1980 to 1985 and since 1992, 18 Conventions ratified (17 in force)

Convention	Date of Ratification
C. 6 Night Work of Young Persons (Industry) Convention, 1919 (No. 6)	3 October 1994
C. 14 Weekly Rest (Industry) Convention, 1921 (No. 14)	3 October 1994
C. 27 Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)	3 October 1994
C. 29 Forced Labour Convention, 1930 (No. 29)	5 March 2007
C. 45 Underground Work (Women) Convention, 1935 (No. 45)	3 October 1994
C. 80 Final Articles Revision Convention, 1946 (No. 80)	3 October 1994
C. 81 Labour Inspection Convention, 1947 (No. 81)	3 October 1994
C. 100 Equal Remuneration Convention, 1951 (No. 100)	7 October 1997
C. 111 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	7 October 1997
C. 116 Final Articles Revision Convention, 1961 (No. 116)	3 October 1994
C. 120 Hygiene (Commerce and Offices) Convention, 1964 (No. 120)	3 October 1994
C. 123 Minimum Age (Underground Work) Convention, 1965 (No. 123) Minimum age specified: 18 years	20 February 1995
C. 124 Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)	3 October 1994
C. 138 Minimum Age Convention, 1973 (No. 138) Minimum age specified: 15 years	24 June 2003
C. 144 Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)	9 June 2008
C. 155 Occupational Safety and Health Convention, 1981 (No. 155)	3 October 1994
C. 182 Worst Forms of Child Labour Convention, 1999 (No. 182)	19 December 2000

In the last few years, ILO has supported and is still supporting Viet Nam in its efforts to renovate the labour inspection mechanism, to introduce the tripartite consultation model, to promote labour relations and mechanisms for improving working conditions, as well as conduct specific projects for children and women. There is a framework document about the national cooperation between VN and ILO from 2006 and 2010 for the promotion of decent work (signed in July 2006), regarding job opportunities for all, the freedom to choose, effective and equitable work, OSH, social security and respect of workers' dignity.

Appendix 2: Labour Unions

The Vietnamese Labour Union (labour union) has four levels: Viet Nam General Confederation of labour (VGCL); national sectoral labour unions and provincial/city labour federations; above-grassroots labour unions (including local sectoral labour unions, district labour federations, EPZ labour unions, company labour unions); grassroots labour unions (with at least five members) and professional unions (with at least ten members). The labour unions at each level are established and directed by higher level labour unions and have specific rights and duties. The rights and duties of the grassroots labour unions differ according to their type, whether labour unions in state administrative offices, social organizations, state-owned enterprises, cooperatives, or private enterprises.

The responsibility of the grassroots labour union in a private enterprise is mainly focused on disseminating the labour laws and policies, helping the workers sign a labour contract, representing workers collectively in negotiating and signing CBAs, monitoring the enforcement of the laws, policies and CBAs, participating in grassroots reconciliation committees and in solving labour disputes.

Labour union leaders are elected by secret vote for two years in grassroots labour unions and for five years in higher level labour unions. The highest decision-making role is played exclusively by the labour union Congress and the labour union Steering Committee which has the leading role between two congresses. Labour unions cover their operational costs thanks to the membership fee (equal to one per cent of the workers' monthly salary). They also do their own fund-raising and get support through the compulsory contribution of the enterprise regulated by the Government (equal to two per cent of the salary fund of the enterprise). However, since 1999, in order to encourage FDI, the government has waived this two per cent labour union fee.⁸⁰ This measure is currently being reconsidered, but there has not been a final decision yet.

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Labour Union Statistics

There are 64 provincial labour federations, 20 central sectoral labour unions, about 2,000 labour unions at the above-grassroots level.

	2002	2005 (June)	2006 (after half of the labour union term 2003-2008):
Grassroot labour unions and occupational associations: total/ in the private sector	61,791/ 9,609	76,678/ 14,543	81,781
Union membership/ total of workers in enterprises having a labour union	4,345,081/ 5,078,834	5,245,592/ 7,828,201	Added 769,037 members of which 550,000 members in private sector; 265,000 members in administrative sector; and decrease by 52,000 members in SOEs due to re-arrangement and equitization
Percentage of union membership compared to total workforce	11%	12.3%	13.9%

Source: Congdoanvn, 14 January 2006 and 20 June 2006; Statistics 2006.

Appendix 3: Minimum Wage Adjustments from 2003 to 2006*

Sector	2003	2005	2006	2008
Domestic enterprises and the government sector	290,000 VND (increased by 80.000VND compared to the minimum wage set in 2001)	350,000 VND	450,000 VND (US\$28.5)	620,000-580,000-540,000 VND (US\$38.3-36-33.4)
FDI enterprises and foreign agencies	626.000-556.000-487.000 VND (the same as the minimum wage set in 1999)		870,000 – 790,000 – 710,000 VND (US\$55.5 and 45)	1,000,000 – 900,000 – 800,000 VND (US\$62-55.7-49.5)

*Note: Three levels of minimum wage are given, based on living costs in the big cities, smaller cities or towns, and other places.

Appendix 4: Main Events Since 2003

1. Medical Insurance Decree 63/2005/ND-CP, issued on 16 May 2005
2. 2002 Labour Code and decisions, circulars to guide on the Code implementation
3. 2006 Labour Code and decisions, circulars to guide on the Code implementation
4. Law on Vocational Training, approved by the National Assembly on 29 November 2006 (effective from 1 June 2007)
5. Law on Vietnamese employed on contract abroad, approved by the National Assembly on 29 November 2006 (effective from 1 July 2007)
6. Law on Social Insurance, approved by the National Assembly on 29 June 2006 (effective from 1 July 2007)
7. labour union regulations (13 October 2003, 9th Congress of Viet Nam labour union)
8. ILO Minimum Age Convention No. 138, ratified on 24 June 2003
9. Agreement of the revised ILO regulations to remove old conventions dated 15 March 2006, signature of the national framework document of cooperation between Viet Nam and ILO for the period 2006-2010 on the promotion of decent work, on July 2006
10. National programme on OSH until 2010 (approved by Decision 233/2006/QĐ-TTg dated 18 October 2006)
11. ILO Forced Labour Convention No. 29, ratified on 5 March 2007
12. Law on Gender Equity approved by the National Assembly on 29 November 2006 (effective from 1 July 2007)
13. Enterprise Law approved by the National Assembly on 29 November 2005 (effective from 1 July 2006)
14. Environmental protection law approved by the National Assembly on 29 November 2005 (effective from 1 July 2006)
15. Revised Law on Labour Disputes approved by the National Assembly on 29 November 2005 (effective from 1 June 2006)

Appendix 5: Strikes From 1995 to the End of June 2007, by Type of Enterprise

Year	Number of Strikes	State Owned Enterprises		FDI Enterprises private		Domestic Enterprises	
		Number of Strikes	%	Number of Strikes	%	Number of Strikes	%
1995	60	11	18.3	28	46.7	21	3.5
1996	59	6	10.2	39	66.1	14	23.7
1997	59	10	16.9	35	59.4	14	23.7
1998	62	11	17.7	30	48.4	21	33.8
1999	67	4	6	42	62.7	21	31.3
2000	71	15	21.1	39	54.9	17	23.9
2001	89	9	10.1	54	60.7	26	29.2
2002	100	5	5	66	66	29	29
2003	139	3	2.2	101	72.7	35	25.1
2004	125	2	1.6	93	74.4	30	24
2005	147	8	5.5	100	68	39	26.5
2006	387	4	1	287	74.2	96	24.8
30 06 2007	154	1	0.6	111	72.1	42	27.3
Total	1519	89	5.8	1025	67.5	405	26.7

Source: Legal Department, VGCL; Lao Dong No. 194, 22 August 2007, Thu Huong

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to two per cent of the monthly salary for each further percentage; an additional monthly nursing allowance equal to 100 per cent of the monthly salary if the working capacity is reduced by 81 per cent or more. One allowance of 36 months of the monthly salary in case of death, the relatives inheriting the death benefit);

- pregnancy;
 - retirement (45 per cent -75 per cent of the monthly salary on average) and
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