

Factors influencing trade union activity in private economic groups in Vietnam

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Abstract:

Purpose: To synthesize aspects of Vietnamese trade unions and the performance of trade unions in private enterprises today

Methodology: Using aggregated secondary data to analyze, explain and demonstrate the current situation and factors affecting trade union activities in private enterprises in Vietnam

Results: In the face of competition from representative organizations of workers permitted to operate under the law in Vietnam, trade unions need to improve the quality of activities and participate personnel to have substantive activities, for the interests of workers

Value: The research article summarizes the limitation issues of Vietnamese trade unions in the process of operating in private enterprises. Viet Nam's trade unions need drastic changes to integrate in the face of challenges from the current global integration process.

Keywords: Trade unions, enterprises, private economy, workers, Free Trade Agreements, Vietnam

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I. Introduction

Trade unions have a very important position and role in enterprises and employees. An effective trade union organization can help balance the interests of employers and employees, thereby contributing to the production and business efficiency of enterprises. In fact, most businesses hesitate to form trade unions and workers are not interested in joining trade unions because they think that this is only time-consuming, having to pay union dues... However, if trade unions really maximize their role and capacity, the benefits that trade unions bring are really great for both businesses as well as workers. The Constitution of the Socialist Republic of Vietnam (1992) Chapter I. Article 10 of the Trade Union Law defines: "Trade unions are socio-political organizations of the working class and of workers. Together with State agencies, economic organizations and social organizations to take care of protecting the interests of cadres, workers, public employees and other employees, participate in State management and social affairs, participate in inspection and supervision of activities of State agencies and economic organizations, etc educate workers, officials and other workers to build and defend the Fatherland". The Trade Union Law passed by the National Assembly of the Socialist Republic of Vietnam (at the 7th session of the VIII session on 30/6/1990) affirmed: "Trade unions are a broad socio-political organization of the working class and Vietnamese workers voluntarily established under the leadership of the Communist Party of Vietnam, is a member of the political system of the Vietnamese society, which is the school of socialism of workers". The role of Vietnam's trade unions today is increasingly expanded in the cause of industrialization and modernization of the country. The expansion of the role of trade unions is in accordance with the inevitability, objectivity, normativeness of movement and development of trade unions, it is consistent with the general law of the process of building socialism. (Clarke et al., n.d.) (Atlantic & 2013, n.d.)

In fact, in the history of Vietnam, the Vietnam Trade Union has matured rapidly, clearly demonstrating its role in society, the Trade Union has attracted, mobilized, educated, organized workers, officials and laborers to actively participate in the revolution. In all fields of social life (economy, politics, society, culture and ideology), the Trade Union has shown its active participation and strong impact through the organizational system from the central to local, sectoral and grassroots levels, through the trade union force, Workers, officials and laborers have achieved great achievements that contribute worthily to the revolutionary cause of the Party.

Trade unions play a great role in contributing to building and improving the efficiency of the socialist political-social system. Strengthen the close relationship between the Party and the people, ensure and promote

the mastery of the working people, gradually perfect socialist democracy, ensure law enforcement and let the State truly be the State of the people, by the people and for the people. To ensure political stability. In the economic field: Trade unions participate in building and perfecting economic management mechanisms in order to eliminate bureaucracy, subsidies, and strengthen the principle of centralization on the basis of expanding democracy. Contribute to consolidating economic, cultural and scientific and technical achievements achieved during the years of implementing the Party's reform line. Continue to promote and improve the operational efficiency of all economic sectors in which the State economy plays the leading role, linking and supporting other economic sectors to develop in favor of the national livelihood. Accelerate the industrialization and modernization of the country, gradually bring the knowledge economy into Vietnam, contributing to rapid integration with the region and the world. In particular, in the conditions of a socialist-oriented market economy, the promotion of activities of all economic sectors still ensures that the state-owned economy plays a key position and plays a leading role. (Micro et al., n.d.)

In the field of culture and ideology: In the economy, many sectors of Trade Unions promote their role in educating workers, officials and laborers to raise the class stance, taking Marxism-Leninism and Ho Chi Minh Thought as the ideological foundation and guideline for all activities, promote the noble values, national cultural traditions and absorb advanced achievements of human civilization, contributing to building an advanced culture imbued with Vietnamese national identity. In the field of socialism: Trade unions have a role in building a strong working class in both quantity and quality, constantly improving the level of political enlightenment, disciplined organization, cultural level, science and technology, political wrinkles, etc is really the core force of the public-agricultural-intellectual alliance, serving as the foundation of the great unity bloc of the whole people, a solid foundation to ensure the leading role of the Party and strengthen the strength of the State. (D. Kim et al., n.d.)

In that role, trade unions in private economic groups will bring benefits to employees in supervising the signing of labor contracts; proactively coordinate with enterprises in formulating collective labor agreements, labor regulations, urging enterprises to buy social insurance and health insurance for employees; is a place to solve problems of employees with enterprises and consult with enterprises in ensuring the legitimate interests of employees. In addition, the Trade Union also has opinions with enterprises on the working environment, working time, rest time of employees, requests enterprises to inspect and ensure the requirements of occupational safety and health for each job position in the process of production activities.

For benefits for enterprises in private economic groups, the Trade Union shall assist employers in formulating internal working regulations, wage tables and collective labor agreements; When enterprises have to change the structure or improve technology, trade unions can help enterprises arrange labor reasonably to maximize the efficiency of labor resources, as well as terminate labor contracts in case they do not meet the requirements of the enterprise, There have been many cases where due to the lack of trade union organization or having but being overlooked, many businesses have been reluctant in resolving disputes to accept workers back to work, more seriously, strikes involving more people have caused significant damage to businesses. In case of a dispute such as unilateral termination of the labor contract, labor discipline or strike, the local trade union will organize a dialogue to reconcile the interests of the employee with the employer as an independent entity or mediator to settle the labor dispute. In addition, trade unions will help enterprises supervise the implementation of the provisions of the law on the regime of employees, thereby strongly limiting labor accidents, quitting jobs, working without full responsibility, not respecting commitments and labor agreements... When the position and role of trade unions in enterprises are effectively promoted, the production and business movement is promoted, which will bring practical benefits to enterprises as well as employees in enterprises. Therefore, the establishment of grassroots trade unions in each enterprise is very necessary. (D. Chi et al., n.d.)

II. Methodology

Vietnamese trade unions must perform the function of protecting workers' rights and interests with: immature management qualifications and experience of authorities at all levels, bureaucratic and administrative State apparatus, leading to some people and some sections being indifferent to workers' rights, officials and employees, embezzlement, waste, racketeering, bribery, corruption, violations of interests and workers' lives still exist that cannot be eradicated at once. Therefore, trade unions must be the guardians of the interests of workers, officials and workers against bureaucratic evils, against negative manifestations. It's a special protection that's different from that in capitalism. Vietnamese trade unions perform the function of protecting the rights and interests of workers not by fighting against the State that weakens the State, is not class antagonistic, not class struggle. On the contrary, trade unions mobilize and organize labor officials to participate in building a clean and strong State. At the same time, trade unions also protect the interests of the State – the State of the people, by the people and for the people. Fight against the bad habits of some people and groups of backward people who are corrupted, fight against law-breaking acts, protect the State administration. In the current reality of Vietnam, in the context of multi-component goods, private enterprises, joint ventures, foreign-invested enterprises, workers and laborers working under the management of factory owners (not state-owned

enterprises), have appeared owner-worker relations, Violations of workers' rights and interests tend to develop. Therefore, the function of protecting the interests of workers, employees and employees of the Trade Union is very important. In order to perform the function of protecting interests, the Trade Union actively participates with the authorities in finding jobs and creating working conditions for workers and laborers; Trade unions participate in the field of wages, bonuses, housing, in the conclusion of labor contracts of workers and laborers; representatives of workers and employees to sign collective labor agreements; in negotiating and settling labor disputes; organize a strike in accordance with the Labor Code. Management and use of collective welfare funds and the cause of collective welfare; social insurance; labor protection; participate in settling complaints and denunciations of workers, officials and employees; promote democracy, equality and social justice; develop cultural, artistic, physical training, sports, tourism and vacation activities. In the process of implementing activities to perform the function of protecting interests, it is necessary to be fully and deeply aware of the basic issues: (Register & 1994, n.d.) (Alang et al., 2020) (Alang et al., 2020)

- The interests of employees are associated with the interests of the State and the collective, the existence of the State is the guarantee of interests for employees. The interests of workers are not merely in food and clothing but also higher than political interests (represented by the State), economic interests, cultural and spiritual interests, immediate, daily, long-term benefits, individual, collective and State interests.
- The State is the guarantor, the Trade Union is the protector of the interests of workers, officials and employees. This is an important issue that speaks to the close, dialectical relationship between obligations and rights. At the same time, it is the basis of awareness of the interests of workers, officials and workers in the new conditions, expressing the revolutionary nature of the Vietnamese Trade Union.
- Participate in State management, socio-economic management, inspection and supervision of activities of State agencies and economic organizations
- Organizing a good labor emulation movement among workers, officials and workers is an integrated measure for them to directly participate in management.
- Participate in the development of strategies to create jobs and working conditions for workers.
- Participate in formulating and perfecting regimes and policies directly related to employees such as wages, bonuses, housing,...
- Participate in settling complaints and denunciations of workers, officials and employees.
- Participate in formulating and perfecting social policies: social insurance, health insurance, population family planning policy, movement to repay gratitude, social relief.
- Mobilize and organize well the Congress of public employees and the conference of civil servants (administrative and professional units) in the unit.
- Trade unions participate in strategic planning of production, business and investment, and inspect and supervise planned work.
- Participate in the development and implementation of policies related to the rights and obligations of employees. Inspect and supervise the implementation of regimes and policies of each institutional unit
- Educate and motivate workers, officials and employees to promote their ownership of the country, fulfill their civic obligations, build and defend the fatherland

Trade unions propagandize and educate workers, officials and workers to firmly believe in the line of building socialism and socio-economic development chosen by our Party. Education in the revolutionary traditions of the nation and localities (especially for young workers). Propagate policies and laws of the State. Education to improve professional ethics, labor discipline, industrial manners, build a healthy cultural lifestyle, live and work according to the law, contributing to building a strong working class. (Pringle & Clarke, 2010)

III. Results and findings

The comprehensive renovation of the country has given rise to many new factors and multidimensional impacts on many fields, including the organization and activities of Vietnamese trade unions in general and trade unions in private economic groups in particular. Although aware of the importance of trade unions in private economic groups, in fact, the organization and operation of trade unions still have some limitations and weaknesses, not meeting the requirements of the new situation. The development of trade union members and grassroots trade unions is not commensurate with the development speed of enterprises and employees; The quality of trade union members is not high, the performance of grassroots trade unions is limited. The organizational model, the method of gathering union members and workers present are slowly renewed. The work of building a contingent of trade union cadres is still inadequate; In many places, there is a shortage of full-time staff, a part of staff with weak capacity. Trade union activities in some corporations are not associated with the characteristics, legitimate needs and aspirations of union members, employees and the industrial relations situation. The effectiveness of propaganda, mobilization and education of union members and workers is not high. The role of representing, protecting legitimate and legitimate rights and interests, promoting the ownership rights of workers and employees present is limited. (Pringle & Clarke, 2010)

Figure 1: Building and strengthening the contingent of rapporteurs and propagandists at all levels of the Delegation

| Criteria | Index Evaluation | Evaluation content |
|--|---|---|
| Propaganda and education work | Political education and ideological work | Organize learning, thoroughly grasp and develop an action program to implement the Resolution of the 10th National Youth Union Congress |
| | | Organize political theory learning for youth union members |
| | | Organizing comments on the Draft Amendment to the 1992 Constitution |
| | | Grasping and orienting young people's thoughts |
| | Traditional education | Results of implementing gratitude activities |
| | Moral and lifestyle education | Organize activities to study and follow Ho Chi Minh's ideology, moral example, and style among union members and youth |
| | | Program "Light up the dreams of Vietnamese youth" |
| | Propaganda and legal education | Support, help, and sensitize underdeveloped youth |
| Building creative forces, tools and models in propaganda and education | Build and strengthen the team of reporters and propagandists at all levels of the Union | |

Source: Vietnam General Confederation of Labour, 2021

Private economic groups with a diversity of ownership forms entail many employers and management methods. Business mechanism according to the principles of market economy, accounting and autonomy. Distribution by labor has been further asserted, in fact the method of distribution by ownership. The mechanism of operation of the Trade Union accordingly is both influenced and overcoming problems arising in the interaction of this mechanism (Chan et al., 1998)

In the work of gathering and mobilizing workers and laborers to join trade unions and organize activities among workers and laborers. In fact, in many enterprises, workers and laborers fluctuate frequently, especially seasonal workers, so it is difficult to gather workers and workers to join trade unions. Many enterprises have the working intensity of workers, the labor is extremely stressful, the situation of overtime and overtime increases takes place continuously, workers do not have time and conditions to participate in trade union activities as well as participate in other social activities organized by the Executive Committee of the Business Trade Union. Many businesses have to organize trade union activities outside of hours, even if they can arrange living time, there is no place to organize activities. This is one of the important reasons leading to the situation of workers, workers who are not eager to join trade unions, participate in trade union activities and pay very little attention to political and social issues. On the other hand, many workers are afraid to join trade unions and participate in political and social activities, which will be terminated by employers or lose their jobs (Torm, 2011)

Figure 2: Model of Vietnamese private enterprises

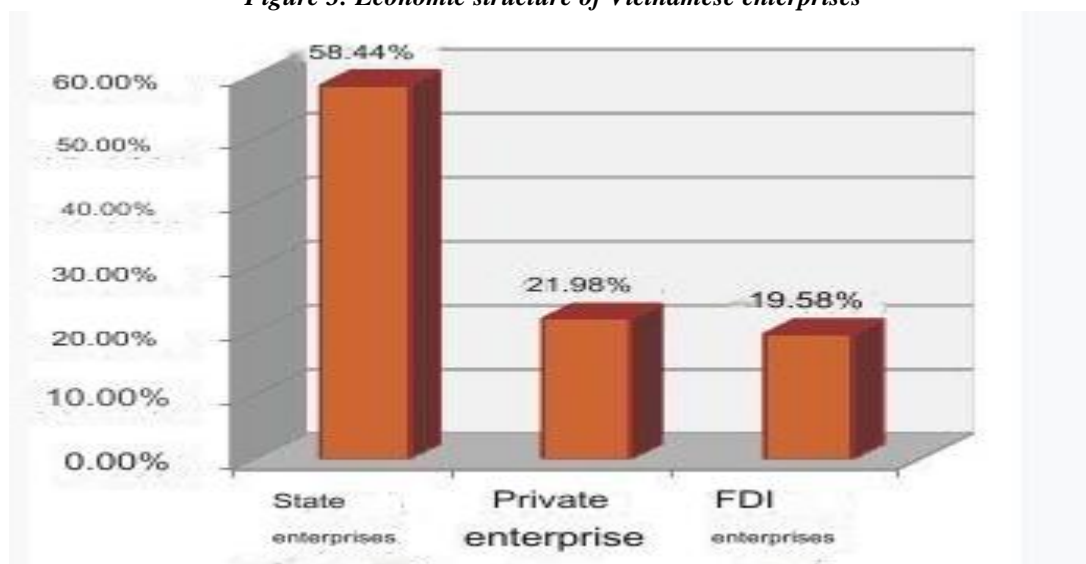


Source: Vietnam Chamber of Commerce and Industry, 2022

Emulation movements organized by trade unions, launched with low efficiency, have not been attractive, attracting a large number of workers and laborers to participate. The union has not yet created synchronous coordination with the expertise in the emulation direction organization. The work of mobilizing, gathering workers and laborers into trade unions, voluntarily participating in trade union activities at enterprises is limited. Some trade unions at enterprises have not yet become the support of workers and laborers. In enterprises in private economic groups, there is currently a shortage of competent, experienced and enthusiastic trade union cadres in trade union work. Trade union cadres in enterprises are mostly part-time activities, They both have to work with high intensity to perform their professional tasks well under the signed labor contract, and also have to participate in organizing trade union activities, so their operational efficiency is still very limited. On the other hand, funding for trade union activities is increasingly difficult, there is no policy regime to motivate and encourage material as well as spiritual, even the mechanism to protect trade union cadres is not synchronized and has not been strictly implemented, so it does not create motivation to encourage trade union cadres to enthusiastically participate in trade union activities. A part of trade union cadres working is still administrative, incidental and not really dedicated to trade union work. (D. Q. Chi & van den Broek, 2020) (Clarke & Pringle, 2009)

The process of reform has changed the relationship between workers and unions. The positive trend is the closer relationship between the rights and interests of members and the performance of the function of protecting employees of the Trade Union in dealing with industrial relations situations. The opposite trend is whether the trade union can protect the rights and interests of its members and whether the union members really trust to delegate responsibility to the trade union as the representative of their interests. (D. O. Kim & Kim, 2004)

Figure 3: Economic structure of Vietnamese enterprises



Source: General Statistics Office of Vietnam, 2023

Practice shows that the organization, cadres, contents and methods of trade union activities in subsidiaries of private economic groups are still ineffective. Many businesses do not yet have unions. Trade union officials who eat salaries from employers should still be hesitant in fighting to protect the legitimate rights and interests of workers. In some enterprises, trade union cadres are also business officials (deputy directors or deputy heads of departments), so there is still the phenomenon of trade union cadres away from workers and laborers (Graduate & 2017, 2017)

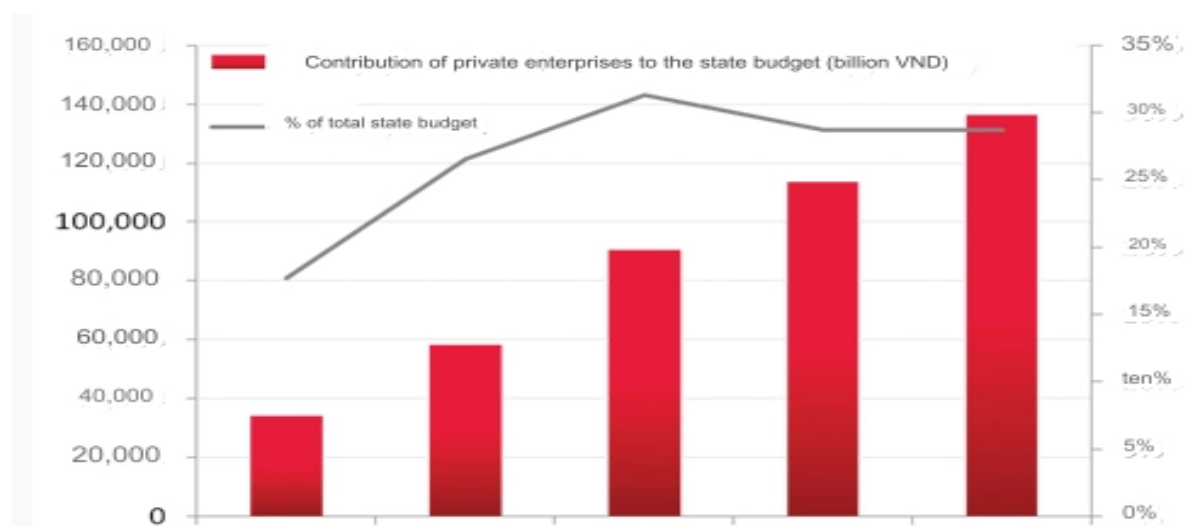
The quality of participation of the Executive Committee of the Enterprise Trade Union in the elaboration and amendment of internal rules, regulations, policies on salary, bonus, remuneration and reproduction of the company's labor power is still weak, the trade union has not well protected the legitimate rights and interests of employees, especially in private enterprises, foreign-invested enterprises. Many trade unions have not been able to sign collective bargaining agreements on behalf of leading workers.

Along with industrial labor style, Vietnamese employees also gradually change habits and behaviors in industrial relations. From strictly obeying orders, complying with plans and organizations, employees switch to industrial labor styles, considering the quality and progress of production, internal rules, collective labor agreements and higher is the brand of the enterprise, the national industrial brand as the values of professional culture. Issues arising from industrial relations are also resolved legally, with means of negotiation, dialogue or

litigation, pressuring the employer to achieve legitimate benefits for the employee. Trade unions participate in state management such as: contributing to the stability and development of enterprise production; job security and income of employees; supervise and urge the full implementation of insurance, tax ... The equal position of trade unions and the right of shareholders to be informed about enterprises become objective requirements, not only in protecting the rights of employees but also in the function of participating in management. (Egels-Zandén et al., n.d.)

In the process of international integration, private economic groups must also approach and participate in implementing a series of new issues. Especially in the condition that Vietnam participates in new-generation trade agreements such as CPTPP and EVFTA, private economic groups are interested in labor productivity; rights and interests of employees; international standards and conventions, such as ISO, corporate social responsibility ...

Figure 4: Contribution of Vietnamese private enterprises to the economy



Source: General Statistics Office of Vietnam, 2023

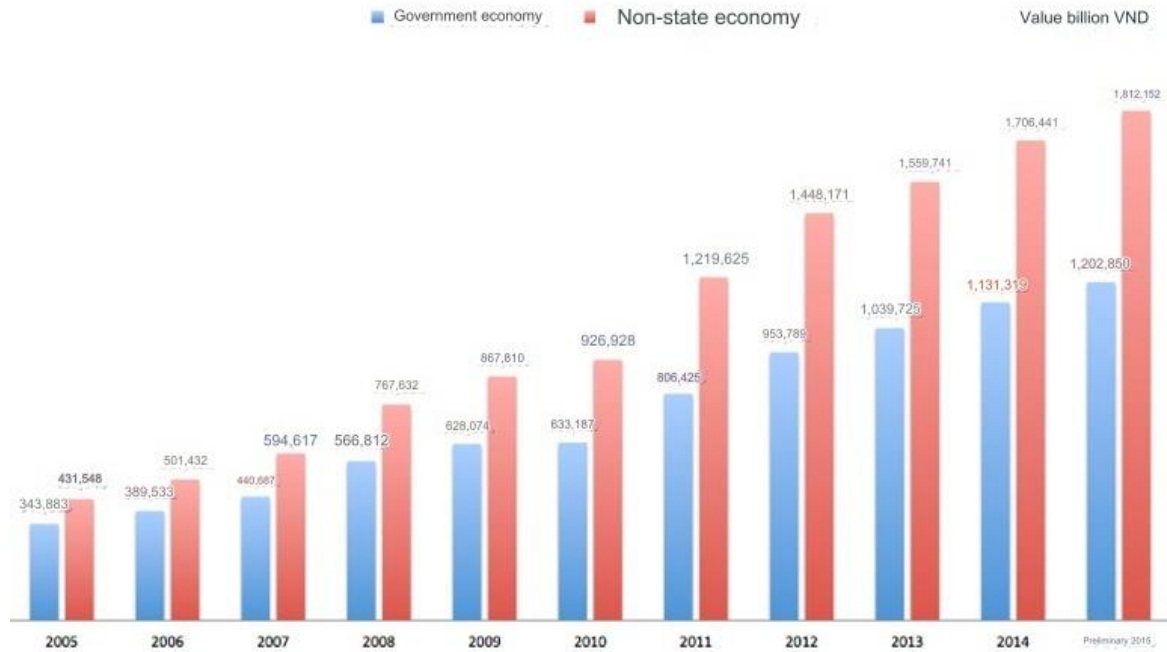
Participation in free trade agreements will create drastic changes in trade union activities, fluctuations in the contingent of workers, laborers and cadres and trade union members, and in laws related to trade union organization and activities. Those factors create an intertwined positive and negative impact on union organization and activity. International economic integration is deepening, enterprises are growing, labor force is increasing, industrial relations are increasingly complicated while trade union cadres still show many shortcomings, the issue of training qualified trade union cadres, Having skills, methods of trade union activities, and understanding of technical expertise are urgent and vital requirements of trade unions. (medicine & 1996, 1996)

When the CTPPP and EVFTA were implemented (according to the roadmap), this was the first time the issue of "multi-union" was regulated and applied in Vietnam. When Vietnam's trade union was no longer the only organization representing workers, competition and attracting new trade union members was inevitable. The development of union membership and grassroots unions will be difficult. Resources to ensure trade union activities, especially financial resources, will be shared and reduced. The environment of trade union activities will also have a big change because industrial relations will have complicated developments. At the same time, "independent" trade unions do not have to fulfill political obligations and responsibilities, but only focus mainly on caring, representing and protecting the interests of employees. Meanwhile, the Vietnam Trade Union is having to perform the tasks of socio-political organizations... Therefore, resources are dispersed, there is a lack of proactive mechanisms in recruiting, training, employing and staffing trade unions, leading to the consequence that trade unions are more and more disconnected from workers. (medicine & 1996, 1996)

When participating in CPTPP and EVFTA, Vietnam's trade unions will have to compete with representative organizations of workers - this is unprecedented. In fact, Vietnam Trade Union has many shortcomings, such as: rigidity of organizational model; pure, monotonous movement organization; slow to adapt to the new situation... Therefore, a major challenge is that Viet Nam's trade unions will have to enter the competition and attract trade union members with a representative organization of workers established at the grassroots. In addition, the issue of the right to establish representative organizations of workers, under CPTPP,

EVFTA and also in accordance with ILO regulations, Vietnam and all countries participating in CPTPP and EVFTA must respect and ensure the right of workers to establish and join workers' organizations at enterprise grassroots. Although it is extended, if efforts are not quickly made to respond and adapt to the new context, both Vietnamese workers, enterprises and trade unions will face great difficulties, affecting the effectiveness of CPTPP and EVFTA integration. (Anner et al., n.d.)

Figure 5: Growth of Vietnamese private enterprises
Growth chart of state and non-agricultural economy from 2005 to 2015



Source: Vietnam Chamber of Commerce and Industry, 2022

Issues related to workers and trade unions (freedom of association, right to collective bargaining) as well as policies, legal regulations in general, labour and trade union policies and regulations in particular will change in accordance with international conventions to which Vietnam is a party will also have an impact on trade unions Vietnam. When implementing the provisions signed in the Agreement, it will fundamentally change the perception, organizational principles, activities, core values and traditions of Vietnamese trade unions in general and trade union organizations and activities in private economic groups today (Tuan Anh & Duc Huu, 2023)

IV. Discussion and conclusion

In order to effectively implement trade union activities in private economic groups, some key solutions need attention. Research and implement methods and models of gathering union members and workers to adapt to the new situation; innovate contents, methods of propaganda and mobilization to attract, rally and orient workers and employees. Strengthen mobilization and persuasion for employees to improve their understanding, voluntarily join, establish and build trade unions at grassroots level, employers ensure the right of employees to participate and operate in trade unions in accordance with law, ensure the legitimate rights of employees and the development of enterprises. Renovate processes and procedures for admitting trade union members and establishing grassroots trade unions in a flexible, proactive, timely and practical manner. Focus on establishing grassroots trade unions, especially in non-state sector enterprises, where there are large numbers of workers, where there are potential complications in industrial relations.

Continue to improve the effectiveness of the 4-level trade union organization model, closely combining local and sectoral trade unions; focus on improving the quality of grassroots and higher-level trade unions, especially grassroots trade unions in non-state sector enterprises; trade unions of industrial parks, export processing zones, economic zones, high-tech parks ... Consolidate and develop sectoral trade unions, improve the efficiency of local trade union activities; have an appropriate model to attract, gather and protect workers in the informal sector. Research and adjust tasks of trade unions at all levels in the direction of focusing on core tasks, suitable to the characteristics of each level and the development of the labor market. Building a trade union organization model in an open, flexible and dynamic direction in order to promptly address the legitimate

needs and aspirations of union members and employees. Research and pilot a number of new models, such as: Industry trade unions, affiliated corporation trade unions in the direction of concentration, leanness and efficiency; grassroots trade unions at enterprises with a large number of union members and enterprises with less than 25 members; regional unions in some localities have few enterprises; trade unions of corporations, private economic groups affiliated to the Vietnam General Confederation of Labor ... Establish consultancy and support centers for workers in industries and localities with a large number of workers and employees.

Building a contingent of quality trade union cadres with intelligence, bravery, enthusiasm, responsibility, prestige, ability to dialogue, lead, inspire, rally and unite employees. Trade union heads must have high prestige, deep knowledge and practical experience in mass mobilization, especially mobilizing workers, workers and business owners. The structure of committees at all levels has a reasonable proportion of adults from workers and trade unions. The committee level shall agree with the superior trade union in the promotion, mobilization and rotation of the president and vice president of the trade union at the same level. Research and promulgate appropriate policies to recruit adult trade union cadres from grassroots and in the workers' movement; attract and motivate trade union officials. Study and propose a mechanism for assigning staff to the Trade Union reasonably, ensuring that the requirements of tasks and the actual situation are met.

Trade unions at all levels shall base themselves on legitimate needs and aspirations and the representation, care and protection of the legitimate rights and interests of trade union members and employees to determine the contents and objectives of activities; build trust, create cohesion between workers and trade unions so that Vietnam Trade Union is truly an organization of workers, by workers and for employees. Strengthen fostering, training, raising political awareness and bravery, class enlightenment, the spirit of pride, national self-respect, qualifications, skills, industrial manners, legal understanding, labor discipline... for union members and workers. Take appropriate measures to prevent and prevent the exploitation, enticement and incitement of workers and employees to go on illegal strikes, protests, disturbances, disturbances and disturbances of security and order. Regularly and proactively coordinate with employers to take care of interests and ensure the rights of employees; promptly supervise, settle and propose the settlement of pressing issues of workers and employees; actively build harmonious, stable and progressive industrial relations at enterprises.

Organize patriotic campaigns and emulation movements in the direction of innovation, practicality, efficiency, suitable to each object, area and field; praise and reward collectives and individuals with achievements and attention to grassroots-level trade union cadres, collectives and direct employees; focus on detecting and replicating advanced typical, innovative and effective operating models. Proactively and actively expand and improve the effectiveness of foreign relations activities in order to learn experiences, take advantage of resources, promote innovation, and enhance the position of Vietnamese Trade Unions in the international arena. Continue to innovate operating methods in the direction of science and creativity, suitable to each member of union members and employees; Promoting democracy is associated with strengthening discipline, discipline, grassroots orientation, attaching importance to coordination, improving the effectiveness of social supervision and criticism. Promote administrative reform and information technology application. Actively innovate working methods and styles of trade union cadres, especially at grassroots level; resolutely against bureaucracy, formality and achievement disease. Promptly review and amend regulations on management and use of trade union funds and trade union assets in accordance with the provisions of law, ensure publicity, transparency and meet task requirements in the new situation; develop mechanisms for financial use associated with common tasks, priority domains and geographical areas, and balance among trade union levels. Maintain existing resources; collect trade union funds and encourage socialization of resources so that trade unions can perform their assigned tasks well. Use savings, financial efficiency and trade union assets, prioritize resources to perform the tasks of caring, representing and protecting the interests of employees. Strengthen inspection, inspection, audit and supervision of trade union finances and assets. Proactively and actively fight against corruption, waste and negativity at all trade union levels; promptly rectify and strictly handle violations in the management and use of finance and assets.

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