

Enterprise dialogue and the role of grassroots trade unions under present conditions in Vietnam

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Abstract:

Workplace conversation is regarded as a crucial instrument for resolving disputes, defending workers' rights, and advancing the sustainable growth of businesses in the context of global integration and the need to establish amicable, stable, and forward-thinking labor relations. As the organizations that legally represent workers, trade unions are essential to planning, fostering, and observing workplace discourse. One of the elements that directly influences the outcomes of conversation activities in Vietnamese businesses today is the analysis of grassroots trade unions' dialogue operations in this article.

Keywords: Dialogue, social dialogue, dialogue at work, grassroots trade union, business, Vietnam

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I. Introduction

Workplace dialogue in industrial relations has a long history of formation and development in the world, but has only appeared in Vietnam in the past more than a decade. In the mechanism of centralized planning, subsidies, the interests of all members of society in general, of social partners, and labor relations subjects in particular are said to be unified. The State is the subject representing the common interest and that interest is said to be unified with the interests of most forces in society. Labor management mainly exists in state-owned enterprises, where employees are both workers, salaried workers, and "owners" through the system of universal ownership. In that context, in theory, there is no conflict of economic interest between the parties in the labor management in particular, between partners, and social forces in general. The implementation of investment in the Labor Plan in order to reconcile and balance the interests of the parties does not seem necessary. The issue of building a harmonious labor management is hardly raised. In the condition of transitioning to a market economy, when Vietnam strengthens integration and extensive international cooperation, the labor management system has undergone a fundamental change in quality. The State does not directly regulate and ensure the implementation of all regimes and interests of the labor management parties. The current role of the State is mainly to build institutions and laws; ensuring law enforcement through management, inspection and examination activities; providing a number of public services; and act as mediators, mediators, and adjudications to settle arising disputes. In the Labor Planning, the rights, obligations and interests of the parties are mainly established and implemented by the parties themselves through the mechanisms and tools of the modern Labor Management on the basis of minimum labor standards. In fact, business owners are still very hesitant to establish a grassroots trade union because many businesses think that the activities of grassroots trade unions are both time-consuming and human resources, while workers and employees are also

not interested in joining grassroots trade unions. They think that this is only time-consuming, having to pay union dues, while the benefits that the trade union brings to themselves are almost non-existent. If a grassroots trade union organization can really maximize its role and capacity, the benefits that the trade union brings are really great for both the business as well as the employees, thereby contributing to improving the production and business efficiency of the enterprise.

Dialogue: dialogue is a form of "discussion and negotiation between two or parties to a dispute", so dialogue is only held when there are disagreements and disputes occur. The form of dialogue is the discussion and negotiation in the spirit of respect and equality to resolve disputes related to the parties in an organization, the above concept of dialogue has a wide scope, covering all areas of social life.

Social dialogue: according to the International Labour Organization (ILO) definition: *Social dialogue* includes all types of negotiations, consultations and exchange of information between the Government, employers and workers (or between representatives) on issues of mutual interest. Therefore, the Social Dialogue will be more inclusive and especially the participants in the dialogue more broadly, with the presence of the Government in this activity.

Dialogue at the workplace: is a form of communication between parties participating in the dialogue to exchange information, collect opinions and collective bargaining... in the working environment of the unit. For trade union organizations, dialogue is a measure and means of exercising the right to supervise, inspect and protect the legitimate and legitimate interests of workers, public employees and laborers. Dialogue is a form of public question-and-answer or aimed at resolving conflicts and disputes within workers, public employees and laborers, between the collective of workers, public employees and laborers and the heads of agencies, units and employers, creating mutual understanding in the fields related to the rights and obligations of workers, public employees and labor.(*Nguyen Anh Tuan, 2015*)

Dialogue in the workplace today is not only the concern of employees but also the interest of the Party and organizations in the political system in stabilizing and developing labor relations in a positive direction. In order to carry out a fruitful dialogue, when organizing, the parties need to pay attention to: (1) Respect the basic rights of employees in the workplace and collective bargaining; (2) Strong and independent organizational, technical and knowledge capacity of employees and employers to participate in dialogue; (3) The political element and commitment to engage in dialogues of all parties; and (4) Appropriate support institutions for dialogue

For countries that are transitioning to mainstream industry, the state must play a particularly important role for dialogue to become the norm. Collective bargaining is the most common form of dialogue in the workplace and is a useful indicator of a country's capacity to participate in tripartite mechanisms at the national level. In dialogues on a national scale, the State needs to be proactive because it creates a stable political and civil environment, necessary for employers and employees to come to unity, seemingly contradictory issues cannot be reconciled in the process of organizing production. Every problem in the workplace can be solved through dialogue.

Dialogue in the workplace is a form of communication between parties participating in the dialogue to exchange information, collect opinions and collective bargaining... within the scope of the working unit. The main forms of communication between the parties are in spoken language, written and gestures to exchange information about production and business plans, results, periodic reports, current events, laws and new policies, etc.; or consult on the formulation of internal rules, regulations and regulations; technical processes, use of equipment, occupational safety and health, regulations on salary payment, commendation, retraining of skills, recruitment, arrangement and promotion of officials, financial management; labor dispute settlement mechanism; negotiating and negotiating collectively to sign collective labor agreements, signing labor contracts, etc. Thus, dialogue at the workplace is an activity to solve issues that are of mutual interest to the parties in labor relations and are negotiated, negotiated and resolved directly within the unit

II. Literature review

The International Labour Organization (ILO, 2016) with the "Workplace Dialogue Handbook" The Workplace Dialogue Handbook consists of two parts, each part of the Handbook will include two main contents as follows: First, periodic dialogues: Introducing how to develop dialogue regulations, organize the collective of employees to appoint and elect dialogue members, the process of conducting periodic and irregular dialogue sessions, practical experience of enterprises in different sectors and characteristics that have conducted periodic

dialogues. With the desire to support businesses to find the most suitable way of dialogue between employees and employers in accordance with their business characteristics and the most effective in building harmonious labor relations, for the benefit of employees and the sustainable development of enterprises. The handbook also provides suggestions on different implementation methods for the provisions of the law on Periodic Dialogues and ways to integrate Periodic Dialogues with the existing dialogue system in each enterprise. Second, build a dialogue system in the workplace: the components required in a dialogue system at the enterprise, the principles of dialogue, indirect and direct dialogue channels as well as how to operate these channels.

Nguyen Van Binh 2014 "Perfecting the Law on Social Dialogue in Industrial Relations in Vietnam" has systematized and analyzed in-depth legal theories on social dialogue as a process that includes the overall range of different forms of interaction between the subjects of the industrial relations system at all levels and as a mode of modern management of labor relations in the market economy, on the basis of ensuring the right to have a voice of the parties, thereby ensuring the harmonious distribution of their interests. The thesis has proposed a new approach when studying various issues and aspects of labor relations. Accordingly, between two factors: the process of interaction between the subjects of labor relations and the results of that interaction, the interaction process plays a more important role. Good social dialogue results can only be achieved on the basis of good social dialogue processes and procedures. And vice versa, a good social dialogue process is a condition for good social dialogue results. On that basis, the author has objectively assessed the current situation of Vietnamese law and the practice of implementing the law on social dialogue in labor relations. From there, develop orientations and come up with solutions to improve the law, improve the effectiveness of the implementation of the law on social dialogue in labor relations.

"The law on social dialogue in labor relations, through practical application in Quang Tri province" in 2019 by the author Tran Duc Tri systematically and fully researches theoretical issues about social dialogue in labor relations through concepts, characteristics and role of social dialogue in labor relations. The thesis objectively analyzes and evaluates the current legal situation on social dialogue in labor relations through practical application in Quang Tri province. Thereby, the author has drawn out the advantages and limitations that still exist in the provisions of current Vietnamese law and the practice of implementing the law on social dialogue in the labor system in Quang Tri province. Since then, the thesis has proposed solutions to improve and improve the effectiveness of the application of the law on social dialogue in labor relations in Vietnam today.

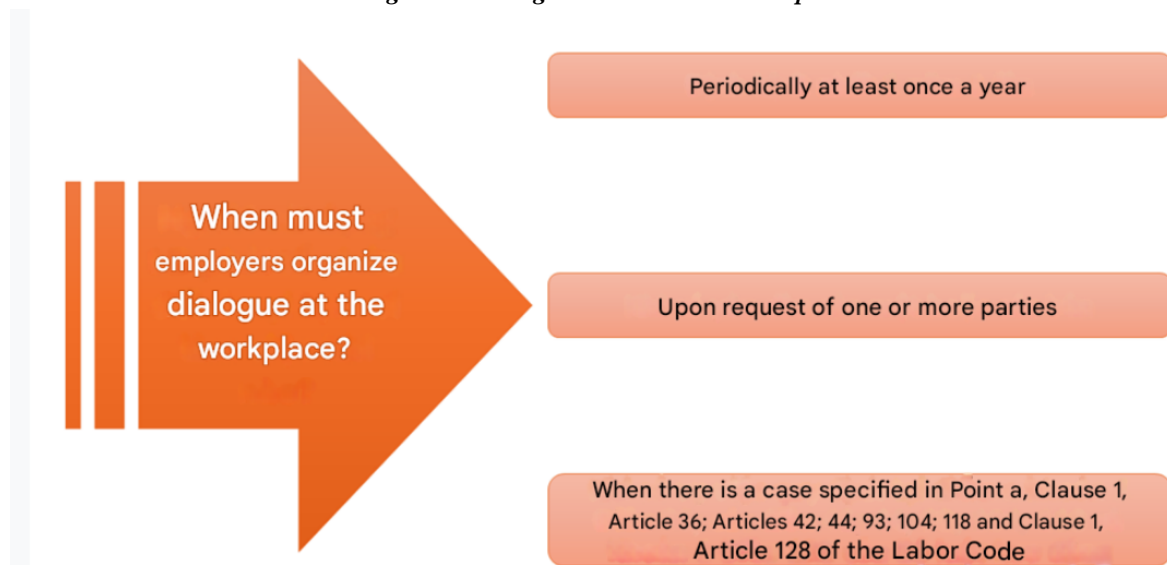
Nguyen Cong Tien (2022) discusses the Law on Dialogue at the Workplace in Labor Relations, through practice at enterprises in Ho Chi Minh City, which has systematically clarified the legal theoretical issues of dialogue at the workplace in labor relations. The author deeply analyzes and evaluates the current legal situation of dialogue in the workplace in labor relations through practice at enterprises in Ho Chi Minh City. The study has clarified the advantages as well as limitations in the process of implementing the law on workplace dialogue in labor relations at enterprises in Ho Chi Minh City. Since then, it has emphasized the role and significance of dialogue activities at the workplace in practice at enterprises, and at the same time offered solutions to improve the efficiency of the implementation of the law on dialogue at the workplace in labor relations as well as solutions to improve the effectiveness of dialogue at the workplace at enterprises in Ho Chi Minh City in particular and at enterprises across the country in general. The results of practical research are useful for enterprises, employees, trade unions and competent management agencies in enforcing the law on dialogue in the workplace in labor relations.

The report "Labor Relations in Vietnam 2017" issued in 2018 was implemented by the Ministry of Labor, Invalids and Social Affairs. In the context of deepening international integration into the regional and world economy, especially when Vietnam joins the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, towards the signing of the Vietnam-EU Free Trade Agreement, In order to provide a comprehensive picture of current labor relations as well as propose orientations for building and developing labor relations in line with the development trend, the Labor Relations Committee developed and released the Report on Labor Relations in Vietnam in 2017. The Labor Relations Report is developed on the basis of evaluating the practical implementation of the Party's guiding viewpoints and the current system of laws and policies on labor and labor relations, using national databases, synthesizing the implementation of localities, etc the presence of the trade union organization and giving comments and lessons learned from practice, towards building and developing harmonious labor relations in the coming time.

III. Results and Findings

Workplace training is a method and tool to build a harmonious and stable labor management. In the specific relationships of the labor management system, the relationship between employees and employers at the workplace (enterprise level) is the center. In this relationship, in addition to issues belonging to labor standards set by the state, the parties are obliged to compulsorily implement, the remaining issues must be solved by the parties themselves through appropriate forms and tools of the market economy. The tool of the market in this case is nothing but investment becomes a tool for regulating labor management in the market economy. Whether the labor management is harmonious, stable and developed depends a lot on whether the training is carried out substantively and effectively. Below are the activities of the grassroots Trade Union prepared in the form of dialogue at the workplace

Figure 1: Dialogue mechanism at enterprises



Source: Vietnam Labor Law, 2019

Activities of grassroots trade unions in the preparation of periodic dialogues

- About 2 weeks before organizing the Periodic Dialogue, the enterprise creates conditions for delegates to meet at the group to collect employees' opinions. If it is possible to arrange a face-to-face meeting, it is best for employees to directly express their opinions so that the dialogue members can record them in minutes. In case it is not possible to arrange a face-to-face meeting, opinions may be collected by ballot.
- The opinions of the employees are synthesized by the dialogue members and submitted to the Supervisory Board/Supervisory Board at the grassroots level.
- The Supervisory Board/Supervisory Board of the direct superior of the grassroots selects the contents raised by the majority of employees, then transfers them to the representative of the employer 01 week before the dialogue.
- At the same time, the employer also met and made dialogue proposals from the enterprise to the BOC. Employers need to meet groups to participate in the dialogue to come up with the best answer plan to the opinions of employees
- The two sides exchanged participants in the dialogue and fixed the time, place and content of the dialogue session.
- The employer makes a decision to organize a periodic dialogue

Box 1: Select the content of the Periodic Dialogue

In order to ensure the quality of the dialogue, the employer's representative should agree with the employee's representative on the selection of the content of the campaign. According to the experience of many enterprises, the selection of dialogue content can be based on the scale of labor as follows:

- For large-scale enterprises: the opinions of employees can be very many and spread. Therefore, employee representatives should choose (about 10) issues that are most interested in employees to discuss in the dialogue. If time allows, it is possible to let the dialogue members ask further questions if necessary.
- For enterprises with small and medium-sized employees: it is possible for the dialogue members of the employees to ask all problems (if time allows).

Activities of grassroots trade unions in the preparation of unexpected dialogues

Representatives of the employee collective or the employer can make a request to conduct an extraordinary dialogue. Some cases in which the employer needs to request an unexpected dialogue such as:

- Changes arising in production and business affect employees;
- Risk of collective labor disputes;
- Enterprises encountering emergency situations need to take important measures and affect the interests of employees.

Unexpected dialogues are often given in urgent situations, so businesses should organize dialogues as soon as possible. In case the employer requests an unscheduled dialogue, the employer needs to provide specific information about the content of the dialogue to the employee's representative and dialogue members to inform the employee in order to stabilize the employee's psychology, especially in case there is a potential risk of collective labor disputes.

In case the request for an unexpected dialogue is made by the collective of employees, the enterprise needs to quickly grasp the situation of the employees to plan an answer before starting the dialogue.

Box 2: Surprise Dialogue to Prevent Strikes

For more than 1 month now, employees of S company (Taiwan's shoe processing expert), especially out-of-province workers, have asked for salary increases due to high inflation, hostel and food prices have all inched up. The Board of Directors collected employees' opinions through trade union groups and realized that it was necessary to immediately dialogue with the Board of Directors due to the urgency of the issue. After receiving the request for dialogue from the Board of Directors, the Taiwanese Board of Directors contacted the parent company and agreed to dialogue 2 days later. The Board of Directors immediately informed the employees that the Board of Directors of Taiwan had agreed to the dialogue and asked the workers not to agitate during the dialogue.

During the 2 days of preparation, the Taiwanese Board of Directors asked the Human Resources Department to provide information on the inflation index, prices of main services in the region such as hostels, food, gasoline, electricity and water, as well as the current requirements of out-of-province workers in the factory.

At the unexpected dialogue, the Board of Directors and employee delegates asked the Board of Directors to increase their salary by 15% to support employees. Taiwan's Board of Directors said that it was not possible to increase the basic salary but proposed to pay a living allowance of 300,000 VND/person/month and support 50% of accommodation fees for out-of-province workers with small children. The results of the Dialogue have not satisfied the initial requirements of the collective of employees but support their current difficulties. The representative of the employees suggested that the Board of Directors consider increasing salaries at the end of the year and persuade employees to rest assured of production. (ILO, 2022)

Activities of grassroots trade unions in conducting dialogue

Some points to keep in mind when conducting periodic dialogues:

Time:

The duration of 1 dialogue session depends on the decision of the 2 parties, in accordance with the conditions of the enterprise. Enterprises that have conducted periodic dialogues indicate that the dialogue time is from **2-4 hours**.

Representatives participating in the dialogue of employees:

For large-scale enterprises, the number of delegates participating in the dialogue can be up to several tens or hundreds of people. For effective dialogue, the employer needs to agree with the employee on how to arrange the participation of employee delegates. There can be 2 ways to do it as follows:

Option 1: arrange for all employee delegates to participate directly in the dialogue session. The employee representative will invite the employee delegates to ask questions to the employer in turn.

Option 2: appoint a dialogue group of employees including the president of the Communist Party and some key dialogue members. Members of the dialogue group will directly ask questions and have a dialogue with the employer's representative. The remaining dialogue members observe the dialogue and can ask questions after the main points have been discussed.

Box 3: Dialogue Session Sequence

1. The Chairperson introduced the members of the 2 sides of the Dialogue
2. The Chair introduced the Dialogue program
3. Representatives of employers summarize the situation of enterprises
4. Employee representatives raise questions/recommendations
5. Representatives of the employer answered questions/recommendations of employees
6. The representative of the employer expressed the opinions of the Board of Directors to the employee collective
7. Employee representatives responded to the opinions of the Board of Directors for the employee collective
8. Open discussion: Employee delegates raise more questions/recommendations, if necessary and the Board of Directors answers
9. The parties agreed on solutions to the stated issues, including agreed and non-agreed issues
10. The Secretary of the Dialogue session announces the Minutes of Dialogue, including: participants, content of the Dialogue, commitments from employers and employee collectives.
11. The representative of the employee and the representative of the employer sign the Minutes. The Dialogue ended.

Activities of grassroots trade unions after the end of the dialogue session

After the end of the Dialogue session, the secretary shall draft a Dialogue Memorandum which includes:

- Participants of the 2 parties in the Dialogue
- Issues and opinions raised by the two sides
- Issues agreed upon by the two sides
- The two parties have not agreed on issues (it is necessary to clearly state the proposals of each party) and have a time limit for settlement.

The representative of the employer and the representative of the employee collective jointly signed the Memorandum.

Disclosure of the results of the Dialogue

Enterprises publish the Minutes of Dialogue via the message board system, radio speakers or internal emails. At the same time, dialogue members also share information about the results of the dialogue session at their groups/departments. The time to publicize the results of the Dialogue should be 7-10 days after the Dialogue Session.

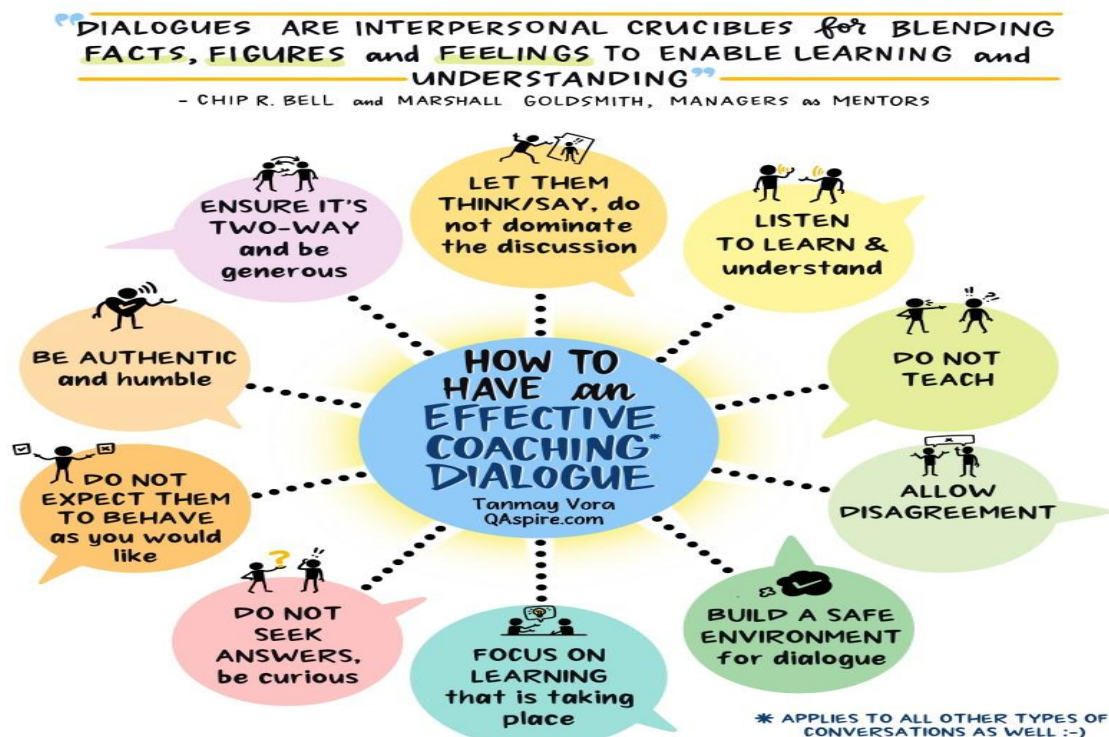
Fulfilling commitments

The Dialogue Minutes should have time for the employer to fulfill its commitments. In addition, it is possible to establish 1 group of employees (including 1 trade union official and 2-3 group delegates) to supervise the implementation of the employer's commitments.

IV. Discussion

Improving the effectiveness of dialogue at enterprises is a key factor to build a positive working environment, strengthen cooperation between employees and employers, and prevent and resolve labor disputes. Here are some solutions to improve the effectiveness of dialogue at businesses:

Figure 2: Principles for building effective dialogue



Source: Dialogue Handbook, ILO 2017

Develop a clear and regular dialogue mechanism: Enterprises need to establish periodic dialogue regulations (in accordance with the provisions of law. Along with that, the dialogue mechanism must aim to organize periodic dialogues at least once a year, and at the same time organize extraordinary dialogues when problems arise.

Improving the capacity of parties participating in the dialogue: superior trade unions need to train dialogue and negotiation skills for both employer representatives and employees (especially grassroots trade union officials at enterprises). Along with that, it is necessary to organize seminars, refreshers and trainings to provide basic labor law knowledge so that the parties understand their rights and obligations. Skills in the process of participating in dialogue need to be acquired such as listening skills, questioning skills, conflict resolution, and rational decision-making.

Strengthening the role of grassroots trade unions: Thereby, grassroots trade unions need to proactively grasp the thoughts and aspirations of employees. Regularly organize employee opinions before dialogues to reflect honestly and objectively. Grassroots trade union officials must also actively participate in the process of preparing contents, synthesizing recommendations, and monitoring the results after the dialogue.

Carefully prepare the content and conditions of the dialogue: The grassroots trade union needs to agree in advance on the content, time and place of the dialogue for both employers and employees. Ensure that the parties have complete and transparent information before the dialogue. With the mediation game, grassroots trade union officials need to have the skills to create a friendly and open space to encourage employees to contribute ideas, contributing to the success of the dialogue session

Establish multi-dimensional and transparent information channels: with their role, grassroots trade unions and enterprises need to build and use channels such as: internal message boards, emails, internal communication applications, group meetings, feedback boxes,... ensure that all information from the dialogue is transmitted to all employees in an honest and complete manner. Grassroots trade unions with management roles can jointly use management software to reflect and recommend from employees. Organize online surveys and polls to increase representativeness and effectiveness.

Associate the content of the dialogue with the improvement of policies and working environment: after the end of the dialogue session, the grassroots trade union and the enterprise commit to settling legitimate recommendations and have a mechanism to monitor the implementation after the dialogue. The results of the dialogue must be proven through specific and measurable changes to improve working conditions, welfare regimes, occupational safety, etc. in order to bring confidence to employees about the effectiveness of dialogue activities in the workplace

V. Conclusion

The relationship of interests between employees and employers shows that these two subjects always have interests that are both conflicting and unified. The conflict of interest factor is reflected in the fact that employees always want high salaries and good working conditions, while employers want low labor costs to have high profits. The more interests of one party, the less interests of the other party. However, the interests of the two parties are unified in that the interests of one party can only be achieved when there is the existence and cooperation of the other party and the interests of both parties depend on the production and business results of the enterprise. The conflict of interest makes the two parties have objective needs to implement specific forms of investment at the workplace, while common interests and unified interests are the basis for the parties to reach sharing and consensus after dialogue. Looking at the specific forms of employment, it can be seen that each form of employment in the workplace has its own roles and missions in regulating and harmonizing the labor management relationship. At the same time, each form of training always plays a complementary role to other forms of training that are implemented effectively and vice versa. Similarly, each level of training also has its own missions, and at the same time, all levels of social training always have a role to support and complement each other. The outcome of these forms of dialogue is the result of the CLAs. CLA is a particularly important form of investment that contributes to finding and establishing a balance point on the interests of the parties in the CLA - the most important factor for the harmony and stability of this relationship. In many cases, negotiation at the enterprise level between employee representatives, usually enterprise trade unions, and employers still risks finding it difficult to establish a balance of interests between the two parties because enterprise trade unions are often susceptible to dependence and influence by employers. Therefore, the activities of grassroots trade unions play an increasingly key role in the dialogue process to bring benefits to both businesses and employees. This is also the most important factor to build harmonious, stable, progressive labor relations, and promote sustainable development of enterprises.

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