

THE SOLUTIONS CONTRIBUTE TO REDUCE THE STRIKE IN CURRENT ENTERPRISES IN VIETNAM.

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ABSTRACT

Strike is a social phenomenon that exists objectively in a market economy, which is one of the last measures by employees in the economic struggles of employees, carried out by stopping working collectively and organizationally in order to force the employer or other entity to accept claims associated with occupational benefits. In fact, in Vietnam for many years the strike occurred spontaneously, no strike organized and led in accordance with the order of the law. This article will analyze the nature, characteristics, status and causes of strikes in Vietnam, based on issues to suggest some solutions.

Keywords: current enterprises, strike, economic struggles, interests of employees

1. Concept and nature of strike:

1.1. The concept of strike: According to Clause 1, Article 209, Labor Code of Socialist Republic of Vietnam, in 2012: “*Strike is temporary, voluntary and organized by the collective of employees to meet the requirements of the labor dispute resolution process*”[1].

Strike is the culmination of collective labor disputes. The most striking manifestation of strike is discontinuity. Strike is the most powerful measure of an employee’s collective effort to satisfy the requirements for wages, working conditions, rest periods and social security, or to require employers to properly perform their obligations in cases where the employers seriously violate the rights and interests of the employees who are recognized by law.

1.2. The essence of the strike is expressed in four aspects:

Firstly, from an economic point of view, strike is the means of economic struggles undertaken by employees in order to put pressure on claims that are linked to economic or professional interests. Strike can bring benefits to the collective and individual of employees to a certain extent, but it can also cause damage to the economy as a whole. For employers, when the strike occurs, it will cause business stagnation, reverse the order of enterprise management,

reduce productivity and product quality. Thus, strike is considered economic measures that employees apply in the “match” with the employer.

Secondly, from the perspective of society, strike is likely to destabilize the social order. With strikes happening on a small scale, the stoppage behavior occurs peacefully, the level of impact on social order will not be large. But with large-scale strikes involve thousands of employees, and with stoppage behaviors, such as shouting out loud, protesting, smashing machines or struggling with managers, business leaders... often cause great social instability. If not resolved in time, the consequences of the strike will not stop at the material damage only, but will result in serious consequences of social disorder and security.

Thirdly, from a political standpoint, strikes can destabilize the country’s political situation. Strikes are primarily intended to protect the rights and interests of employees in labor relations. But strikes can be taken advantage of for additional political demands. In that case, the form of economic strikes would turn into forms of political strife (purely political claims) or mixed strikes (combining economic claims and political claims). These strikes are seen as a kind of political tool that workers and employees can use to oppose a government decision in domestic or foreign policy that enforces policies that can affect the lives of employees.

Fourthly, from a legal point of view, strikes are a type of worker’s right recognized by international law in general and the laws of Vietnam in particular. Accordingly, employees have the right to decide whether to join or not to participate in the strike, free will in the claim. But the exercise of the right to strike by employees is not possible through individual behavior, but must be carried out through the collective bargaining of the collective of employees. Thus, strikes are a kind of right that allows employees to freely choose to behave within the framework of the law, but exercising this right through collective behavior is voluntary work stoppage of the employees.

2. Strike status in Vietnam from 2013 to the first 6 months of 2016

Since the Labor Code of Socialist Republic of Vietnam came into force and officially came into force (1995), according to statistical reports of Labor Relations Department - General Confederation of Labor of Vietnam by the end of June 2016, the whole country had recorded 6,282 strikes, of which 118 strikes were state-owned enterprises, 4,351 strikes were foreign invested enterprises, 1813 strikes were non-state owned enterprises [4]. Only from 2013 to the first 6 months of 2016 in Vietnam happened 1171 strikes. The number of strikes occurs across the country by type of enterprise (at table 1) is as follows:

**Table 1: Number of strikes by type of enterprise
from 2013 to the first 6 months of 2016**

Year	Number of strikes	State enterprises		Foreign direct investment enterprises (FDI)		Private enterprise	
		Number of strikes	%	Number of strikes	%	Number of strikes	%
2013	384	2	0.52	261	67.97	121	31.77
2014	303	1	0.33	206	67.99	96	31.68
2015	316	4	1.27	191	60.44	121	38.29
6 months of 2016	168	1	0.60	117	69.64	50	29.76
Sub total	1171	8	0.68	775	66.10	388	33.22

Source: The data of strikes of Labor Relations Department -General Confederation of Labor of Vietnam (August 2016).

According to the statistics on strike shows that from 2013 to the end of the first 6 months of 2016 in Vietnam there have been 1171 strikes, of which 775 strikes took place in enterprises with foreign direct investment (FDI) accounted for a high proportion (66.10%); Followed by 388 strikes (33.22%) by the private enterprises; State-owned enterprises have 8 strikes (0.68%), and on the basis of the above data, the number of strikes across the years has generally decreased. The indicator not only reflects the reduced number of strikes, but also shows that the employer-worker relationship has been adjusted to limit the perceptions regarding the rights and interests of the parties involved in labor relations. At the same time, the law enforcement of the parties has a positive trend.

When analyzing specifically among FID enterprises, which type of enterprise with the most strikes occur, Table 2 will reflect that:

Table 2: Number of strikes occurs for enterprises

With foreign direct investment (FDI) from 2013 to the first 6 months of 2016

Year	Total	Korea		Taiwan		Japan		Other countries	
		Quantity	%	Quantity	%	Quantity	%	Quantity	%
2013	261	106	40.61	71	27.20	22	8.43	62	23.75
2014	206	89	43.20	47	22.82	11	5.34	59	28.64
2015	191	62	32.46	59	30.89	15	7.85	55	28.80
6 months of 2016	117	38	32.48	43	36.75	9	7.69	27	23.08
Sub total	775	295	38.06	220	28.39	57	7.35	203	26.19

Source: The data of strikes of Labor Relations Department -General Confederation of Labor of Vietnam (August 2016).

Strike by foreign investment partners from 2013 to the end of the first 6 months of 2016 shows that: Of the 775 strikes, strikes occurred mainly in Korean FDI enterprises (accounted for 38.06 %), Followed by Taiwan (accounted for 28.39%). The rest of the strikes happened to Japanese FID firms (7.35%) and other countries (26.19%). This reflects the fact that Korean and Taiwanese enterprises have poor labor relations and labor disputes and many strikes.

In general, strikes have been mainly concentrated in the enterprises of Asian investors. This situation shows that in the time to come, the labor relations in the foreign-invested enterprises are harmonious and stable and contributing to the sustainable socio-economic development of the country to select the investment sector and reputable investors.

**Table 2: Number of strikes as the locality
from 2013 to the first 6 months of 2016**

Year	Number of strike	Ho Chi Minh City		Binh Duong		Dong Nai		Other Cities and Provinces	
		Number of strike	%	Number of strike	%	Number of strike	%	Number of strike	%
2013	384	110	28.65	101	26.30	42	10.94	131	34.11
2014	303	87	28.71	71	23.43	37	12.21	108	35.64
2015	316	81	25.63	76	24.05	31	9.81	128	40.51
6 months of 2016	168	39	23.21	26	15.48	26	15.48	77	45.83
Sub total	1171	317	27.07	274	23.40	136	11.61	444	37.92

Source: The data of strikes of Labor Relations Department -General Confederation of Labor of Vietnam (August 2016).

In terms of territory, strikes have been concentrated in Ho Chi Minh City, Binh Duong and Dong Nai. In Ho Chi Minh City, there were 317 strikes (27.07%), 274 strikes (23.40%) in Binh Duong, and 136 strikes (11.61%) in Dong Nai. As a result, only these 3 provinces accounted for nearly $\frac{3}{4}$ (62.08%) of the total number of strikes in the country from 2013 to the end of 6 months 2016.

In terms of business sectors and industries, the number of strikes occurs across the country is as follows (in Table 5):

Table 5: Number of strikes by business sectors and industries
from 2013 to the first 6 months of 2016

Year	Total	BUSINESS SECTORS AND INDUSTRIES									
		Textile		Leather shoes		Electronics		Wood processing		Other sectors	
		Quantity	%	Quantity	%	Quantity	%	Quantity	%	Quantity	%
2013	384	150	39.06	49	12.76	17	4.43	35	9.11	133	34.64
2014	303	114	37.62	54	17.82	29	9.57	29	9.57	77	25.41
2015	316	127	40.19	45	14.24	13	4.11	43	13.61	88	27.85
6 months of 2016	168	55	32.74	21	12.50	10	5.95	11	6.55	71	42.26
Sub total	1171	446	38.09	169	14.43	69	5.89	118	10.08	369	31.51

Source: The data of strikes of Labor Relations Department -General Confederation of Labor of Vietnam (August 2016).

Look at the aggregated figures in Table 5, it shows that strikes occur between 2013 and the first 6 months of 2016, mainly in textile and apparel enterprises (accounted for 38.1%), Leather shoes (accounted for 14.4%), wood processing (accounted for 10.1%), textile and leather shoes, some rights and benefits of employees are not guaranteed, Actually, in Vietnam, these are

the main professions producing goods for foreigners, production technology is outdated, labor productivity is low, labor time is high, employees' income is low, employees' life meets many difficulties, pressing.

3. The main characteristics of strikes in Vietnam in recent years.

Number of strikes in these types of businesses in Vietnam in recent years; generally have the following basic characteristics:

* Firstly: All strikes that occur are "spontaneous strikes", outside the legal framework of collective labor disputes, not organized and led by unions. The strike was used by the employees as a first and last weapon to claim the employer to meet their requirements.

* Secondly: Although spontaneous strikes, the majority of strikes seem to be "organized" well, demonstrated the high level of solidarity of employees during the strike. Initially, the strike usually involved only a small group of employees, but then attracted most or all of the employees involved in the strike.

* Thirdly: Strike is increasingly complex; strike not only related to the rights and interests of employees but also can affect politics, social order and safety. If the previous years of strikes were mainly for rights, the current strike of employees collective tends to increase demand for benefits. The number of employees involved in strikes is much higher, the spread is faster and the problems arising from strikes are getting longer. In Vietnam, the phenomenon occurred when employees in this enterprise went on strike and had some requirements and suggestions, such as salary increase, bonuses and mid-shift meals. Other enterprises also strike.

* Fourthly: Currently in Vietnam, agencies and departments are using the "problem solving" method to solve strikes. However, it does not mean that the state agency does not mediate the disputing parties when the strike occurs. Typically, when strikes occur, "interdisciplinary missions" or "Strike teams" (consisting of officials from the Department of Labor, War Invalids and Social Affairs or Management Board of Industrial Parks, together with Local trade unions and sometimes there are officials from local people's committees, public security organs, etc.) to investigate the strike. The priority of the interdisciplinary delegation is to persuade the employees to return to work, to ensure social stability and order in the area, avoid the strike spread to other enterprises.

4. The cause of the strike

4.1. On the side of state management

- In the process of moving to market economy and international integration, sometimes there are places where authorities focus on attracting investment, afraid to affect the investment environment, so not really concerned about the rights and interests of employees. This leads to guidelines and policies for employees who are slow to innovate and contain many limitations. Harmonization of interests of employees with interests of employers, interests of the State and society has not been paid due attention.

- The system of policies and laws on employees is not synchronous; the role of the State regulating social policies, especially policies towards employees, such as: wages, social welfare and other social policies are slow and ineffective; Some unreasonable social welfare policies have been uncovered but have not been amended in time, affecting employees' lives and social injustice.

- Works of training and fostering to raise the educational level, professional qualifications, law education, revolutionary tradition education, professional ethics education for employees, especially employees of the non-state sector, the foreign invested sector has not been paid due attention. There are still many limitations, not synchronous between branches and levels, so the quality and efficiency are not high.

- The status of managers at bureaucratic levels, far from the grassroots, ignorant, lacking in attention to employees still existed quite seriously. The inspection and supervision of the implementation of guidelines and policies for employees have not been paid due attention regularly. The ownership of employees is not really respected and there is no mechanism to strictly deal with violations of policies and laws.

- The inspection, examination, supervision and settlement of complaints and denunciations about irregular and low-performing labor. Labor inspectors are thin and unpowered.

- The attention to solving difficulties and pressing of the employees has not been focused and low efficiency, but also coping such as minimum wage, quality of meals, housing - homestay, place to keep young childrens for employees, places of entertainment, spiritual activities...

- The local state agencies have not paid much attention to organizing the implementation of measures to prevent conflicts of labor; illegal strike...

4.2. On the side of enterprises

- Many enterprises have not strictly complied with labor law regulations and commitments agreed with employees, such as: no annual salary increase for employees, or salary increase with too low level; Overtime of employee is so much, paying salary for employees is not enough; The enterprise signs a labor contract with the worker who is not in the right category, dismisses the employee, the employer applies “harsh” management measures, or the working conditions of the employee is not guaranteed.

- Many enterprises do not really pay attention to the income, material and spiritual life of employees.

- Some leaders of enterprise management are only employees for the investor, not enough real rights, when the proposals and recommendations of employees must seek the opinion of enterprise owners. This leads to delays in dealing with employees’ concerns and suggestions, making labor relations complicated.

- The system of receiving and processing feedback from employees, trade unions up to competent levels of enterprises is still limited.

4.3. On the side of the trade union - The organization represents the collective of employees in the enterprise

- Trade unions have not properly performed the function of representing and protecting the legitimate rights and interests of employees. Many legitimate rights and interests of employees have been violated but have not been effectively protected by trade unions. The inspection and supervision of trade union activities with state agencies and economic and social organizations has not really been effective. In some areas where trade union activities are still limited, employees are not keen to work with the trade union.

- Educating and mobilizing employees to bring into full play their role of ownership of the country, well perform their citizen obligations, live and work according to law, at non-state economic sector, foreign investment has not really come into life and efficiency is not high.

- The development of union members, strong trade union building in the non-state sector is limited. The contents and methods of union activities have not been strongly reformed to suit the conditions of the market economy, international economic integration and with each type of enterprise; the quality and efficiency of the trade unions’ levels are not high, the plans and programs are high, but the direction and implementation are lacking.

- The works of inspection, evaluation, summation of experience and experience of trade union organizations are still passive and embarrassing before the change of mechanism, especially when labor disputes and strikes occur. The union staff is still thin, often fluctuating, qualifications; capacity is limited compared to the requirements of employees' movement, union activities. Especially in the non-state and foreign-invested sectors, the position of union officials is almost entirely dependent on the economics and labor management of the business owner. They have to work intensively to perform their professional duties under the signed labor contracts and to organize trade union activities, so the efficiency of union activities is not very high. On the other hand, funding for trade union activities is increasingly difficult, while there is no incentive policy, material incentives, as well as the spirit of union officials, especially union officials. Part-time work; The mechanism of protection of trade union officials is not uniform and has not been strictly implemented, thus creating no incentive for union officials to participate actively in the operation.

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4.4. On the side of the employee

- The cost of living (foodstuffs, food, rent the house, other essential services), increased faster than the increase in salary and real income of employees, leading to insecure daily life activities of employees. On the other hand, the spiritual life of the employees is also very difficult, especially in industrial parks. The status of employees has no place for entertainment after hours, lack of cultural institutions, childcare facilities, hospitals, etc. Therefore, most strikes have a claim to raise wages, raise bonuses

- Most of the employees in enterprises now come from rural areas without basic and systematic training. Communication and education are not paid attention so the sense of class

enlightenment and the political capacity of a part of the employees in the enterprises is still unclear, the understanding of policies, laws and consciousness of organization of labor discipline, industrial style is very poor.

- A part of employees strive to study, raise their professional qualifications and professional skills, and stick to a long career; Industrial workmanship and labor discipline are still limited. Many localities and industrial zones lack employees so psychologists fear not having enough work. When there is a conflict, many employees are willing to choose the strike plan.

4.5. Other causes

- Some Party committee levels at all levels have not paid due attention to directing and leading the harmony and stable labor relations; resolving labor disputes and strikes; not interested in catching up the minds, aspirations, difficulties and urgency of employees, especially employees in industrial zones and industrialized areas.

- Employers in the enterprises have a scolded attitude, the humiliated words for the employees.

- The aggression of the outside forces of the enterprise, not excluding the purpose of destroying social security and business environment in Vietnam.

5. Some solutions contribute to reducing strikes in enterprises in Vietnam today

Starting from the reality of strikes in Vietnamese enterprises in recent years, there are some solutions to solve the conflict in labor relations in enterprises to reduce the strike in Vietnamese enterprises in next time.

Firstly, it is necessary to continuously reform the state policies on strikes. Improving the legal framework for resolving labor disputes and strikes is a legal basis for enhancing the role of actors in labor relations in order to limit the strike and if the strike occurs, they must comply with the provisions of law. Labor disputes can not be resolved at the local level, require a macro-level impact, which is to perfect the legal system of labor. It is necessary to improve the legal framework to ensure a mechanism for cooperation, sharing of power and responsibility between the State, employers and employees.

Secondly, enhance the responsibility and qualifications of enterprise owners. In the past time, some enterprises have not strictly observed the provisions of law, the interests of employees have not been respected. Violations of wage policies, social insurance, labor contracts, working hours, vacation time ... are still occurring to varying degrees. It is therefore

necessary to improve the level of general knowledge and awareness of the legal system in particular for employers. Once the employer has thoughtfully and mentally failed to comply with the provisions of the law, the technical rules and technical regulations on occupational safety and health of the enterprise, not only the violation status increased labor laws mean that employees do not fully enjoy the legal and policy regimes which they have. Therefore, the employer itself should regularly update the legal regimes that the State has promulgated; at the same time improve professional qualifications to meet the new requirements.

Thirdly, improve the level of legal awareness of employees. Many studies show that the knowledge of the law in general and the social policy in particular of the employees is limited. In which, the lack of sense of responsibility, no industrial style in labor still exists, such as: talking alone during working hours, not saving electricity and water, demanding high salaries in the enterprise while the enterprise meets difficulties, some of the provisions in the labor contract are contrary to the legal documents but the employees still sign. Especially in some private enterprises, employees are not paid social insurance in some companies, but they do not know to claim legitimate interests ... Therefore, the employees want the enterprise owner to ensure the regimes, policies, ensuring legitimate rights and interests, must be aware of its responsibility for the existence and development of the enterprise itself. At the same time, continuously improve the education, professional qualification, discipline and industrial style.

Fourthly, enhance the role and capacity of trade union organization. In labor relations, in general, employees want to work less and entitle much productive and to the employer, the opposite. In order to resolve this conflict of interest there must be a “third person” standing out, namely the Trade Union. For enterprises which have set up trade unions, the trade union organization must protect legitimate interests of employees; especially as the supervision and coordination with professional and other mass organizations in the enterprise to implement policies for employees. Those enterprises have established trade unions where the implementation and enjoyment of legal policies for employees will be better. Because the union not only recommends employers to implement well policies for employees but also has the responsibility to participate in corporate management and especially to educate people to understand correctly and adequately the main legal policies of the state for employees in enterprises. At the same time, organize and perform three basic functions of the trade union.

However, in the new situation, in order to enhance the representative role and capacity of trade union officials in implementing policies towards employees, the following specific solutions should be considered:

- + General Confederation of Labor of Vietnam should closely coordinate with the Radio

and Television Station of Vietnam to introduce labor law education related to the rights and obligations of the employees integrated into the broadcasts of radio.

- + Perfect the ownership mechanism of employees and trade unions to show that the trade union is really the organization of the nationals and equal with the employer in the labor relations.

Improve the capacity of trade union officials in all areas such as: education, technical qualifications, communication skills, teamwork skills... Especially to improve the level of knowledge of law as well as law practice skills

- + Clearly define the standards of trade union officials at all levels and sectors

- + Continue to adjust, supplement and improve the content and operation methods of the trade union organization in taking care of and protecting the legitimate benefits and interests of the employees.

- + Renovate the content and methods of dissemination of regulations on the legal regime for employers

Fifthly, strengthen the inspection and supervision. Strengthen the inspection and supervision of both employers and employees in the implementation of policies for employees. Mechanisms for monitoring implementation and evaluation of reward and punishment in policy have not been properly considered.

For the effective monitoring and control of policies on labor, it is necessary to closely coordinate the departments, branches and mass organizations from central to local levels. Of which, Department of Labor, War Invalids and Social Affairs, the Women's Union, the Provincial Enterprise Association and Confederation of Labor in the province or city, the central branch trade union, Labor Union under the General Federation of Labor of Vietnam regularly training, directing and coordinating the monitoring of the following policy regimes:

- + Monitor and supervise the implementation of policies and regimes for employees such as: labor conditions, labor protection, wages, employment, rest periods, working time, social insurance, labor contracts,...

- + Strengthen the inspection and examination of labor recruitment

- + To intensify the inspection of the propagation and education of employees in raising the awareness of policies and regimes for employees.

Sixthly, continue to innovate propaganda and dissemination of policies and laws.

- Agencies and mass organizations from the central to the enterprises must implement: **Article 18. Law on Dissemination and Education of Laws** for Employees in Enterprises specifically as follows:

+ The law dissemination and education for employees in enterprises shall focus on the rights and obligations of employees, employers, the legislation on employment, occupational safety and health, and the regimes about wages, social insurance, health insurance, unemployment insurance, trade union law and other provisions of labor law.

+ Law dissemination and education activities for employees in enterprises are emphasized through the direct dissemination and listing of law provisions at the workplace, law policies, law book baskets, Folding sheets, integrated in cultural and artistic activities.

+ The employer is responsible for arranging time, ensuring the necessary conditions for law dissemination and education; To coordinate with trade unions in organizing law dissemination and education for employees in enterprises.

+ The trade union organization shall have the prime responsibility for mobilizing employees to study law

+ In addition, state management agencies should organize training courses for employers on occupational safety and health and the provisions of the law on wage policies, working time and rest periods, social insurance, labor contract, labor protection.

On the other hand, our propaganda has long been active in many areas, including the propaganda of labor law for employees to stop the proper propaganda. However, propaganda has not won; it can confirm many cases we propagate “right but not to pass.” The problem is, the employees are struggling daily, the rest time; they want to rest; so how do employees get to the law and many sub-laws related to the rights and obligations of employees. We want to propaganda to pass: firstly, identify the right objects (old, young, man, woman, ethnic group, religion, education level, business characteristics ...) from which to choose the contents of propaganda and prioritize accordingly. Secondly, for each type, each content and each object, we determine the right time, approach and propaganda methods.

Seventhly, continue to conduct investigations and surveys on the implementation of legal policies for employers and employees in enterprises systematically in terms of quantity, quality and mechanics. Structure of labor force working in enterprises; Develop a set of criteria that will serve as the basis for policy research. Avoid imposing the subjective will of law-makers on social policy towards employees.

Organizing research and proposing policies for employees in line with the characteristics of production, scale and type of each enterprise, with the motto of exploiting the strength of non-state enterprises so as to have the encouraging policies to create more stable jobs suitable for employees.

In short: on the basis of the analysis of the mentioned content about strikes, it is not a new field, but increasingly complex in the enterprises. That not only affects economic growth but also leads to social unrest and makes the lives of workers and their families more difficult. Therefore, in order to limit the strikes in enterprises in the coming time, functional agencies, trade unions, employers and employees should thoroughly grasp the basic contents of Labor Code, Law on Trade Union, Law on Gender Equality, Law on Social Insurance and other legal documents related to the rights and interests of employers and employees./.

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