



About **Viet Labor** (Free Viet Labor Federation) 13 April 2015

In brief

Viet Labor (short for Free Viet Labor Federation) has 2 affiliates in Vietnam and 1 outside, which aspire to be unions or help workers form unions. Despite the authorities' use of violence and imprisonment, Viet Labor works closely with Vietnamese workers in Vietnam and in Malaysia to:

- **Assist thousands of workers to get the millions of dollars that are owed them**
- **Help thousands of workers to organise or advocate for their entitlements**
- **Put workers' rights information leaflets in the hands of tens of thousands of workers**

The next pages will expand each dot point, plus detail our **union-rights proposals for TPP**.

Affiliates and leadership

In Vietnam, an active Viet Labor affiliate is the Viet Labor Movement (VLM). Formed in 2008, it currently has a dozen organisers, some rove to various workplaces to help workers organise themselves, and some are workers who organise workers at their workplaces. Because unions are outlawed, they are not paid-up union members but contribute to Vietnam's nascent union movement via their organising activities. All operate under the onnipresent threat of violence and imprisonment by the authorities.

In Vietnam, a current but largely inactive affiliate is the Vietnam Independent Union (VIU). Formed in 2006, its leader, attorney Le Thi Cong Nhan, was [imprisoned for 4 years from 2007](#), she is now under constant watch by the authorities.

The overseas affiliate is the Committee to Protect Vietnamese Workers (CPVW). [Formed in 2006](#), its members are based in western nations with some being union officials or union members there, and in Malaysia its members include workers who are now labor rights advocates.

Viet Labor's leaders include people in Vietnam (Ms Le Thi Cong Nhan, Vice President), Europe (Mr Tran Ngoc Thanh, President), Australia (Mr Trung Doan, Secretary), United States (Mr Nguyen Ngoc Bich, Vice President).



WHAT VIET LABOR DOES

Viet Labor assists thousands of workers to get millions of dollars that are owed them

- **In 2008, helped 8,000+ Nike workers in Malaysia get back their passports plus over 2,000 USD each.** We worked with the Australian textile union TCFUA and Australian TV Channel 7 to expose their trafficking by Vietnam's state-run employment agencies;
- **In April 2015, helped 4,000 Vina Duke workers get paid 10 days' pay** that the backpack factory promised in July 2014 but failed to pay;
- **Since 2013, VL has freed 10 Vietnamese workers jailed in Malaysia for having no passports,** their employers had confiscated the passports to tie them down.

Viet Labor helps thousands of workers to organise or advocate for their entitlements

- **In 2010, helped 10,000 My Phong shoe factory workers organise their strike.** For that, our Hung and Chuong are still in jail, serving 9 and 7 years. Hanh was released in June 2014 due to international pressure, including advocacy by Freedom Now and many others;
- **Help hundreds of Vietnamese workers in Malaysia organise themselves:** Helped some 120 to organise themselves into solidarity groups at 6 factories; and helped several dozens to join Malaysian unions at their workplace;
- **Give voice to workers via written and Youtube news reports** on, for example, [BSE](#), [Pouyuen](#), homeless [street workers](#), workers in [Better Work Vietnam](#) factories, [forced laborers at state-run drug rehab centres](#), [Sunny Wide](#), [Dinsen](#), [Diamond](#), [Nam Hoa](#), plus produce [fornightly digests of labor news](#) from state-run media;
- **Produce survey reports on working conditions or raise workers' concerns to multinationals, eg.**
 - 2008: Garment factory Ching Luh
 - 2010: Garment factories Mountech, Huu Nghi, Kollan
 - 2011: Garment factory Pouyuen
 - 2012: Seafood factory Incomfish, garment factory Jim Brother
 - 2013: Several seafood factories, plus Swire Cold Storage
 - 2014: Garment factories Skechers, Shilla Bags, Diamond
 - 2015: Seafood factory Clean Seafood Corporation
- **In 2008, exposed Nike on the media in 10 European countries, for sacking strikers.** We assisted a Danish reporter's investigation, whose report on the contract factory Ching Luh featured on Danmarks Radio plus consumer magazines in 10 nations: Råd&Rön in Sweden, others in Denmark, Italy, Germany, etc. Nike toughed it out and, in the end, did not pay compensation;
- **In 2011, challenged Adidas contract factory Pouyuen for sacking strikers.** Adidas conceded that some workers left but refused to pay compensation to sacked strikers, citing Pouyuen's claim that each had their own personal reasons and their simultaneous resignation was coincidental.

Viet Labor puts workers' rights information leaflets in the hands of workers

- **Distribute workers' rights newsletters and leaflets to tens of thousands of workers.** Typically, these quote from the Labor Code's provisions on workers' entitlements;
- **We are building capacity to engage with workers on social media,** using Facebook and smartphone-centred social media;
- **In 2011, produced a damning Research Report on state-run VGCL, which calls itself a union.** We found VGCL's own documents which show that it worked to kill a draft law allowing independent unions, and its President asked the Security Ministry to arrest strike-leaders.



Viet Labor wants the TPP to prevent the state from crushing independent unions

As TPP prerequisites, Viet Labor wants Vietnam to first legalise unions and create an oversight mechanism. TPP dispute mechanisms should apply to the labor chapter. If TPP allows the Vietnamese authorities to finance their own unions, they will use their money and power to crush independent unions. Viet Labor asks the world to help prevent this.

We also want Better Work Vietnam and aid donors to require participating companies to have independent unions.

In April 2015, invited to the US Embassy during the Inter-Parliamentary Union, we handed this letter to the Ambassador, and met Congress leaders Nancy Pelosi, Sandy Levin, plus others:

31st March 2015

Dear Sir / Madam

Thank you for meeting me while in Vietnam. I would like to present Viet Labor's views about labor rights and trade agreements, such as TPP.

VL is a federation of groups inside and outside Vietnam advocating for labor rights and aspiring to become unions when Vietnam's laws allow. My own Viet Labor Movement is an affiliate in Viet Labor.

Two of my co-workers, Hung and Chuong, are still in prison for helping workers to organise a strike and for advocating for union rights. I was released early.

Viet Labor wants trade agreements, such as TPP, to guarantee and promote workers' rights. In particular, we suggest that:

1. Trade agreements not be signed until Vietnam has amended its laws to legalise unions independent from state control
2. Trade agreements not to start until Vietnam has created an inspectorate and staffed it to receive complaints and punish those who stop workers exercising union rights
3. Any union-rights violations by the Vietnamese authorities or by unions it controls should be subject to the trade agreement's dispute resolutions, and be subject to the withdrawal of trading benefits. In particular, we think that monetary fines are not enough to punish violations
4. Labor rights groups be allowed to document violations of union and labor rights and submit evidence not just in Vietnam but to all trade agreement signatory nations

Even after independent unions are allowed to form, unless trade agreements forbid it, the Vietnamese authorities may still maintain a network of state-supported unions. Therefore:

5. We seek help from the world to prevent the independent union movement from being crushed by state-supported unions using their overwhelming resources and the state using its laws and other means
6. Trade agreements should limit the ability of state-supported unions to crush the independent union movement

Furthermore, the world provides assistance to Vietnam in various ways. Viet Labor ask that these be reviewed with the view of protecting workers' rights. In particular,

7. The Better Work Vietnam's aim should be amended to explicitly and strongly promote union rights, including for participating employers to allow, promote, and protect company-level independent unions
8. Projects resulting from aid should require contractors to allow, promote, and protect company-level independent unions

Đỗ Thị Minh Hạnh
For Viet Labor



31st March 2015

Dear Sir / Madam

Thank you for meeting me while in Vietnam. I would like to present Viet Labor's views about labor rights and trade agreements, such as TPP.

VL is a federation of groups inside and outside Vietnam advocating for labor rights and aspiring to become unions when Vietnam's laws allow. My own Viet Labor Movement is an affiliate in Viet Labor.

Two of my co-workers, Hung and Chuong, are still in prison for helping workers to organise a strike and for advocating for union rights. I was released early.

Viet Labor wants trade agreements, such as TPP, to guarantee and promote workers' rights. In particular, we suggest that:

1. Trade agreements not be signed until Vietnam has amended its laws to legalise unions independent from state control
2. Trade agreements not to start until Vietnam has created an inspectorate and staffed it to receive complaints and punish those who stop workers exercising union rights
3. Any union-rights violations by the Vietnamese authorities or by unions it controls should be subject to the trade agreement's dispute resolutions, and be subject to the withdrawal of trading benefits. In particular, we think that monetary fines are not enough to punish violations
4. Labor rights groups be allowed to document violations of union and labor rights and submit evidence not just in Vietnam but to all trade agreement signatory nations

Even after independent unions are allowed to form, unless trade agreements forbid it, the Vietnamese authorities may still maintain a network of state-supported unions. Therefore:

5. We seek help from the world to prevent the independent union movement from being crushed by state-supported unions using their overwhelming resources and the state using its laws and other means
6. Trade agreements should limit the ability of state-supported unions to crush the independent union movement

Furthermore, the world provides assistance to Vietnam in various ways. Viet Labor ask that these be reviewed with the view of protecting workers' rights. In particular,

7. The Better Work Vietnam's aim should be amended to explicitly and strongly promote union rights, including for participating employers to allow, promote, and protect company-level independent unions
8. Projects resulting from aid should require contractors to allow, promote, and protect company-level independent unions

Đỗ Thị Minh Hạnh
For Viet Labor

Thưa quý vị

Cám ơn quý vị đã gặp tôi ở Việt Nam. Tôi xin trình bày quan điểm của Lao Động Việt về quyền lao động và các thỏa ước mậu dịch, như TPP.

LĐV là một liên minh của các nhóm trong và ngoài Việt Nam tranh đấu cho quyền lao động và muốn trở thành công đoàn khi luật Việt Nam cho phép. Phong Trào Lao Động Việt của tôi là một thành viên trong liên minh LĐV này.

Hai người cộng sự của tôi, Hùng và Chương, còn đang trong tù vì giúp công nhân tổ chức đình công và vì đòi quyền công đoàn. Còn tôi thì đã được trả tự do sớm.

Lao Động Việt muốn các thỏa ước mậu dịch, như TPP, bảo đảm và phá hủy quyền lao động. Chi tiết hơn, thì chúng tôi đề nghị rằng:

1. Khoan ký thỏa ước mậu dịch đến khi Việt Nam đã sửa luật để hợp pháp hóa các công đoàn ngoài quyền điều khiển của nhà nước
2. Khoan bắt đầu thực hiện thỏa ước mậu dịch đến khi Việt Nam đã thành lập ra cơ quan có ngân quỹ và nhân sự để nhân đơn khiếu nại cũng như trừng phạt những ai ngăn cản người lao động hành xử quyền công đoàn
3. Nếu nhà nước Việt Nam hay các công đoàn họ điều khiển vi phạm quyền công đoàn thì thủ tục khiếu kiện trong thỏa ước phải được quyền cứu xét và giải quyết. Riêng về việc chi trừng phạt bằng tiền phạt, thì chúng tôi nghĩ là không đủ
4. Các nhóm lao động được phép thảo luận và được nộp bằng chứng về vi phạm quyền công đoàn, không phải chỉ trong VN mà còn đến các quốc gia thành viên của thỏa ước

Ngay cả sau khi cho phép các công đoàn độc lập được thành lập, nếu các thỏa ước mậu dịch không cấm thì nhà nước Việt Nam vẫn sẽ duy trì hệ thống công đoàn do họ hỗ trợ. Do đó

5. Chúng tôi kêu gọi thế giới hỗ trợ để phong trào công đoàn độc lập không bị đè bẹp bởi các công đoàn do nhà nước hỗ trợ dùng tài nguyên rất lớn của họ và bởi nhà nước dùng luật và các phương tiện khác
6. Các thỏa ước mậu dịch nên có điều khoản để ngăn ngừa việc các công đoàn do nhà nước hỗ trợ đè bẹp phong trào công đoàn độc lập

Ngoài ra, thế giới cũng viện trợ cho Việt Nam bằng nhiều cách. Lao Động Việt đề nghị tái xét và điều chỉnh để bảo vệ quyền lao động. Cụ thể thì:

7. Better Work Vietnam đổi mục đích lại để phá hủy quyền công đoàn một cách rõ ràng và mạnh mẽ, kể cả đòi hỏi các công ty tham gia BWVN phải cho phép, phá hủy, và bảo vệ các công đoàn độc lập tại công ty
8. Các đề án viện trợ đòi hỏi mọi công ty thầu phải cho phép, phá hủy, và bảo vệ các công đoàn độc lập tại công ty

Đỗ Thị Minh Hạnh
thay mặt Lao Động Việt