



## Viet Labor's analysis of Vietnamese Ministry of Industry and Trade document on the US-VN Labor Plan 17<sup>th</sup> December 2015

**Viet Labor's trust in Vietnam's good faith is not encouraged by the Ministry of Industry and Trade's document "Key Labor Provisions In The Transpacific Partnership Agreement (TPP)"(\*). In summarising the US-Vietnam Labor Plan, the Ministry leaves out some critical details, adds threats of "national security" violence against unions, and falsely asserts that the Constitutional requirement for VGCL(\*\*) to serve the Communist Party also applies to unions.**

- 1. The Trade Ministry leaves out the prohibition on the state-run VGCL starving unions of funds.** The Labor Plan states clearly in paragraph II.B.1 that VGCL must not take all of workers' money, that unions must be allowed "to receive the grassroots union share of the two percent fee paid by the employer on a non-discriminatory basis". Perhaps the Trade Ministry thought this detail is not important enough to put in the summary, but ..
- 2. Importantly, the Trade Ministry threatens unions with "national security" laws.** The Labor Plan makes no mention of security, but in summarising it the Ministry insists that "Worker organizations are not allowed to proceed with any activity which potentially can endanger national security, societal orderliness and societal security". Anyone familiar with Vietnam knows what this means. Just as national security laws have been used violently against civil rights advocates, so they will be a threat for unions.
- 3. The Ministry misleadingly asserts that unions must serve the Communist Party.** The state-run VGCL has a constitutional duty to serve the Communist Party, but unions do not, yet the Ministry insists they do. The US-VN Labor Plan clearly states at paragraph II.B.4 "Noting that the Constitution of Viet Nam recognizes only labour unions affiliated with the VGCL as "socio-political organizations", Viet Nam shall ensure that its law will not require labour unions registered with the competent government body to have mandatory political obligations and responsibilities". The Trade Ministry, however, writes "Both ILO and TPP always insist that all worker organizations must comply with the Constitution".

**Importantly, the Ministry's document is the first and likely the only official statement for a long time.** Its website's TPP section says "The Ministry of Industry and Trade will work with other ministries and departments to publish more information on the TPP in the future, after the Vietnamese translation of the Agreement is published". Further, it does not say when or if the actual US-VN Labor Plan will be published in Vietnamese. For these 2 reasons, this document is the only one there is for most Vietnamese workers.

**Viet Labor is concerned that this document hints at Vietnam's 3-pronged anti-union plan:**

- To starve unions of funds
- To use violence against unions under the "national security" pretext
- To have VGCL engulf as many unions as possible.

### NOTES

(\*) For the full text of the MOIT's document and our translation, please see this document's companion.

(\*\*) VGCL (Vietnam General Confederation of Labor) documents obtained by us show that it asked police to arrest strike leaders and defeated a draft law allowing formation of unions.

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