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**LEGISLATIONS OF COLLECTIVE LABOUR  
DISPUTE IN CONNECTION WITH BENEFITS  
SETTLEMENT IN VIETNAM**

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**ABSTRACT OF DOCTORAL DISSERTATION ON LAW STUDIES**

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## **LIST OF ABBREVIATIONS**

1.LC	Labour Conciliators
2.LA	Labour Arbitrators
3.LAC	Labour Arbitration Council
4.LD	Labour Dispute
5.CLD	Collective Labour Dispute

## **PREAMBLE**

### **1. The urgency of the topic**

Along with the development of market economy in Vietnam, labour disputes, especially the collective labour disputes in connection with benefits tend to increase in quantity and complexity in nature. Besides the positive effects, CLD, especially CLD in connection with benefits have an adverse impacts on labour relations between the two parties, the business situation of companies, as well as the stability of the Economy Society.

Under the provisions of Law amending and supplementing some articles of the Labour Code in 2006, collective labour only have the right to strike after the CLD in connection with benefits are settled as a result of the conciliation procedure in Labour Conciliators, Labour Arbitrators Council but failed or LAC do not conciliate CLD in connection with benefits within duration stipulated by the law. However, through practical research of CLD in connection with the benefits, the cause of most strikes occurred from 2006 to April 2013, we can see that when there is a dispute arose toward the employers, the first solution which chose by the collective negotiation (instead of the last as stipulated by the law) are usually strike. This is one of the causes leading the fact that most of the strikes are illegally occurred in recent years.

There are many causes leading to this situation, besides the main cause belongs to the disputants and the governance mechanisms of the State, an important reason leads collective negotiation to use strike as the first weapon when CLD in connection with benefits recently is shortcoming provisions of the law regarding CLD in connection with benefits settlements.

To overcome these difficulties and shortcomings of the law in settlement of LD in general, Law on settlement of CLD in connection with benefit in particular, the Labour Code in 2012 and the bylaws guiding the implementation of LD settlement had many amendments and supplements. Besides the progressive provisions relate to the settlement of the LD at the facility, current legislation on LD settlement in general, CLD in connection with benefits in particular are still incomplete. These provisions did not follow up and fully institute Communist Party of Vietnam's views on contribution of State with rule of law, judicial reform and the spirit of integration; not fully inherit Vietnam regulations on settlement of LD nor apply common experiences on settling LD of other countries in the world to comply with our country's conditions. These problems and shortcomings of the current law does not only negatively impact on the effectiveness of

activities to settle CLD in fact, but also undermine the position and role of the host system in settlement of LD of the State and invisibly give the parties a psychology/habit that can easily break the agreements which two parties have achieved at any time.

From the above reasons, I has chosen this topic: "*Legislations of CLD in connection with benefits settlement in Vietnam*" to do research for the doctor dissertation.

## **2. Purpose and research tasks**

The aim of the dissertation is to study the theoretical issues regarding settling CLD in connection with benefits and the situation of Vietnam regarding labour law on settlement of CLD in connection with benefits. From this basis, the dissertation will make contributions to improve the theory system of CLD in connection with benefits settlements; improve the regulation system in settling CLD in connection with benefit in Vietnam on two sides: amending and applying law.

To achieve the above objects, the dissertaion has concentrated on addressing the following main tasks:

*Firstly*, an overview of the research situation related to the dissertation. Specifically, the dissertation will progress retrospectivestudy, collect documents, scientific works related to the topic; research, evaluate and show opinions regarding the researched matters in scientific works before. Thenceforth, the basic contents which have not been mentioned in previous works will be generalized to orient issues, contents to be settled in this dissertation.

*Secondly*, the research clarifies the basic theoretical issues about CLD in connection with benefits settlement and legislation of CLD in connection with benefits as concepts, characteristics of CLD in connection with benefits; concept of legislation of CLD in connection with benefits, purposes, adjusted legislation contents of CLD in connection with benefits settlement. The theoretical issues are generalized from the research of the provisions in international labour law and national labour act.

*Thirdly*, analyze and evaluate the status of the provisions of law and the practical application of the provisions of Law on settlement of CLD in connection with benefits in Vietnam; then draw remarks on the advantages and disadvantages, shortcomings in the provisions of current legislation in comparison with the whilom provisions of labour law and international labour law.

*Fourthly*, interpretation of the necessity and the objective requirements of law completion regarding settlement of CLD in connection

with benefits during market economy and international integration nowadays.

*Fifthly*, propose amendments and supplements to improve law of CLD in connection with benefits settlement, based on the theoretical basis and researched current law.

### **3. Object and scope of the research**

The dissertation researched the provisions of the settlement legislation of CLD in connection with benefits under the provisions of the Labour Code in 2012 and other guiding bylaws. Accordingly, the legal contents of CLD in connection with benefits settlement in Vietnam, is the researched subject of the dissertation including: principles of LD settlement; competent subject of settlement; procedures of CLD settlement in connection with benefits.

To clarify the researched problems, depending on the contents and requirements, the dissertation do reference, compare and contrast with the provisions of labour law and related laws of Vietnam, regulations of international legislation in regulated conventions, recommendations of International Labour Organisation and labour law of some countries in the world related to the above content.

### **4. Research Methodology**

The dissertation is researched base on the methodology of the Marxist-Lenin Doctrine, including materialist dialectics and methodology of historical materialism. Accordingly, the legal issues which related to settle CLD in connection with benefits are researched in a mobilized situation and develop in an integral relations with political, economical and social factors. In research progress, the dissertation was based on the views and orientations of the Communist Party of Vietnam and the State on collective labour relations in Vietnam's market economy.

The specific research methods used in this dissertation include: methods of retrospective documents, analyze, demonstrate, comparison, syndissertation, scientific forecasts.

### **5. New contributions in science of the dissertation**

- The dissertation analyzes and clarify, improve the theoretical issues of CLD in connection with benefits and settlement legislation of CLD in connection with benefits. On the basis of legal provisions of other countries in the world and the international labour standards on labour relations, the dissertation has defined the content to adjust settlement legislation on CLD in connection with benefits;

- The dissertation has analyzed, evaluated relatively complete, comprehensive on the status of settlement legislation CLD in connection with benefits in Vietnam and the application of these provisions in LD settlement aspects, competent subjects and procedures for settlement of CLD in connection with benefits;

- The dissertation has identified the requirements to improve the settlement legislation of CLD in connection with benefits and propose some recommendations to amend and supplement some provisions regarding dispute and settle CLD in connection with benefits according to the Labour Code in 2012 and other guiding bylaws.

## **6. The theoretical and practical valuation of the dissertation**

The research results of the dissertation contribute to enrich the basic theoretical system of CLD in connection with benefits and CLD settlement legislation in connection with benefits in science of Vietnam Labour law.

The dissertation is an useful reference for competent State agencies in the process of Law contribution in general and settlement legislation of CLD in connection with benefits in particular. The dissertation is also the basic document for scientific research, teaching and studying of Labour Code; for the Employees, organizations representing CL, organizations representing the Employers and other entities wishing to study about LD settlement legislation in general, CLD in connection with benefits settlement legislation in particular.

## **7. Structure of the dissertation**

Besides the introduction, conclusion, list of works which have been published related to the dissertation, the list of references, the content of the dissertation includes 04 chapters.

- Chapter 1: Overview of research situation of CLD in connection with benefits settlement legislation

- Chapter 2: Some theoretical issues about CLD in connection with benefits and CLD in connection with benefits settlement legislation

- Chapter 3: Legislation Status of CLD in connection with benefits settlement legislation in Vietnam

- Chapter 4: Improvement the law of settling the CLD in connection with benefits in Vietnam

## Chapter 1

### OVERVIEW OF THE RESEARCH SITUATION OF COLLECTIVE LABOUR DISPUTE IN CONNECTION WITH BENEFITS SETTLEMENT LEGISLATION IN VIETNAM

#### 1.1. General information on the research situation concerning dissertation topic

##### 1.1.1. *Research situation of foreign authors*

Within the scope of accessing, researcher found out a research project on the issue of CLD settlement in Vietnam of a foreign author currently. It is the presentation in the seminar "Labour Relations and other problems in CLD settlement in Vietnam " of Dr. Chang Hee Lee, published in 2006.

Besides, there is the book "*Conciliation and Arbitration Procedures in Labour Disputes: A Comparative Study* ", published in 1995 by the author Eladio Daya – an expert in labour law and Labour Relations Department of ILO. This book was translated into Vietnamese, titled "Conciliation and arbitration procedure of LD".

##### 1.1.2. *Research situation of local authors*

###### 1.1.2.1. *Scientific articles*

Among the published scientific articles, the following articles are related to the dissertation: "*Some issues about individual labour dispute and CLD*" by Tran Thi Thuy Lam, published in the Law Journal No.5/1996; article "*Mediation and arbitration in LD settlement*" by Nguyen Huu Chi, published in Law Journal No.4/1997; article "*How to remove some obstacles when settle LD at the Court*" by Nguyen Thi Kim Phung, published in the Law Journal No.1/1999; article "*About CLD and CLD settlements*" by Luu Binh Nhuong, published in the Law Journal No.2/2001; article "*New regulations in the Law amend and supplement some articles of the Labour Code regarding disputes and LD settlement*" by Nguyen Huu Chi published in Democratic and Law Journal No.12/2002; article "*More discussions on LD*" by Luu Binh Nhuong, published in the Law Journal No.3/2003; article "*Some points need to be amended and supplemented in Ordinance of LD settlement procedures*" by Do Ngan Binh, published in Law Journal No.4/2003; article "*Settling LD and strikes*" by Nguyen Thi Kim Phung published in the Legislative Studies Journal No.4/2004; article "*Conciliation of LD in pre-litigation stage - some of proposed problems and complete direction*" by Nguyen Van Binh, published in the Journal of



State and Law No.3/2006; article "*New points in LD and LD settling under the Law amending and supplementing some articles of the Labour Code in 2006*," by Nguyen Xuan Thu, published in the Law Journal No.7/2007; article "*Some comments on the Law amending and supplementing some articles of the Labour Code to settle LD and strikes*" by Do Ngan Binh, published in the Law Journal No.2/2007; article "*Improving Law of CLD settlement procedures*" by Tran Hoang Hai and Dinh Thi Chien, published in the Law Journal No.10/2010; article "*Some issues of classification LD and competence to settle CLD in connection with benefits*" by Dao Xuan Hoi, published in the Journal of State and Law No.7/2012; article "*Shortcomings in the application of legal provisions on procedure for settling CLD in Vietnam today*" by Le Thi Hoai Thu, published in the Journal of State and Law No.11/2015.

#### 1.1.2.2. *Curriculums, monographs*

- **Curriculums:** In addition to scientific articles, the related problems with CLD settlement legislation is generally mentioned in Chapter XIV - Labour Code Curriculum of Hanoi Law University (edited by Dr. Luu Binh Nhung); Chapter XIV – Vietnam Labour Code Curriculum of the Faculty of Law, National University (edited by Dr. Pham Cong Tru); Chapter XII - Labour Code Curriculum of Hue University (edited by Dr. Nguyen Huu Chi); Chapter XII - Labour Code Curriculum of Hanoi Open University (by Assoc.Prof.- Dr. Nguyen Huu Chi as chief editor), etc.

- **Monographs:** monographs directly relate to Law of CLD settlement, including Laws of settling CLD in connection with benefits which was announced as "*Law on settlement of CLD - experiences of some countries to Vietnam*"- published by National Politic Publisher in June 2011, chief edited by Tran Hoang Hai. This is the latest research and directly related the research of CLD settlement legislation.

#### 1.1.2.3. *Masters thesis, Doctoral dissertation*

Among the announced dissertations and dissertations, the following works related to this dissertation title: thesis "*LD and LD settlement*" in 1996, by Luu Binh Nhung; dissertation "*Labour Rule in accordance with the Law of Vietnam*" in 2001 by author Luu Binh Nhung; thesis "*Law of LD settlement in Vietnam from the perspective in comparison with Thai Land Labour law*" in 2005 by Nguyen Viet Hoang; thesis "*LD and settling LD under the provisions of Vietnam Labour law*" in 2007 by Nguyen Thi Bich; dissertation "*Tripartite mechanism in settling LD in Vietnam*" in 2008 by Nguyen Xuan Thu; jurisprudence master dissertation "*Comparing Vietnam Law and China Law on settling LD*" in 2009 by the author Trinh

Thi Thu Ha; dissertation "*CLA - a comparative study between the Labour Law of Vietnam and Sweden*" in 2011 by Hoang Thi Minh.

#### *1.1.2.4. Scientific research topic*

Scientific research that related to the dissertation is mainly scientific research projects at basic level. In particular, scientific topic of National University: "*The dispute and LD settlement in Vietnam*" in 2004 by Le Thi Hoai Thu as chief editor; topic "*Research contribute to amend and supplement the Labour Code in current period*" in 2010 by Dr. Tran Thi Thuy Lam as chief editor (in which, authors Do Ngan Binh wrote the theme "*Improving the provisions on settling CLD of Labour Code amended in 2006*").

### **1.2. Evaluate the relation between published researchs and this dissertation**

#### ***1.2.1. The relevance of published scientific works with theoretical issues of collective labour disputes in connection with benefits and settlement legislation of collective labour disputes in connection with benefits***

Most of previous projects just mentioned some of the common problems about LD and settling LD. Some scientific works researched about concepts, characteristics of CLD, including CLD in connection with benefit. However, there is no research was done intensively, thoroughly and comprehensively regarding these theoretical issues about CLD and settling CLD in connection with benefits.

#### ***1.2.2. The relevance between published scientific works and legislation status of collective labour disputes settlement in connection with benefits in Vietnam***

Most of the scientific works just general analyzed, commented about legal legislation on CLD settlement. Some works have mentioned about CLD settlement legislation, including the settlement legislation of CLD in connection with benefits before the Labour Code was enacted in 2012.

After the Labour Code was enacted in 2012, there were 02 articles addressed CLD, including CLD in connection with benefits. However, the article named "*Some problems of LD classification and CLD handling competence on the rights and benefits*" by Dao Xuan Hoi implemented only in the analysis of CLD in connection with benefits definition that is specified in the Labour Code 2012. Some sections which mentioned in Section 1 of the article "*Shortcomings in the application of legal provisions on procedure for settling CLD in Vietnam today*" by Le Thi Hoai Thu, related directly to Chapter 3 of this dissertation. Although this article was

published when researcher finished defending dissertation at the grassroots level Council for grading dissertation but the analysis sources of the legal situation on settling CLD in this article is helpful references during the progressing of dissertation completion.

***1.2.3. The relevance of the published works to the Law improvement of settling collective labour disputes in connection with benefits in Vietnam***

The recommendations to complete legislation on LD settlement in general and CLD in connection with benefits in particular of researches all this time have significant scientific value. Many proposals have been acquired and presented in the Labour Code 2012 as rejecting grassroots labour conciliation council. However, most of the recommendations and suggestions in published scientific projects are intended to improve CLD settlement legislation in connection with benefits before 2012.

**1.3. The researching contents are focused in the dissertation**

*Firstly*, the dissertation is researched about theoretical issues of CLD in connection with benefits and legal settlements of CLD in connection with benefits.

*Secondly*, research and evaluate the status of legislation about CLD settlement in connection with benefits in Vietnam. Specifically, research the legislation status about settlement rules of CLD in connection with benefits; the legislation status of competent subjects to settle CLD in connection with benefits; legislation status of procedures for settlement of CLD in connection with benefits.

*Thirdly*, propose recommendations for improvement of the legal CLD settlement in connection with benefits in Vietnam.

## **Chapter 2**

### **SOME THEORETICAL PROBLEMS OF COLLECTIVE LABOUR DISPUTES IN CONNECTION WITH BENEFITS AND SETTLEMENT LAW FOR COLLECTIVE LABOUR DISPUTE IN CONNECTION WITH BENEFITS**

#### **1.1. Collective labour disputes in connection with benefits**

##### ***1.1.1. Collective labour disputes in connection with benefits - an objective phenomenon in market economy***

Although labour law allows all parties of the collective labour relations are free, voluntary on agreement and establish new labour conditions in CLA/collective agreements on labour, but in the

implementation process of CLA/collective agreements on labour, all parties can still occur conflicts, contradictions and disagreements. These contradictions, disagreements can arise when either party assumes the other one breach the agreement which was signed before; or may arise when one of two parties want to amend, supplement or extend the validity of the CLA, etc. The disagreements between two sides of collective labour relations which arise when neither party violates labour law or CLA/collective agreements on labour are CLD in connection with benefits.

CLD in connection with benefits is an objective phenomenon in the market economy because when joining trading relations of labour, both employees and the employers set out their goals and try best to achieve those purposes. Naturally, employees tend to require the highest possible wages and benefits, while employers tend to cut costs, including wages and other labour conditions at the lowest possible level. Thus, the opposition in connection with benefits between employers and employees will lead their behavior to the opposite directions. When the collective bargaining between parties does not achieve results, the contradictions and conflicts would burst into CLD in connection with benefits.

### ***1.1.2. The concept and characteristics of collective labour disputes in connection with benefits***

#### ***1.1.2.1. The concept of collective labour disputes in connection with benefits***

Because CLD in connection with benefits is a form of prior CLD, so before clarifying the concept CLD in connection with benefits, the dissertation will clarify the concept of CLD.

##### ***(i) The concept of collective labour disputes***

CLD is a dispute arising from the conflicts, disagreements between a party - one or more than one employer (or representative organizations for employers) with a party of collective labour (or representative organizations of collective labour) on the rights and benefit of parties in the collective labour relations.

##### ***(ii) The concept of collective labour disputes about benefits***

CLD in connection with benefits are disputes arising from disagreements between a party is single or multiple Employers (or representative organizations of employers) with a party of collective labour (or representative organizations of collective labour) relate to the establishment of new labour conditions; change achieved working conditions; negotiate to extend the term of collective labour agreement or sign new collective labour agreement when the agreement is about to expire;

select to continue implementing, amending or supplementing old collective labour agreement or sign new one when there is structural change and form of company structure.

#### *1.1.2.2. Features of collective labour disputes about benefits*

Besides the similarities to CLD rights (disputes arising between a party of one or more employers or organizations representing employers and a party of collective negotiation or organizations representing LD; disputes arising relate to the rights and benefits of collective labour), CLD in connection with benefits also include the following specific characteristics:

*Firstly*, CLD in connection with benefits arise when no violation of the provisions in Labour Law and agreements in signed CLA/collective agreement.

*Secondly*, the purpose for the parties when joining CLD in connection with benefits is to achieve general agreements for collective labour relations.

*Thirdly*, CLD in connection with benefits is a complicated dispute and difficult to settle. If it is not settled promptly, CLD in connection with benefits will cause serious impact on the national economy - society.

### **2.2. Legal settlement of collective labour disputes in connection with benefits**

#### ***2.2.1. The purpose of adjusting Law for the settlement of collective labour disputes in connection with benefits***

*Firstly*, through improving Law for settling CLD in connection with benefits, the State wanted to settle CLD in connection with benefits in peace to restrict the occurrence of industrial reactive actions to a minimum level.

*Secondly*, through adjusting law for settling CLD in connection with benefits, the State wants to promote the development of collective negotiation to create stable and harmonious labour relations.

*Thirdly*, through the Law adjustment for settling CLD in connection with benefits, the State want to settle a harmonious relationship between the benefits of disputed parties and public benefits of the society, thenceforth contribute to the development of the national economy-society.

#### ***2.2.2. The concept of Law about settlement of collective labour disputes in connection with benefits***

Legal settlement of CLD in connection with benefits is sum of the State provisions about rules of dispute settlement, dispute settlement methods, competent subject of settlement and procedures for settlement of CLD in connection with benefits.

### **2.2.3. Content of legal settlement for collective labour disputes in connection with benefits**

#### **2.2.3.1. Rules for settlement of collective labour disputes in connection with benefits**

The process of CLD settlement in connection with benefits must follow 02 basic principles as below:

*Firstly*, respect and ensure the right of self-determination of all parties in CLD in connection with benefits settlement process.

*Secondly*, encourage all parties to settle CLD in connection with benefits by conciliation and arbitration to ensure not only the fairness between parties but also social benefits.

#### **2.2.3.2. Settlement methods for collective labour disputes in connection with benefits**

CLD in connection with benefits are settled by the method of negotiation, conciliation and arbitration.

The settlement of CLD in connection with benefits may be implemented by voluntary conciliation or compulsory conciliation, voluntary arbitration or compulsory arbitration, depend on field of disputes and policy of labour relations of each country.

#### **2.2.3.3. Competent subjects to settle the collective labour disputes in connection with benefits**

- The subject has jurisdiction to settle CLD in connection with benefits by conciliation including: Council/Board of conciliation which was established in enterprises or established under the administrative units in districts and LC.

- The subject has jurisdiction to settle CLD in connection with benefits by arbitration: depending on the agreement of disputed parties as well as the required regulation (or not required) to apply methods of arbitration, competent for CLD settlement in connection with benefits can be permanent or non-permanent (labour arbitration in cases).

#### **2.2.3.4. The procedures for settling collective labour disputes in connection with benefits**

- If the parties have reached agreement on a dispute settlement mechanism: in principle, CLD in connection with benefits will be settled under the mechanism when the parties can not settle the dispute through negotiations.

- If the parties do not have agreement on the mechanism for settling their disputes: when CLD in connection with benefits arise, the parties will negotiate to settle the dispute. In case negotiations fail, the dispute shall be

settled by conciliation with the involvement of a neutral third party. If conciliation success, two parties will implement the conciliation results. If conciliation fails, collective negotiation (in enterprises having strike rights) have the right to strike or two parties may request the labour arbitration to settle by arbitration. For CLD in connection with benefits arising in the enterprise which do not have strike right, if conciliation fails, the dispute will be required to solve by labour arbitration, collective negotiation do not reserve the right to strike.

## **CONCLUSION FOR CHAPTER 2**

Through researching theoretical issues regarding CLD in connection with benefits and law of CLD in connection with benefits, the dissertation shows the following conclusions:

1. CLD in connection with benefits is a phenomenon that exists objectively in the market economy. CLD in connection with benefits is a “special” type of disputes - disputes arising from disagreements between parties in collective labour relations and relates to the establishment of new labour conditions, changes achieved working conditions action; extends the validity of collective labour agreement in some cases.

2. Due to the effects of CLD in connection with benefits to the national economy-society, most countries intervene the process of settling this type of dispute with the enactment of provision in adjusting the settlement process for CLD in connection with benefits under their own will. Although there are certain differences, but in general, when adjusting the process of settling CLD in connection with benefits, countries are issuing legal provisions about rules to settle the dispute; ways for dispute settlement; competent entity and procedures for CLD settlement in connection with benefits.

## **Chapter 3**

### **LEGISLATION STATUS OF COLLECTIVE LABOUR DISPUTES SETTLEMENT IN CONNECTION WITH BENEFITS IN VIETNAM**

#### **3.1. Rules for settlement of collective labour disputes in connection with benefits**

- Respect and ensure the rights to self-determine of all parties in the dispute settlement process.

- Ensure implementation of direct negotiations between disputed parties to settle harmoniously the dispute in connection with benefits of two

parties, stabilize the production and business, ensure the orders and social safety.

- Ensure implementation of the conciliation and arbitration on the basis of respecting rights and benefits of two parties; respect the social benefit, not contrary to Law.

- Solve LD publicly, transparently, objectively, timely, rapidly and lawfully.

- To ensure the participation of representatives of all parties in the settlement process of CLD in connection with benefits.

### **3.2. Competent subjects to settle collective labour disputes in connection with benefits**

#### **3.2.1. Labour conciliators**

##### *3.2.1.1. Jurisdiction of Labour conciliators in settling collective labour disputes in connection with benefits*

According to current law, the competent LC will solve CLD in connection with benefits which arise in enterprises having strike rights with 02 conditions: (i) the conciliation request from one of two disputed parties; (ii) the dispute was settled by negotiations but not lead to result because one side of the dispute parties has requested but other refuse to negotiate; two sides have negotiated but failed, both sides negotiated successfully but either party fails to make the results of the negotiations.

##### *3.2.1.2. Organization and management of labour mediator*

LC is appointed by the chairman of the provincial People's Committee under a 5-years term and the management of the provincial People's Committee Chairman; may be exempted by the provincial People's Committee Chairman and as regulated by law.

#### **3.2.2. Labour Arbitration Council**

##### *3.2.2.1. The competence of the labour arbitration council in settling collective labour disputes in connection with benefits*

- For CLD in connection with benefits arising from enterprises having strike rights: regarding to the provisions of Clause 2, Article 199 and Clause 2 and 3, Article 204 of the Labour Code in 2012, the competent LAC *conciliate* the dispute as requested by one party after the dispute has been conciliated by LC but fail or success and either party does not implement the agreement in the conciliation memorandum; or either party request conciliation by LC but is not implemented within 05 working days.

- For CLD in connection with benefits arising from enterprises not having strike rights, operating in the vital sectors and fields of the national economy-society: regarding to the provisions of Point a, Clause 2, Article 4



of Decree No.41/2013/ND - CP, LAC is the first competent entity to *conduct conciliation* of disputes after receiving the request from one of the disputed parties which caused by the failed CN.

### ***3.2.2.2. Organization and operation of the Labour Arbitration Council***

LAC is the agency which will settle CLD in connection with benefits, established in each central provinces and cities. LAC which is established by the Chairman of provincial People's Committee including Chairman of Council- head of State management agencies of labour in province; secretary of the Council- personnel in the Department of Labour - Invalids - Social Affairs; members represent the provincial unions; organizations represent employers in province. The number of LCA members is odd and no more than 07 peoples. In necessary cases, the Chairman of LCA may invite related representative agencies and organizations, who have experiences in the field of labour relations locally. Chairman and members of LCA work in term of 05 years. Council Secretaries work on a full charge and receiving responsibility allowances, equivalent to position allowance of Head of Labour Department.

### ***3.2.3. Chairman of the provincial People's Committee***

Chairman of the provincial People's Committee has jurisdiction to settle CLD in connection with benefits arising from enterprises not having strike rights, operating in vital sectors of the national economy, in cases the CLD was successfully memorandum the conciliation by LCA that one of the parties fail to fulfill the archived agreements or LCA fail to conciliate the dispute.

## **3.3.The procedures for settling the collective labour disputes in connection with benefits.**

### ***3.3.1 The procedures for settling the collective labour disputes in connection with benefits in enterprises having strike rights***

CLD in connection with benefits are settled in the following procedures:

- Negotiate directly between the parties when any dispute arises.
- Conciliate (mandatory) at LC: CLD in connection with benefits is conciliated at LC in case the dispute was settled through negotiations, but no result, because a party has requested but other party refused to negotiate or the parties have negotiated but failed or the parties have negotiated successfully but either party failed to make the result of the successful negotiation. LC must settle the dispute within a maximum of five (05) working days.

- Conciliate (mandatory) at LAC: collective negotiation in connection with benefits is conciliated at LAC in case the dispute was settled at LC but no result or a party failed to make the result of the successful negotiation or expiry of five (05) working days which LC has not conduct to settle the CLD in connection with benefits. LAC must settle the dispute within a maximum of seven (07) working days.

***3.3.2 The procedures for settling the collective labour disputes in connection with benefits in enterprises not having strike rights.***

*3.3.2.1 The procedures for settling the collective labour disputes in connection with benefits in enterprises operating in the vital sectors to the national economy.*

- Conciliate (mandatory) at LAC: CLD in connection with benefits are conciliated at LAC in case the parties have Collective Negotiation to settle the matters related to the benefits of TE but no result. Within three (03) working days from the date of receipt of any request from either party, LAC must settle the dispute.

- Settle at the provincial People Committee Chairman: CLD in connection with benefits are settled at the provincial PC Chairman in case LAC has conciliated the dispute but no result or after five (05) working day from the date of recording in writing which LAC conciliated successfully but a party failed to make the result of the successful negotiation. The Chairman of the provincial PC must settle the CLD in connection with benefits within a maximum of five (05) working days from the date of receipt of the report of the Department of Labour, Invalids and Social Affairs on the recommendation of CL.

*3.3.2.2 The procedures for settling the collective labour dispute in connection with benefits in enterprises directly serving the national defense and security missions.*

CLD in connection with benefits arising from enterprises directly serving the national defense and security missions is settled according to the special procedure. Specifically, in case the Employers and Trades Union Committee in basis (or the immediate higher level Trades Union Committee where the Trades Union Committee in basis has not been established) negotiated unsuccessfully that the Employers needs to immediately report to superior competent authority to consider and solve. Within five (05) working days from the date of receipt of the report of the Employers, the superior competent authority must issue the settlement to solve the recommendation of CL. The settlement of the superior competent authority is final which the parties abide and comply.

### **CONCLUSION OF CHAPTER 3**

From the research of legislations status for settling CLD in connection with benefits, the dissertation has been drawn the following conclusions:

1. Besides some provisions are advance in comparison with the previous provisons related to the competent conciliation of entities about LD, the provisions of the current law on settlement CLD in connection with benefits have still contained many problems and inadequacies. In particular, the provisions on procedures for the settlement CLD in connection with benefits at LAC; the form of recording result in the successful conciliation of CLD in connection with benefits precribed by the current law is not in line with the characteristics of CLD in connection with benefits as well as the labour standards on labour relations.

2. The inadequacies existing in the provisions of the current law have a significant impact on actually settling CLD in connection with benefits activities. Therefore, continuing to improve the law on settling CLD in connection with benefits is very necessary.

### **CHAPTER 4**

#### **IMPROVEMENT THE LAW OF SETTLING THE COLLECTIVE LABOUR DISPUTE IN CONNECTION WITH BENEFITS IN VIETNAM**

##### **4.1 The basic requirements on improving the law of settling the collective labour dispute in connection with benefits in Vietnam.**

- Overcomes the irrational points, ensures the viability of the law on settling the CLD in connection with benefits in Vietnam.

- Towards the goal of building harmonious labour relations, stability and progress in the enterprises in the context of the market economy in Vietnam.

- Towards the objective in accordance with the international labour standards on labour relations in the context of the global integration.

##### **4.2 Proposing amendment and supplement some provisions on settling the collective labour dispute in connection with benefits.**

###### ***4.2.1 Amend the definition on the collective labour dispute in connection with benefits.***

Contributing to improve the law on settling CLD in connection with benefits, we should improve the denifition of the CLD in connection with benefits under the provisions of Clause 9, Article 3 of the Labour Code in

2012 as the following directions: the CLD in connection with benefits is a dispute arising from the disagreements between a party including one or more the Employers (or representative organization of the Employers) and a party including collective negotiation (or representative organization of the CL) related to the establishment of new working conditions; changing conditions as committed; negotiating to choose to extent term of the current collective labour agreement or deal the new collective labour agreement when it is about to expire, opting to continue performing, amending, adding the current collective labour agreement or agree to sign the new collective labour agreement when there are any changes of structure and form of ownership of enterprises.

***4.2.2 Amendment, supplement the provisions on the competent entities settling the collective labour dispute in connection with benefits.***

*4.2.2.1 Amendment and supplement the provisions on the competent entities conducting conciliation the collective labour dispute in connection with benefits.*

*Firstly*, amending the provision on the competence of the conciliation of CLD in connection with benefits of LC as following: LC has the competence of conciliation on CLD in connection with benefits in enterprises having strike rights and enterprises not having on strike right which operating in the vital sectors of the national economy, provided a request by either party of the dispute.

*Secondly*, amending the provisions on determining the quantity of LC in Clause 1, Article 4 of Circular No. 08/TT-BLĐTBXH towards the amount of LC for each district level at least three (03) people.

*Thirdly*, adding the provisions on establishing the team of LC at the national level towards the team of LC at the national level must be dedicated activities, under the management of the Ministry of Labour, Invalids and Social Affairs, appointed and managed by the Minister of Ministry Labour, Invalids and Social Affairs. Standards for appointing the LC at the national level should be stipulated higher than standards for appointing at the local level.

*4.2.2.2 Amendment and supplement the provisions on the competent entities conducting arbitration the collective labour dispute in connection with benefits.*

*Firstly*, amending the provisions on establishing the LAC in each provinces and central cities at the present towards only setting up a LAC authority under the Ministry of Labour, Invalids and Social Affairs with some branches in the provinces and central cities where CLD in connection

with benefits were happened a lot. LAC shall make a list of LA representing tripartite: State, the Employees and the Employers. The arbitrators of LAC will be in charge of the dedicated activities, appointed by the Minister of Ministry Labour, Invalids and Social Affairs for a term of five (05) years.

*Secondly*, adding the provisions on standards of the appointment and the competent appointment LA as following:

\* Appointment standards of LA: including the common standards for all members of LAC and the specific standards for LA representing to each party.

- The common standards for all members of LAC: be Vietnam citizens, capable of full civil behavior, good health and good moral qualities; not being prosecuted for criminal liability or serving itseft sentences and over 30 years old.

- *The specific standards for LA representing to the State*: holding the bachelor of law degree or other equipvalent legal degree, having experience of working in the field of labour relations over five (05) years.

- *The specific standards for LA represent to the Employees and the Employers*: be knowledgeable of Labour Codes and/or the relevant law such as finance, accounting, have experience of working in the field of labour relations or finance, accounting over three (03) years.

\* The competence to appoint LA: Because LAC are managed by Ministry Labour, Invalids and Social Affairs, the laws need to be stipulated the competence to appoint LA belong to Minister of Ministry Labour, Invalids and Social Affairs.

*Thirdly*, amending to the provisions on competence of LAC whenever settling CLD in connection with benefits.

- *For the CLD in connection with benefits arising from enterprises having strike rights*: LAC have competence to settle by arbitration if both parties agree with requesting to LAC for settling. After the dispute has been conciliated unsuccessfully or not conciliated within the preiod duly or after CLD in connection with benefits was conciliated under the settlement agreement by themselves but failed and the parties agreed to request LAC settled. The decision of LAC related to the CLD in connection with benefits is valuable compulsory execution to the disputing parties.

- *For the CLD in connection with benefits arising from enterprise not having strike rights operating in the vital sectors and fields for the national economy*: LAC have competence to settle the dispute by arbitration when there have the request of either party after the LC had conciliated the dispute unsuccessfully or false because of expiry of the valid time. The

decision of LAC related to the CLD in connection with benefits is valuable compulsory execution to the disputing parties.

*4.2.2.3 Repealing the provisions on the competence of the Chairman of People Committee for settling the collective labour dispute in connection with benefits arising from enterprises not having strike rights, operating in the vital sectors and fields for the national economy.*

***4.2.3 Amendment and supplement the provisions on the procedures for settling the collective labour dispute in connection with benefits.***

*4.2.3.1 Amendment and supplement the general provisions on the procedures for settling the collective labour dispute in connection with benefits*

*(i) Procedures for settling the CLD in connection with benefits in enterprises having strike rights.*

Firstly, supplement the provisions on recognizing and prioritizing to apply the mechanism of settlement dispute agreed by the parties to solved the CLD in connection with benefits arising from enterprises having strike rights as following directions: In case, the parties have agreed on their dispute settlement mechanism (this agreement could be recognized in the effectively legal collective labour agreement or other agreement have been signed by and between representative of collective negotiation and representative of the Employers) then CLD in connection with benefits will be prevail that settlement mechanism in case of no result of the negotiations on settling the dispute. The rights and benefits of the parties in the settlement mechanism of the CLD in connection with benefits by agreement such as in case of the mechanism for settling the LD by provisions of the State.

- *In the settlement mechanism of the CLD in connection with benefits by mutual agreement only provided for the dispute to be settled by conciliation:* the dispute will be settled in accordance with the conciliation procedure which the parties agreed. The successful result of the conciliation of the CLD in connection with benefits by mutual agreement is as valid as a successful result of the dispute settlement at LC. The disputing parties are obliged to abide by the agreements reached. In case, the dispute by conciliation upon the conciliation procedure agreed by the parties but failed, the collective negotiation is entitled to conduct the procedure to strike. However, the disputing parties are still entitled to agree that the request of LAC to settle under the provisions after the dispute by conciliation upon the conciliation procedure agreed by the parties but failed. In case of requesting the LAC to settle, the collective negotiation will not been permitted to strike.

Although the parties have agreed on procedures for their dispute conciliation but the CLD in connection with benefits shall still be settled at the LC under the law in the following case: *First*, either party fills the request of the LC to settle the dispute because the dispute settlement mechanism mutually agreed can not be applicable. *Second*, the parties agree together not to apply the agreed conciliation procedure that requires the procedure of the LC to settle under the law.

- *In the settlement mechanism of the CLD in connection with benefits by mutual agreement provided for the dispute to be settled by conciliation and arbitration:* the CLD in connection with benefits shall be settled in the mechanism. In case of successful conciliation, the disputing parties are obliged to abide by the agreements reached. In case of unsuccessful conciliation, the dispute continues to be settled by arbitration procedure upon the mutual agreement. The collective negotiation has no right to strike after the CLD in connection with benefits was conciliated but failed. The decision of the settlement of the CLD in connection with benefits of the entities which is settled by arbitration selected by the parties as valid as the decision of the LAC settling the CLD in connection with benefits under the law. The disputing parties are obliged to abide by the decision of the dispute settlement.

Although the settlement mechanism of the CLD in connection with benefits by mutual agreement provided for the dispute to be settled by conciliation and arbitration but the CLD in connection with benefits is still settled at the LC in two (02) cases mentioned above. The CLD in connection with benefits is still settled at LAC in case: the dispute has been settled in the conciliation procedure agreed by the parties/the dispute has been settled at the LC (in two (02) cases mentioned above) but failed and both parties agreed to request the LAC to settle upon the law on procedure because the arbitration procedure agreed by the parties can not be applied/the parties agreed not to apply the arbitration procedure agreed that request the LAC to settle.

*Secondly*, amendment the provisions on procedure of settling the CLD in connection with benefits arising from enterprises having strike rights

- *The parties have agreed on settlement mechanism their CLD in connection with benefits:* the CLD in connection with benefits is settled under the mechanism in case the parties fail to settle the dispute through negotiation. However, the CLD in connection with benefits is still settled in the procedure law for some cases mentioned above.

- *The parties have no mechanism for settling their CLD in connection with benefits:* the CLD in connection with benefits is settled according to the law on procedure.

- **Step 1:** Negotiating settlement of disputes.

- The successful negotiation: the parties implement the result of the successful negotiation.
- The unsuccessful negotiation or either party refused to negotiate or reach the successful negotiation but either party not implement: settled under the Step 2.

- **Step 2:** Conciliation at LC

- The successful conciliation: the parties implement the result of the successful conciliation.
- The unsuccessful conciliation or the LC has not conciliated within the valid time under the law: the collective negotiation has right to strike or the parties agree to settle under the Step 3.

- **Step 3:** Arbitration (voluntary) at the LAC. The decision of the LAC is valuable compulsory execution to the disputing parties.

(ii) *Procedure for settling the CLD in connection with benefits in enterprises not having strike right in the vital sectors and fields for the national economy.*

Because of the particularities of the enterprises operating in the vital sectors and fields for the national economy, while the CLD in connection with benefits arising, the dispute is settled under the law on procedure which is not applied the mechanism of settlement agreed by the parties.

- **Step 1:** Conciliate (mandatory) at the LC when the dispute arises due to the unsuccessful Collective Negotiation process.

- The successful conciliation: the parties comply the result of the successful conciliation.
- The unsuccessful conciliation or the LC has not conciliated within the valid time under the law, the dispute is settled under the Step 2.

- **Step 2:** Arbitration (mandatory) at the LAC. The decision of the LAC is valuable compulsory execution to the disputing parties.

4.2.3.2. *Amendment, supplement the specified provision on procedure of settling the collective labour dispute in connection with benefits at the Labour conciliators, the Labour arbitration council.*

Firstly, amending, adding the provisions on choosing the LC, LA to participate in settling the CLD in connection with benefits.



- *About choosing the LC to participate in settling CLD in connection with benefits:* The parties shall be entitled to agree to choose a dispute settling LC for each party within one (01) day, from the date of applying the request of disputing conciliation at Department of Labour, Invalids and Social Affairs. If the parties do not agree to choose the LC, the Department of Labour, Invalids and Social Affairs will appoint one of LC from the list of the LC of the district for the Chairman of People Committee on district level to sign the appointment decision of LC to participate in settling the LD.

- *About choosing the LA to settle the CLD in connection with benefits:* the settlement of the CLD in connection with benefits is conducted by an arbitral including three (03) LA representing to tripartite (State-the Employees-the Employers). Each party of CLD in connection with benefits shall be entitled to choose one (01) LA from a list of arbitrators for representing. The third arbitrator shall be as chairman of the arbitral and appointed by the two arbitrators choosing from the list of arbitrators of the State. If the two arbitrators fail to choose the third arbitrator, the Minister of Labour, Invalids and Social Affairs or the Branch Manager of LAC at the provinces and central city will appoint one (01) arbitrator from the list of LA representing to the State. In case, two or more enterprises/trades union as either disputing party fail to reach agreement on the selection of an labour arbitrator then the Minister of Ministry of Labour, Invalids and Social Affairs or the Branch Manager of LAC in the provinces and central city shall appoint this arbitrator.

*Secondly*, guideline to implementation of provisions of Clause 3, Article 204 the Labour Code in 2012, in case the CLD mix both of the claims in connection with benefits and requirements of the rights.

To ensure consistency in the application of the law, Clause 3 of Article 204 of the the Labour Code in 2012 should be guided detailing the implementation under the following: when the Chairman of People Committee on district level receives a CLD which combine both of the claims in connection with benefits and requirements of the rights then he settles the CLD about the rights first because the case has been received by the Chairman of People Committee on district level. After the CLD about the rights has been settled, if the CLD in connection with benefits arising from enterprises having strike rights, collective negotiation shall be entitled to conduct the procedure on strike or the disputing parties shall agree to request the LAC settling. If the CLD in connection with benefits arising from enterprises not having strike right, the disputing parties shall request the LAC settling.

*Thirdly*, amend and supplement the provisions on verification and collection of the documents and evidences during the process of preparing the settling meeting of the CLD in connection with benefits of LC, LAC.

- The detailed provisions on the rights of the LC, LA in the activities of verifying and collecting the evidences to settle the CLD in connection with benefits as the following direction: LC, LA are entitled to conduct the activities of verifying and collecting and request the help of expertise from professionals/ competent authority in the process of varifying and colleting the documents, evidences to settle the CLD in connection with benefits.

- Supplement the provisions on liability of keeping confidential information obtained in the process of settlement the CLD in connection with benefits of LC, LA and sanctions in case of violation of these entities.

- Provide more specific the responsibilities of the entities when the LC, LA request to provide the documents and evidences related to the CLD in connection with benefits and supplement the provisions on sanctions in case of violation of these entities.

*Fouthly*, amend the provisions on procedure of conducting the settling meeting of the CLD in connection with benefits of LAC as following: at the settling meeting of the CLD in connection with benefits of LAC, the labour arbitral is responsible for supporting the parties to negotiate and settle the dispute. In case the parties reach an agreement, the arbitral shall issue the memorandum of negotiating. This memorandum have the same value as a CLA, the disputing parties are obliged to implement the agreement reached in the memorandum as to implement the content of collective labour agreement. If the parties fail to reach agreement on the settlement of dispute, the labour arbitral will issue a settling decision of the dispute. The decision of settlement the CLD in connection with benefits of the labour arbitral contains the signatures of 03 LA. If a LA disagree with the decision of majority, who can record its disagreement opinion annexed to the decision of the labour arbitral.

*Fifthly*, provide the legal validity of the successful memorandum of collective negotiation, the memorandum of successful conciliation of the CLD in connection with benefits and the legal validity of decision of LAC issued.

- *About the legal validity of the successful memorandum of collective negotiation between employer and collective negotiation in enterprises not having strike right, operating in the vital sectors and fields for the national economy*: should be prescribed the successful memorandum of collective negotiationis valuable as a collective labour agreement. The

parties must strictly implement the contents of the successful memorandum of collective negotiation as implement the contents of a collective labour agreement.

- *About the recognition form of successful result about conciliation the CLD in connection with benefits at LC and its legal validity:* Regulating form of record successful conciliation result of the CLD in connection with benefits at LC is the memorandum of successful conciliation result with both signature of disputing parties and signature of LC conducted conciliation. This memorandum will be listed the contents of the parties agreed in the conciliation meeting. The memorandum of successful conciliation result of the CLD in connection with benefits at LC is legally valuable as a collective labour agreement within a minimum of twelve (12) months. The parties shall only be entitled to request the amendment and supplementation of the agreed contents after six (06) months. The disputing parties are obliged to implement the agreements reached in the memorandum of successful conciliation result as implement the contents of the collective labour agreement. When a memorandum of successful conciliation result at LC is legally effective, labour contracts, labour regulations as well as other internal agreements of enterprises are not contrary to the parties agreed. Collective negotiation do not be gone on strike when the CLD in connection with benefits is conciliated successfully by LC.

- *Regarding the legal validity of the decision of the LAC settling the CLD in connection with benefits:* the decision of LAC settling the CLD in connection with benefits is regulated as valuable as a collective labour agreement with a minimum duration of twelve (12) months. The parties are only entitled to request the supplementation, amendment of the agreed contents after six (06) months. The disputing parties are obliged to implement the decision of arbitration as implement the contents of the collective labour agreement. When a decision of arbitration in the CLD in connection with benefits is legally effective, labour contracts, labour regulations as well as other internal agreements of enterprises are not contrary the decision of arbitration. Collective negotiation (at the enterprises having strike rights) do not be gone on strike when the decision of settlement the dispute is issued by LAC.

*Sixthly*, extending the maximum term of settlement the CLD in connection with benefits at LC is ten (10) working days. The maximum duration of settlement the CLD in connection with benefits at LAC is fifteen (15) working days (the dispute arising from enterprises having strike rights),

ten (10) working days (the dispute arising from enterprises not having strike rights).

*Seventhly*, supplementing the specific provisions on determining the LC, LA are not impartial and objective in the process of settling the CLD in connection with benefits and procedure on changing the LC, LA.

*Eighthly*, regulating the specific provisions of in case a disputing party absent with a “legitimate reason” of at the settling meeting of CLD in connection with benefits of LC and LAC as following: LC and LAC just postpone the second meeting to settle the CLD in connection with benefits when the representatives of the parties are absent in the case of force majeure as act of god, accident, seriously ill, death of relatives... that can not be present at the meeting to settle the dispute under the summonses of LC and LAC.

### **CONCLUSION OF CHAPTER 4**

Though researching at Chapter 4, the dissertation is drawn some following conclusions:

1. To improve the law on settlement the CLD in connection with benefits, firstly the irrational points must be overcome, the viability of the law on settlement the CLD in connection with benefits is ensured. In addition, the completion of law on settlement the CLD in connection with benefits also aims to build labour relations harmoniously, stably and progressively in the context of a market economy of Vietnam as well as to be ensured conformity of the law on settlement the CLD in connection with benefits with the international labour standard on labour relations in the global integration.

2. To contribute to improve the law on settlement the CLD in connection with benefits, the dissertation has been proposed some recommendations related to: amend the definitions of CLD in connection with benefits, complete the provisions on the competent entities settling the CLD in connection with benefits, improve the procedures for settling the CLD in connection with benefits arising from enterprises having strike rights and not having strike rights.

### **CONCLUSION**

From the research results of the dissertation, the conclusions are drawn as following:

1. The CLD in connection with benefits is the phenomenon exists objectively at the market economy in any country. CLD in connection with

benefits arises when there is no violation of the provisions of the Labour Code, agreement in the CLA/collective agreement on labour signed. The goal that the parties towards join CLD in connection with benefits to achieve mutual agreement for collective labour relations. CLD in connection with benefits is a complicated dispute and difficult to settle.

2. The purpose of legal adjustment for the settlement process of CLD in connection with benefits in any country not only to settle disputes promptly in the peace but also to promote the development of Collective Negotiation as an institution, thereby creating to the stability and development of the economy-society.

3. Despite certain difference among countries about the source documents contains the law on settlement the CLD in connection with benefits but in general, the law on settlement the CLD in connection with benefits is composed of four module of provisions: the provision on dispute settlement principles; the provisions on dispute settlement methods; the provisions on the competent entities system to settle the dispute and the provisions on procedures for settlement of CLD in connection with benefits.

4. Besides the progressive provisions are compared to the past, the provisions of the current law on settlement of CLD in connection with benefits still contain many problems and inadequacies, particularly the provisions on the structure, organization and procedures for settling the CLD in connection with benefits at LAC. The inadequacies in the provisions of the current law have a significant impact actually CLD in connection with benefits on settling activities.

5. Legal situation on settlement the CLD in connection with benefits sets out requirements to continue to improve the law on settlement the CLD in connection with benefits aims to build labour relations harmoniously, stably and progressively in the context of a market economy of Vietnam as well as to be ensured conformity of the law on settlement the CLD in connection with benefits in Vietnam with the international labour standard on labour relations in the global intergration.

6. On the basis of the requirements, dissertation has been proposed amendments and supplements relating to the definition of CLD in connection with benefits; the competent entities settling the dispute; the procedures for settlement the CLD in connection with benefits.

## **LIST OF SCIENTIFIC RESEARCHS PUBLISHED WITH REGARD TO THE DISSERTATION**

1. Vu Thi Thu Hien (2015), “Some general issues about collective labour dispute in connection with benefits”, *Journal of State and Law* (6), tr. 32-42.
2. Vu Thi Thu Hien (2015), “The opinions of some countries and Vietnam about the collective labour dispute in connection with benefits”. *The Journal of practicing law* (3), page. 43-47.
3. Vu Thi Thu Hien (2015), “Law on settlement the collective labour dispute in connection with benefits at labour arbitration council and recommendation for improvement”, *Journal of Jurisprudence* (5), page. 30-42.
4. Vu Thi Thu Hien (2015), “Law on settlement the collective labour dispute in connection with benefits at labour conciliators and recommendation for improvement”, *Journal of Democracy and Law* (6), page. 43-38.
5. Vu Thi Thu Hien (2015), “On the method of settlement the collective labour dispute in connection with benefits”, *Journal of State and Law* (12), page. 67-75.