



Vietnam General Confederation Of Labor (VGCL)
Institute for Workers and Trade Unions (IWTU)



The Asia Foundation

Situational assessment of professional and technical occupation associations



FULL REPORT

Hanoi, 2019

Situational assessment

of professional and technical
occupation associations

FULL REPORT

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ABBREVIATIONS

AEC	ASEAN Economic Community
DOHA	Department of Home Affairs
ILO	International Labour Organization
IWTU	Institute for Workers and Trade Unions
MOHA	Ministry of Home Affairs
VGCL	Vietnam General Confederation of Labor
VUSTA	Vietnam Union of Science and Technology Associations

ACKNOWLEDGEMENT

The study “*Assessing the need and status of labor law implementation and capacity building gap among professional and technical occupation associations*” in the framework of the Project “*Promoting Internationally Recognized Labor Rights – Effective Membership Associations for Freedom of Association in Vietnam*” was implemented by a research team of the Institute for Workers and Trade Unions (IWTU), with technical support from consultants and The Asia Foundation in Vietnam. The study was conducted in 10 provinces and cities including **Hanoi, Ho Chi Minh City, Hai Phong, Yen Bai, Ha Tinh, Da Nang, Khanh Hoa, Binh Thuan and Can Tho.**

We would like to thank the Project Executive Committee of the Vietnam General Confederation of Labor (VGCL) and experts and individuals from the Department of Home Affairs, the Unions of Science and Technology Associations and professional associations, agencies and organizations in 10 surveyed provinces and cities, and departments and units under VGCL for their warm support and assistance while conducting the study.

The research team would also like to express our sincere thanks to The Asia Foundation for its support and guidance during the implementation of the research activities. Our thanks also go to Ms. Nguyen Thi Ngoc Anh, Gender and Social Development Program Specialist and Ms. Tran Giang Linh, Gender and Social Development Program Officer of The Asia Foundation for their contributions and inputs during the process of preparation, writing and completion of the study report.

Last but not least, the study would be impossible without support from officials and members of the surveyed associations in providing us with actual information and data. The views expressed in the report are those of the research team and represent neither the views of the donor agency nor of those who have taken part in the study.

On behalf of the research team

Team leader

Dr. Vu Minh Tien

PART 1



INTRODUCTION

1.1. BACKGROUND

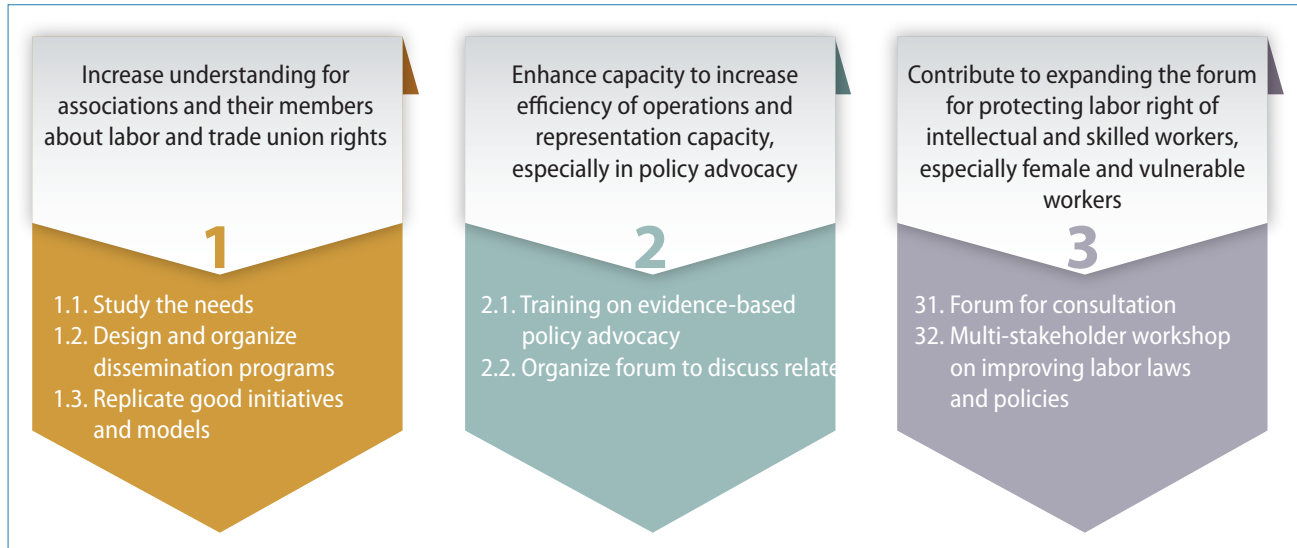
Vietnam has made positive progress in complying with the standards of the International Labor Organization (ILO), including the right to freedom of association and the right to collective bargaining. In 2019, Vietnam ratified ILO Convention 98 on the right to organize and collective bargaining and it is expected that by 2023 it will ratify ILO Convention 87 on freedom of association and protection of the right to organize. Vietnam just approved the new Labor Code in 2019 with significant changes to ensure the labor rights in the informal sector, the right to trade union and collective bargaining. Based on experience, it is forecast that the implementation will still face certain limitations and difficulties.

Meanwhile, it is expected that Vietnam's entry into the ASEAN Economic Community (AEC) will increase the mobility of skilled labor to ASEAN countries, especially in science, technology and technical sectors. However, labor-related issues faced by the workforce in the region have not yet been thoroughly studied and discussed.

Most skilled workers in Vietnam are members of science, technology or professional associations (membership associations). These associations represent and protect the rights and interests of their members in accordance with the Association Charter and Vietnamese laws. However, they are facing difficulties and challenges including organizational capacity and resources for more sustainable and efficient operations. These associations and their members have limited knowledge of their labor rights as well as labor laws. Moreover, current policy forums tend to focus more on the workplace in factories, where industrial relation is more straightforward; therefore, little attention is paid to the problems encountered by intellectual and skilled workers in the informal sector.

In this context, The Asia Foundation collaborates with the Institute for Workers and Trade Unions (IWTU) and other partners in implementing the project *“Promoting Internationally Recognized Labor Rights – Effective Membership Associations for Freedom of Association in Vietnam”* through capacity building of Membership Associations towards better implementation of labor rights and trade union rights in accordance with laws for intellectual and skilled workers in Vietnam.

FIGURE 1. Overall objectives and key activities of the Project



1.2. RESEARCH OBJECTIVES

- To provide deeper knowledge and understanding of the status of implementation of labor laws and the need for capacity building of professional and technical occupation associations, particularly in the implementation of the labor rights in accordance with Vietnamese laws and international standards. The study also focuses on assessing the data gap and challenges in complying with the gender-related labor right as well as the labor rights of other vulnerable groups (people with disabilities and migrant workers).
- To provide basis for the selection of associations for intervention activities and design of project capacity building activities.
- The research findings will also provide inputs to The Asia Foundation and the Institute of Workers and Trade Union to develop a policy brief on the status and gaps in the protection of the labor rights of intellectual and skilled workers, including women and other vulnerable groups.

1.3. RESEARCH, SURVEY OBJECTS

This survey was conducted focusing on professional and technical occupation associations which have been legally established and have the following characteristics:

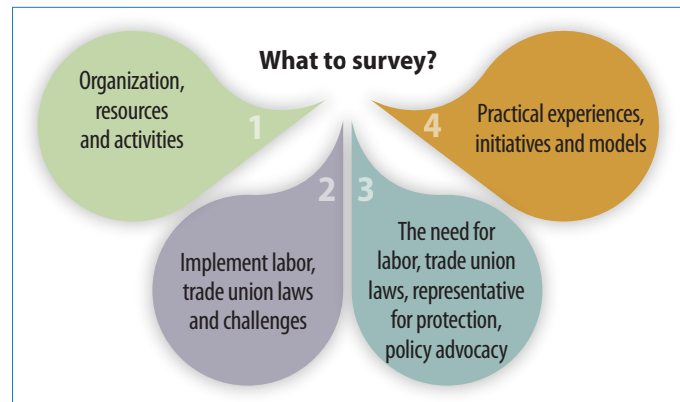
- 1) Operation time: \geq 03 years, as of December 31, 2017 (established before 2015).
- 2) Under occupation/employment groups of mobility in ASEAN Economic Community (AEC), manufacturing and trading sectors which have significant contribution to GDP.
- 3) Scope of activities: at Provincial and Central levels belonging to prioritized sectors of the study.
- 4) Prioritized associations: associations with large membership, especially female members and members from disadvantaged groups.

The survey does not include:

- 1) Associations which are not professional or science and technology associations.
- 2) Unions of Associations of Science and Technology, Literature and Art, Friendship.
- 3) Centers, research institutions, non-business units, professional units of the Union of Science and Technology Associations and associations.
- 4) District and commune associations.

1.4. RESEARCH QUESTIONS

1. What are the organizational structure, functions, mandates, tasks, resources and activities of participating associations?
2. What is the current status of implementation of labor and trade union laws – what are challenges to full implementation of labor and trade union rights at the places where members work?



3. What are the needs of members for awareness raising of labor and trade union laws? For enhancing their representative capacity? For enhancing their policy advocacy capacity to better implement the functions of their associations? and
4. What experiences, practical lessons and recommendations do associations and their members have to improve their associations' functions?

During the research, survey process, special attention was paid to gender issues and priorities given to disadvantaged and vulnerable groups such as people with disabilities, migrant workers, and female workers.

1.5. RESEARCH METHODOLOGY

ANALYTICAL FRAMEWORK

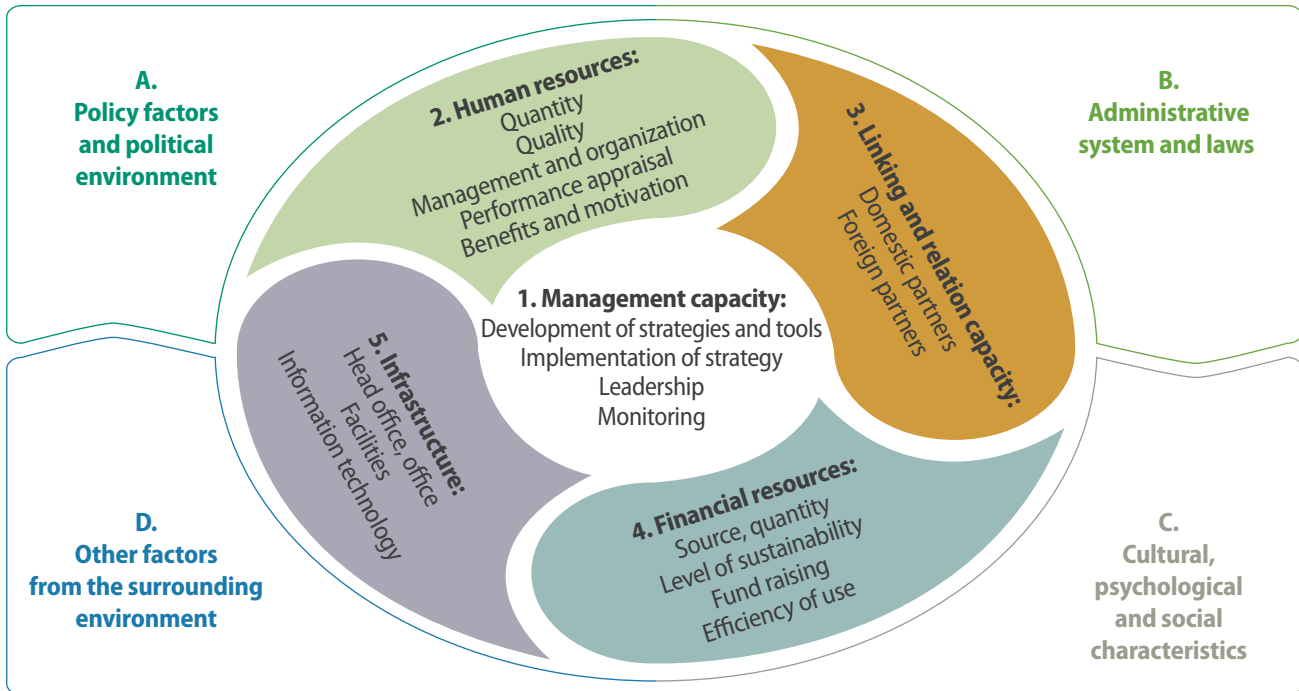
Regarding the four research questions, it is needed to clarify the theoretical analytical framework:

- Theory of organizational capacity;
- Theory of organizing, representation.

Organizational capacity

All forms of external expressions of an organization are reflected through its behaviors (action or inaction), which also means through its operations and activities. The operation of an organization is its mode of existence. Thus, in reality, the organization's capacity is always operational capacity.¹ Components of an organization's capacity can be described in the following diagram:

FIGURE 2. Analytical diagram of factors affecting organization's capacity



Representation and organizing

According to materials of ILO's Industrial relation project², the representative capacity of an organization is reflected in the following criteria:

- The membership coverage of the organization in the sector. The greater the membership coverage is, the higher the probability of influence will be.

1 Pr. Dr. Le Ngoc Hung - Institute of Sociology, Ho Chi Minh National Political Academy, Head of Textbook Compilation Team for the Subject "Assessing the capacity and quality of an organization's activities" (2013): Concept, factors, indicators to assess the "operation capacity" of organizations - Thematic report.

2 Industrial relation project (ILO/VGCL) (2018): Overall report on trade unions, labor relations and collective bargaining among enterprises participating VGCL's pilot program.

- Organization's linkage: reflected in the level of linkage of each unit (at grassroots level), linkage at the upper-level, and at regional/local and national level. The higher the linkage is, the greater the representative capacity will be.
- The capacity to better promote the rights and interests of members: reflected in the ability to conduct dialogues and collective bargaining.
- The capacity to protect members' rights and interests through collective actions, legal aid and protection of members in legal processes, equipping relevant knowledge and skills for members.

INFORMATION COLLECTING METHOD

Literature review

- Collecting materials including documents, policies, laws, projects, research reports related to research issues; related views and international theories.
- Collecting information and statistics from MOHA, DOHA, Unions of Associations, etc. focused on thematic reports, the list of data categorized based on basic criteria such as name, year of establishment, targets, number of members, addresses, etc.

Fieldwork

Survey by questionnaire

The questionnaire was designed with specific, clear, and easy-to-understand questions so that respondents can fill in answers in accordance with their thoughts and ensure the reliability at an acceptable level, with a mechanism of reliability check.

Each type of questionnaire goes with an instruction to get appropriate information:

- The general survey questionnaire (with an instruction for filling) was sent together with the invitation.
- Member survey questionnaire (with an instruction for filling): the research team guide and train association's representatives so that they can fill in by themselves.

All questionnaires include a phone number for remote advice and assistance to support respondents in case they do not understand the questions, at the same time, to ensure that they give their own answers without being influenced by others (not answering the questionnaire in groups).

All questionnaires were collected and reviewed by the consultant team to ensure all information is provided (no information is omitted).

TABLE 1. *Survey objects and contents*

No.	Objects	Number of samples	Information collected
1	Representatives of associations	243 associations	<ol style="list-style-type: none"> 1) Organization, apparatus, functions and tasks 2) Internal organization / administration 3) Candidates for recruitment, admission 4) Operating resources 5) Performance results 6) Protection of members and their rights 7) Implementing regulations on labor, trade union right 8) The need for awareness raising (Labor, trade union legislation, function, role) 9) The need for capacity building in policy advocacy, etc.
2	Members	596 members	<ol style="list-style-type: none"> 1) Internal organization / governance 2) Operating resources 3) Performance 4) Implementation of Trade Union law and Labor Code 5) Protection of member's rights and interests 6) Implementing regulations on labor, trade union right 7) The need for awareness raising (Labor, trade union legislation, functions, role) 8) The need for capacity building in policy advocacy, etc.

- ***In-depth interview***

The questionnaire for in-depth interview was designed with specific, clear, and easy-to-understand questions so that respondents can fill in answers in accordance with their thoughts.

TABLE 2. *Objects and purpose of in-depth interviews*

No.	Objects	Number of samples	Information collected
1	Representatives of typical associations	30 associations	<ol style="list-style-type: none"> 1) The need for awareness raising (Labour, trade union legislation, function, role) 2) The need for capacity building in policy advocacy, etc. 3) Proposals and recommendations
2	Officers of DOHA (HR Director or Deputy Director of Department)	10 persons	<ol style="list-style-type: none"> 1) Association's operating resources and sustainability 2) State management and support needs of associations 3) Proposals and recommendations
3	Union leaders (President, Vice President or Secretary General)	20 persons	<ol style="list-style-type: none"> 1) The need for awareness raising (Labor, trade union legislation, function, role) 2) The need for capacity building in policy advocacy, etc. 3) Proposals and recommendations

- **Group discussion (round table discussion)**

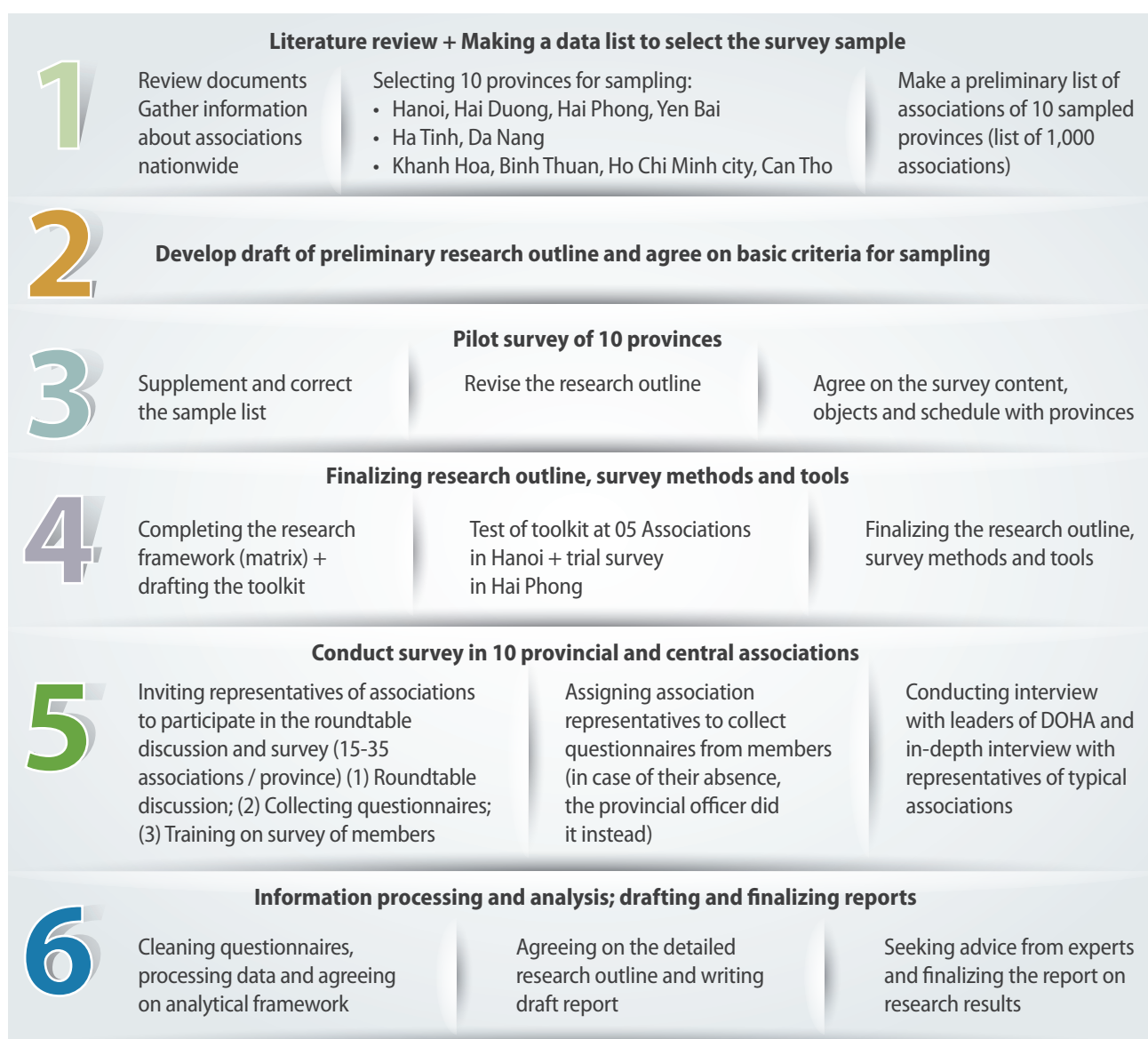
Discussion at provincial level: Associations in the research samples: 10 in 10 provinces and 01 at Central level (nearly 200 associations)

Purpose and content of the discussion:

- 2-way open exchange between association’s representatives with the research team and representatives of DOHA; acknowledgement of association representative’s opinions on:
- Collect survey questionnaire B1 (sent together with the invitation)
- Train on using B2 questionnaire for representatives of associations

RESEARCH STEPS

FIGURE 3. Six research steps



1.6. QUANTITY AND CHARACTERISTICS OF SURVEYED ASSOCIATIONS

Sampling and survey were conducted with 243 associations in 10 provinces and cities and some associations at the central level. The total number of the sample was 700,000. 75% of surveyed associations were established in the renovation period 1986 – 2015 (associations established since 2015 are not under this survey). With three main milestones, the percentage of surveyed association is as follows:

- Prior to national liberation in 1975: 10 associations, or 4.4%.
- From 1975 to 1986, before renovation period: 25 associations, or 11%.
- From 1986 to 2010, before the issuance of Decree No. 45/2010/NĐ-CP in 2010 (on the organization, operation and management of associations): 99 associations, or 43.4%.
- From 2010 to 2015: 26 associations, or 11.4%.

TABLE 3. Survey scope of associations classified by year of establishment and operational location

		Total	Ha Noi	Hai Duong	Hai Phong	Yen Bai	Ha Tinh	Da Nang	Khanh Hoa	Binh Thuan	HCMC	Can Tho	National	
TO-TAL	Number	234	21	23	16	16	23	23	19	10	30	17	36	
	Percent	100%	9.0%	9.8%	6.8%	6.8%	9.8%	9.8%	8.1%	4.3%	12.8%	7.3%	15.4%	
Before 1975		10	4.4%	5.0%	4.3%	6.3%	6.3%	8.7%					11.8%	
1976 - 1986		25	11.0%	20.0%		12.5%	12.5%	8.7%	5.3%	20.0%	24.1%	6.7%	11.8%	
1987 - 1986		68	29.8%	40.0%	13.0%	56.3%	6.3%	26.1%	8.7%	26.3%	20.0%	48.3%	40.0%	35.3%
1997 - 2010		99	43.4%	25.0%	73.9%	25.0%	68.8%	52.2%	69.6%	42.1%	40.0%	10.3%	46.7%	35.3%
2011 - 2018		26	11.4%	10.0%	8.7%		6.3%	13.0%	13.0%	26.3%	20.0%	17.2%	6.7%	5.9%

The surveyed associations are diverse in members' professions, both technological sciences and social sciences and humanities. However, most of them are from the sectors of healthcare, construction, architecture, husbandry, agriculture and education:

- Healthcare sector: nurses, caregivers: 66 associations, or 28.2%.
- Architecture, planning, construction: 29 associations, or 12.4%.
- Social sciences and related sectors: 19 associations, or 8.1%.
- Cultivation, livestock, fisheries, processing, etc. under Agriculture – forestry and fisheries: 17 associations, or 7.3%.
- Others.

TABLE 4. *Survey scope of associations classified by sector of members*

No	Content and criteria	Number	Percent
	Total	234	100%
1	Physics, chemistry, math, computing	5	2.1%
2	Architecture, planning, construction	29	12.4%
3	Electrical, electronics, telecommunications	16	6.8%
4	Mechanics, mechanical engineering	8	3.4%
5	Chemicals, mining, metallurgy	4	1.7%
6	Mapping, graphics, geodesy	5	2.1%
7	Engineering, transportation means, transport safety	3	1.3%
8	Life sciences (Biology, botany, zoology, pharmacology, pathology, agronomy, forestry, etc.)	12	5.1%
9	Medicine (medicine, dentistry, veterinary, pharmaceutical, healthcare, etc. except for nursing)	65	27.8%
10	Horticulture, husbandry, fishing, processing, etc. under agriculture, forestry, aquaculture	17	7.3%
11	Handicraft, fine arts, carving, printing, etc.	1	0.4%
12	Nursing, medical care	1	0.4%
13	Teaching, lecturing, education & training	8	3.4%
14	Professional expertise for management (accounting, auditing, finance, human resource management, etc.)	5	2.1%
15	Legislation (lawyers, judges, etc.)	14	6.0%
16	Business, agency, trade and services	4	1.7%
17	Archiving, library and information storage	2	0.9%
18	Social sciences and related sectors (economics, sociology, geology, philosophy, etc.)	19	8.1%
19	Writing stories, newspaper articles, masterpieces, arts and performances	11	4.7%
20	Others	5	2.1%

PART 2.



**OVERVIEW OF ASSOCIATIONS
IN THE WORLD AND
THE ORGANIZATION
AND OPERATION OF
ASSOCIATIONS IN VIETNAM**

2.1. ASSOCIATIONS IN THE WORLD AND MODELS OF ASSOCIATION REPRESENTING AND PROTECTING INFORMAL WORKERS

In the world, association has a long history of development with many different forms and names, even existed before the formation of social classes, political parties and the State. Similar to other countries, as social organizations, associations in Vietnam have also been formed and developed for a long time (for example, in the form of family, trade and handicraft guilds), etc. from the feudal time. Formal and informal associations in Vietnam have thrived since early 20th century. However, for a long time before renovation (*doi moi*) in 1986, associations in Vietnam were mainly developed within a narrow framework and were strictly managed by the State. Entering the era of renovation (*doi moi*) with “strong reforms” in the way of thinking, in awareness, economics, politics, and legislation and especially in the current comprehensive international integration period, associations (both formal and informal) in Vietnam have thrived in quantity, covering all provinces, industries and sectors.

There are different definitions of “association”. In English, “association” is often expressed in two terms: (i) “Association” refers to form of associating of groups of individuals having a common interest, and (ii) “Society” refers to an organized community, a formal group of people associating together for a specific purpose.³

The organizational work and operation of associations are in line with the “freedom of association”. This is a fundamental human right recognized and protected by the Universal Declaration of Human Rights (UDHR, 1948), the International Convention on Civil and Political Rights (ICCPR, 1966). Accordingly, the basic functions of associations include: (i) establishing new associations, (ii) joining existing associations, and (iii) operating and managing associations, including seeking for and raising funds (Article 20 UDHR ICCPR). However, the freedom of association is not an absolute right. Clause 2, Article 22 ICCPR defines that this right may be restricted by laws if it is necessary in a democratic society, for the interests of national security, public safety and order, and for the protection of public health, morals or the right and freedom of others.

Different to Vietnam which is rather homogeneous and has few forms of official representative organizations, in countries which have years of development of market economy, there are many forms, organizations, associations and representative organizations connecting with associations representing the diverse needs of workers. Such needs can come from sector, occupations and certain areas including the need for protection of health, credit, housing, occupational health and safety and social security. Besides trade unions, professional associations also have other forms such as women’s union, migrants’ associations, occupational healthcare association, etc. In particular, some countries in Asia, Africa and South America (which are similar to Vietnam in economic transformation, are developing and implementing FTA) share other experiences in organizing including:

3 Merriam-Webster Dictionary.

- Sierra Leone Labour Congress (SLLC) has trade unions in a variety of sectors such as transport, fisheries, service and entertainment. They provide training and support members' access to preferential loans.⁴
- Other organizations attracting informal workers from different sectors is the Congress of South African Trade Unions (COSATU). Its affiliates organize workers who are linked to the affiliate's sector and have them join their ranks. These workers include organized home-based workers, caregivers, taxi drivers, cleaners, security guards, plantation workers, farm workers and construction workers.⁵
- In Senegal, the transport workers' unions, affiliates of the National Confederation of Senegalese Workers (CNTs) and CNT Forces of Change (CNT FC) are actively involved in the design and implementation of social health insurance scheme that will cover all transport workers and their families (some 400,000 people).⁶
- In the Republic of Korea, workers in non-standard forms of employment in the construction industry have been organizing since 1988 and are now part of the Korean Construction Workers Union (KCWU), which organizes construction workers of different kinds, including precarious and independent workers. A collective bargaining agreement is in place with contractors and subcontractors. It requires contractors to abide by labour laws and ensure respect for the unionization rights of all workers. The collective bargaining agreement allows union activities at construction sites (including education and training activities), the election of site representatives and the establishment of Occupational Safety and Health (OSH) Committees. Workers have access to a national employment insurance programme and pension plan, clean washing facilities, bathrooms and cafeterias.⁷ This is similarly implemented for the Federation of Dockers and Manual Transport Workers [Estibadores y Transportistas Manuales] (FETTRAMAP) in Peru.⁸
- Rather than focus on specific categories of workers, some organizations have chosen to focus on particular issues, such as occupational safety and health, social security – a great need of workers in developing countries with poor working conditions in many places. OSH training and awareness raising tend to be well received by both workers and employers because safety and health hazards impact both incomes and productivity, and consequently, OSH can be used as a starting point for organizing.⁹ For instance, in India, the Hind Mazdoor Sabha (HMS) union has successfully organized workers in the ship-breaking industry, which is one of the most hazardous and least protected industries. Another issue on which organizations have focused has been social security, with unions in the Philippines Thailand and Brazil lobbying for informal economy workers to have

4 ILO: *“Global Report on organizing workers in the informal economy”*, Geneva, 2015.

5 ILO: *“Global Report on organizing workers in the informal economy”*, Geneva, 2015.

6 ILO: *Informal Economy and Decent Work: A Policy Resource Guide supporting transitions to formality*, Geneva, 2013

7 M.R. Serrano and E. Xhafa: *From informal employment to safe and protected employment: “positive change effect” of the trade union*, Global Labor University (GLU), being finalized, ILO, Geneva 2016.

8 ITUC and CSA-TUCA: *Experts on issues relating social health in the USA, Latina y el Caribe*, 2016

9 ILO: *Informal Economy and Decent work: A Policy Resource Guide supporting transitions to formality*; Geneva, 2013

access to social security. In the Philippines and Thailand, unions have made use of the tripartite nature of the national social security system to advance the interests of workers, while in Brazil, the Central Única dos Trabalhadores (CUT) has lobbied the municipal administration of São Paulo and the federal government for the development of legislation sensitive to the needs of families and micro-enterprises, including legislation regarding mechanisms for fair taxation and social security.¹⁰

- In India, the Self-Employed Women's Association (SEWA) is both a registered national trade union and a grassroots organization that works to provide employment through the creation of cooperatives owned and run by its two million women members. SEWA has helped establish health care, home care, midwifery and child care cooperatives, among other facilities.¹¹

2.2. LEGAL FOUNDATION FOR OPERATION OF ASSOCIATIONS IN VIETNAM

The freedom of association was recognized in the first Constitution of Vietnam (1946) and continues to be recognized in all subsequent constitutions. The Law on the Right to Freedom of Association was first issued in Vietnam in 1957. Through many changes, the legal framework on association, as well as the actual conditions for association establishment have also been changed. Having a legal framework that complies with the principle of respecting, ensuring and exercising the right to freedom of association is consistent with the actual requirements and the international human right standards that Vietnam is obliged to implement and it is also the legitimate need of people.

In legal documents in Vietnam, association or “Hội” is defined as an organization legally established, on a voluntary basis of its members, sharing common purpose, operating on a non-profit basis (non-commercial legal entity), in order to protect the legitimate rights and interests of the association, its members and the community as prescribed by the laws.¹²

- Name: Association, Union of Associations, League, Fund/Foundation, Club, Center, etc. (in this study, generally referred to as ASSOCIATION).
- Vietnam Union of Science and Technology Association (VUSTA): is an organization representing and protecting the legitimate rights and interests of Vietnamese intellectuals inside and outside the country (for more information see the Charter of Vietnam Union of Science and Technology Associations (VUSTA)).
- Professional Association: is an organization representing and protecting the legitimate rights and interests of employees of the same profession or belonging to the same professional group.

10 ILO: “Global report on organizing workers in the informal economy”, Geneva, 2015.

11 ILO: “Global report on organizing workers in the informal economy sector”, Geneva, 2015.

12 See: Article 2 Decree No. 45/2010/NĐ-CP dated 21/4/2010 of the Government stipulating the organization, operation and management of associations; Profile of Draft Law on Associations, 2016.

The current highest legal basis for organization and operation of association is Article 25 of the 2013 Constitution and the Law on the Right to Freedom of Association in 1957 (signed by President Ho Chi Minh at that time).

Article 25 of the Constitution 2013 stipulates that “Citizens have the right to freedom of speech, freedom of press, access to information, meeting, association and demonstration. The exercise of these rights is regulated by law”, and that:

- “Human rights and civil rights can only be restricted in accordance with laws when necessary for the purpose of national defense, national security, social order and safety, social morals and community health” (Article 14.2 of the Constitution 2013);
- “The implementation of human and civil rights cannot infringe the national interests, legitimate rights and interests of other people” (Article 15.4 of the Constitution 2013).

The Government has issued two guiding Decrees in 1957 and 2010:

- Decree No. 258-TTg dated June 14, 1957 of the Government guiding the implementation of the Law on Associations;
- Decree No. 45/2010/ND-CP dated April 12, 2010 of the Government regulating the organization, operation and management of associations and Decree No.33/2012/ND-CP dated April 13, 2012 of the Government amending and supplementing a number of articles of Decree No. 45/2010/ND-CP; and guiding Circulars.

According to laws and regulations, associations can be classified as following:

- Based on the nature and characteristics: there are political - social associations, political - social - professional associations; social - humanitarian - charity associations; social - professional associations; economic associations; social-humanitarian funds/ foundations.
- Based on the position, role, funding support and the State payroll: there are specific associations or other types of associations.
- Based on the scope of operation: there are associations operating nationwide or at local levels; and rural community organizations.

However, the current regulations on associations do not apply to political organizations (Party) and socio-political organizations (Trade Union, Youth Union, Women’s Union, Farmers Association, Veterans Association, and Vietnam Fatherland Front). These “organizations” are established and operated under a separate legal framework and within the framework of the political system, and in particular under the custodian and comprehensive support of the political system in all aspects.¹³

13 Article 4, 9, 10 of Constitution 2013; Trade Union Law 2012; Vietnam Law on Fatherland Front 2015, Youth Law 2005, Ordinance on War Veterans 2005.

2.3. QUANTITY AND SCOPE OF ASSOCIATIONS IN VIETNAM

Associations in Vietnam are now very diverse in terms of organizational type, objectives, principles and mode of operation.

TABLE 5. Number of registered associations by Dec. 31, 2014 according to MOHA¹⁴

Scope of operation of associations	Nature of associations		Total
	Specialized	Others	
Nationwide (Central level)	28	455	483
Local, inter-local level (Province, District, Commune, Region)	8,764	42,835	51,599
Total	8,792	43,290	52,082

According to the statistics released by VUSTA, by December 2016: the whole country had 67,627 associations, of which 498 operating at the central level, 3,639 at provincial level, 7,526 at district level and 56,462 at commune level, and about 2,000 funds¹⁵.

In addition, there are 28 specific associations at the central level and nearly 9,000 at all three local levels - provincial, district and commune.

Basis for defining specific associations		
1. For associations as political-social; political-social-professional organizations	2. For associations as social-professional, economic organizations	3. For associations as social organizations
Recognized by competent authorities of the Party as political-social, political-social-professional organizations	Playing an important role in contributing to the cause of socio-economic development of the country	Operating for social and charity purpose
	Facing difficulties in mobilizing funding for their operation	Associations of disadvantaged and vulnerable people that need support and assistance from the society and State for operation
Staffed and funded by the State for operation before the day Decree No. 45/2010/NĐ-CP dated 21 April 2010 of the Government regulating the organization, operation and management of associations came into force		Had been given funding and facilities for operation before the day Decree No. 45/2010/NĐ-CP dated 21 April 2010 of the Government regulating the organization, operation and management of associations came into force

(Article 1 Decision 68/2010/QĐ-TTg dated 1/11/2010 of the Prime Minister stipulating associations of specialized characteristics)

¹⁴ MOHA: *Report on the status of organization and operation of associations.*

¹⁵ VUSTA (2017): *Annual workshop of social organizations - Cooperation towards sustainable development.* Hanoi, August 22, 2017.

2.4. CHARACTERISTICS OF ASSOCIATIONS

ASSOCIATIONS DEFINED AS POLITICAL - SOCIAL, POLITICAL - SOCIAL - PROFESSIONAL ORGANIZATIONS

Political – social associations, political - social – professional associations have the following characteristics:

- Vietnam Union of Science and Technology Associations (VUSTA): 1.8 million members, 800,000 intellectuals in science and technology, 125 member organizations, including 70 central level associations, of which there are 4 General Associations with more than 80 member associations and 55 local unions of associations.
- Vietnam Union of Literature and Arts Associations: 10 central level specialized associations and 63 provincial associations with 35,000 members.
- Vietnam Union of Friendship Organizations (VUFO): 110 member organizations and 65 member associations operating nationwide, 45 member associations operating at local levels.
- Chamber of Commerce and Industry (VCCI): 65,000 member enterprises, including 9,000 direct members.
- Vietnam Cooperative Alliance (VCA): 63 provincial cooperative Unions, including 20,000 cooperatives and 54 cooperative unions.
- Vietnam Journalists' Association (VJA): 63 associations operating within provinces and cities under the central level, 19 joint sub-associations and 205 sub-associations, including 20,176 members who are journalists.
- Vietnam Students' Association: 700,000 members in 13 Provincial Student Associations, 3 Regional Student Associations, 1 National University Student Association; 3 Overseas Vietnamese Student Associations (in France, South Korea, and the Netherlands) and 211 Student Associations under Universities and Colleges.
- Vietnam Lawyers' Association (VLA): operating in 62 provinces and cities under the central level and 53 sub-associations under the central level, 40,500 members who are judges, procurators, investigators, lawyers, counselors, notaries and other members working in other agencies and organizations.

These associations have focused on implementing the role of gathering, uniting, coordinating and communicating with and mobilizing members to fulfill their responsibilities and obligations; developing mechanisms, policies, laws and providing supervision, social criticism over mechanisms, policies and laws on social development and social development management; protecting the legitimate rights and interests of members and communities; providing public services to the community; and contributing to expanding international cooperation, implementing people's external relations, developing friendship, mutual- understanding and cooperation among nations.

SOCIAL ASSOCIATIONS AND SOCIAL - HUMANITARIAN - CHARITY ASSOCIATIONS

Social associations and social - humanitarian - charity associations (some are recognized as specific associations):

- Vietnam Elderly Association: 7,123,347 members, belonging to 207,731 sub-associations.
- Vietnam Red Cross has an organizational structure from the central to local levels, in line with the administrative system (province, district and commune) with over 13,000 full-time specialized officers, attracting over 5 million members.
- Vietnam Association for Promoting Education: 7.5 million members, 300,000 sub-associations and tens of thousands of education promotion boards in agencies, schools, businesses, and cooperatives.
- Vietnam Blind Association: 60,000 members in 400 districts and 44 provinces and cities with staff at all levels of nearly 2,000 people.
- Association of People with Disabilities and Orphaned Children has the structure in 39 provinces and cities, 184 districts, 1,535 communes, wards and towns; 772 residential clusters with 4,118 institutional members, and 524,611 individual members
- Child Protection Association: 525 members, 12 sub-associations and 3 subordinate centers.
- Association for Standards and Consumer Protection: 37 provincial member associations and a number of sub-associations and grassroots level associations with the total membership of about 25,000 people.
- Others

These associations have gather and unite a large number of members by profession, protect the interests of their members; attract and encourage members and people of all strata to take part in social, charity activities and support disadvantaged and vulnerable groups, contributing to poverty reduction, social problem solving, and national socio-economic development, consolidating the national unity bloc and social consensus; advise, propose, supervise and challenge related policies and laws in the areas of their operation, contribute to finalizing Party's policies and State laws. They provide public services, build community learning centers, job, language and computer science training centers, help people overcome market limitations, expand international relations including those with social and charity associations, and governments that have diplomatic relations with Vietnam.

SOCIAL-PROFESSIONAL ASSOCIATIONS

Social-professional associations include:

- Vietnam Sports Confederation: 22 national sports federations and associations and hundreds of local sports federations and associations.
- Vietnam General Association of Medicine: 43 Central level Specialized Societies.

- Vietnam General Construction Association: more than 10,000 members directly under the General Association and 12 specialized construction associations, 42 local construction associations, and 54 institutional.
- Vietnam Geological General Association: 14 specialized associations of geology, with more than 5,000 members
- General Association of Mechanical Engineering: established on the basis of the Mechanical Science and Technology Association.
- Association of Historical Sciences: more than 3,500 members under 51 member associations and sub-associations including 28 provincial associations, 4 specialized associations, 19 associations under government agencies, Ministries, and universities.
- Association of Economic Sciences: about 2,000 members under 12 sub-associations, 26 branches and 17 scientific units under the Central Association.
- Oriental Medicine Association is organized at 4 levels from the central to commune level with a total membership of 60,700.
- Association of Psychology and Education Sciences with hundreds of members actively conducts communication, dissemination and promotion of the application of psychological and educational knowledge in practice and real life.
- Family Planning Association: with a network in 46 provinces and cities; 241 districts, towns, cities; 2,141 communes, wards and towns with the total of 146,000 members.
- Nursing Association: 60,000 members in 60 provincial associations with more than 800 grassroots level sub-associations.
- Association for Nature and Environment Protection has 150 member associations and affiliates with hundreds of thousands of individual members.
- Association of Occupational Health and Safety: about 1,000 members under 13 member associations.
- Gardening Association: 800,000 members.
- Association of Ornamental Plants and Animals is organized in 49 provinces with a membership of 150,000 people.
- Association of Cities: 90 member organizations.
- Association of Craft Villages: over 1,000 members representing craft villages, economic and cultural organizations, and artisans.

The social - professional associations gather a large number of members by profession, protect the interests of their members; train and build capacity and professional ethics of members; advise, propose, supervise and challenge related policies and laws, contributing to social development. They provide public services related to their expertise to meet the diverse needs of people, reduce difficulties for the people, therefore, enjoy strong support from the people. On the basis of knowledge

exchange, technical and professional cooperation, the social - professional associations learn from the achievements, scientific and technical knowledge and expertise of social - professional associations all over the world and get support and financial aid to develop their organizations, making important contributions to people's foreign relation development, creating favorable conditions for countries around the world to better understand and have warm sentiments with Vietnam.

ASSOCIATIONS OF ECONOMIC ORGANIZATIONS

Associations of economic organizations include:

- Association of Seafood Exporters and Processors: 280 members who are seafood processing and exporting enterprises.
- Coffee - Cocoa Association: 130 members who are businesses, economic organizations and legal entities.
- Cashew Association: 200 members which are Cashew Enterprises.
- Pepper Association: 100 members, including enterprises.
- Sugar - Cane Association: 39 members including 2 corporations, 33 production companies and 4 trading companies.
- Rubber Association: 106 members including rubber producing and export enterprises.
- Steel Association: 89 enterprises.
- Vietnam Banking Association: 52 member organizations, including banks, financial companies and other financial institutions.
- Electrical Engineering Association: 64 member enterprises.
- Vietnam Electronic Business Association: 145 members which are businesses.
- Vietnam Tourist Association: 46 member tourist associations in almost all provinces and cities throughout the country, with several thousand different associations and clubs increasing the total number of members of this Association to over 4,000 businesses.
- Association of Foreign Invested Businesses: 370 members.

Economic associations rally members of the same product line, gather enterprises in the same area of production and business to resolve problems emerged during development; build cooperation relations and mutual support to become larger and stronger in domestic markets and find new customers to their members. They take part in resolving commercial conflicts and technical barriers; provide information to their members on the development trend, prices, export markets, equipment and technologies, new commodities and legal documents and policies and protect the rights and interests of their members. They also try to overcome market gaps, organize trainings for staff of member organizations, meeting the requirements of member enterprises in business administration,

human resources management, product quality, environment, marketing, development of trademarks and exports skills.

The associations reflect the aspirations and voices of their members to the State on sector development strategies under their operation in order to improve production and business, protect the interests of their members and of the nation in the buying-selling relation in foreign markets. Economic associations have developed different forms of marketing, trade promotion and relations with foreign enterprises and economic organizations; taken part in workshops, scientific seminar and conferences relating access to markets, strengthen competitive capacity; conducted studies and developed investment projects for developing production, processing and business; facilitate their members to receive domestic and foreign investment resources; promote cooperation with foreign organizations and investors to expand areas of activities of each association.

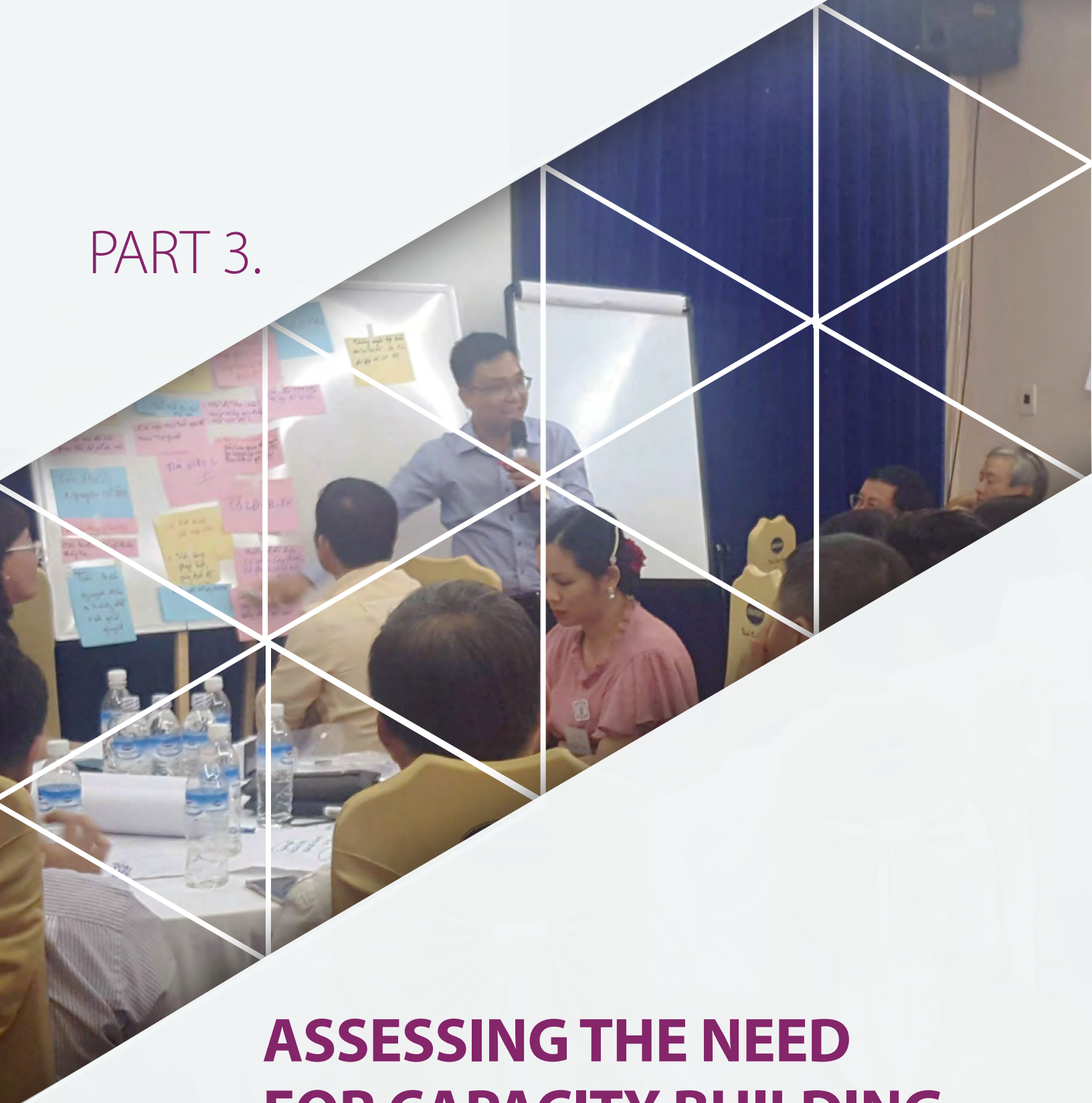
Note: In the framework of this project, the study report focuses on associations of professional and technical occupation associations in the categories as mentioned in 2.3.1, 2.3.2, 2.3.3 above, not the category in 2.3.4.

2.5. SOME LIMILATIONS IN CURRENT OPERATION OF ASSOCIATIONS

- The associations' awareness of their role and position is lagging, not able to catch up with the new requirements of the country and international integration. State management agencies face trouble in managing and guiding organizations to operate effectively;
- Some levels of associations are operating inefficiently, in a formal way, without innovation. The implementation of the function of representation and protection of the rights and interests of members is still limited;
- There is an administrative tendency in the organizational structure at 4 administrative levels of the State. Many leaders and members of associations are unaware of the reality and keep waiting for State subsidies;
- The relationship and coordination between member associations are loose and ineffective, without close connection;
- In general, associations lack advocacy and persuasive skills; they are not close enough to and not attractive to their members. The content and method of operation of many associations are poor, confused and not keeping up with the new development trends. Their operation is not comprehensive. They have not yet rallied and engaged experienced staff and officials in their sector to take part in resolving major problems in the association's areas of activities;
- The capacity of associations' staff is generally weak. Many senior officers are devoted, highly-qualified, responsible and enthusiastic, but they face many difficulties in terms of health conditions, advocacy skills and operations of the association at present;

- Sector associations have not yet fully tapped their potentials and strength of the sector, have not fully identified the content and generally lack resources for their operation; their specialization level is not high enough; their funding is limited and unstable; and are facing many difficulties;
- Many organizations have not really been reformed. They have not yet been able to identify activities appropriate to their position and socio-economic development situation;
- The number of members of the associations is still low. Full-time staff of associations is unstable and untrained to undertake long-term work for the associations;
- The leadership of some associations is not interested in the inputs of enthusiastic and devoted officers, knowledgeable of the advisory work of their associations, so their participation in issues that need counter-argument and appraisals is still limited.

PART 3.



ASSESSING THE NEED FOR CAPACITY BUILDING OF ASSOCIATIONS

3.1. ORGANIZATION AND OPERATION OF ASSOCIATIONS WITHIN THE SCOPE OF SURVEY

PROCESS OF ESTABLISHMENT, ORGANIZATIONAL STRUCTURE, SCOPE OF OPERATION, NUMBER OF SUB-ASSOCIATIONS AND MEMBERSHIP

Time of establishment of surveyed associations

Within the scope of the associations surveyed in this project: the number of associations established before 1975 only accounts for 4.4% of the total number; the strongest development stage is from 1997 to 2010 (this was the period between two Decrees on organization, operation and management of associations, Decree No.88/2003/ND-CP and Decree No.45/2010/ND-CP) accounting for 43.4% of the total number of associations.

Table 6. *Time of association establishment*

Year of establishment	Percent
Before 1975	4.4%
1976 – 1986	11.0%
1987 – 1996	29.8%
1997 – 2010	43.4%
2011 – 2018	11.4%
Total	100%

The number of associations established during 2011 - 2018 accounts for only 11.4% of the total number of surveyed associations and only a quarter of the number of associations established during 1997 - 2010 and one fourth of the number of associations established during 1987 - 1996.

Fields of activities of associations

Associations' activities are very diverse. Associations for medical technical expertise (medicine, dentistry, veterinary, pharmacy, other health care - except nurses and caregivers) has the highest rate (accounting for 27.8%), followed by associations operating in the fields of architecture, planning, construction (12.4%), associations in social sciences (economic, social, geography, philosophy, etc.) (8.1%), associations in cultivation, husbandry, fisheries and processing in the agriculture, forestry and fisheries sectors (7.3%), associations in electronics and telecommunications (6.8%), associations in life science (biology, botany, pharmacology, pathology, agronomy, forestry, etc.) (5.1%).

Associations having expertise similar to or close to the sectors with free mobility within the ASEAN Economic Community (AEC) account for a relatively low percentage, including: chart - cadastry - surveying: 2.1%, nursing - care giving - medical workers: 0.4%, accounting - auditing - finance - personnel: 2.1%, etc.

Model, organizational structure and scope of operation of associations

Legally speaking, associations are under the direct state management of DOHA (provincial associations) or MOHA (central associations). There is a vertical link among associations from central to

provincial level. In addition, most associations having horizontal link are members of the provincial unions of associations, namely: Union of Science and Technology Associations, Union of Literature and Arts Associations, and Union of Friendship Organizations. In rare cases, some associations, such as Architectural Associations join both the Union of Science and Technology Associations and the Union of Literature and Arts Associations. Specifically: 88.5% of associations are affiliated to a union of associations at the same level, of which 81.6% join the Union of Science and Technology Associations and 3.8% join the Union of Literature and Arts Associations (this survey does not cover associations under the Union of Friendship Organizations). In addition, 14.5% of associations do not belong to any Union at provincial level.

Some 75.6% of associations have 57.1% sub-associations, branches, organizations and units. About 93.5% of associations have members working for agencies, organizations and individuals. But most members belong to the state sector, political and social organizations.

In terms of registration, provincial associations are supposed to cover the entire province, but currently they just concentrate in 3-4 districts in the province or city. Very few associations cover the whole province. The reason is that most associations have been established and operate under the initiative of and are led by retired officials or receive comprehensive support from state agencies and departments in the political system, so they are often structured as state organizations: 26.2% of associations have Communist Party Organization (73.2% have separate Party Cell, 26.8% participate in joint Party Cell); 16.0% have trade unions (64.9% have separate trade unions, 35.1% participate in joint trade unions); the operational model, working relations, etc. have the characteristics and nature of “government agencies” and mass organizations rather than “non-governmental organizations”. Thus, their scope of operation is around the founder or sponsor agencies.

Number of sub-associations, members (individual and organizations) and potential candidates

The number of sub-associations, members and general characteristics of 198 Science and Technology Associations in 10 localities (covering almost all major associations in operation) and 36 central associations are presented in the table below:

Table 7. *Size of surveyed associations*

Classification	Units	Average/Association	Total
Sub-associations	Sub-associations	27	4,549
Affiliated organizations and units	Units, organizations, businesses, centers, etc.	11	1,348
Institutional members	Agencies, units, businesses	38	2,862
Individual members	Persons	3,071	684,766

So, the membership structure of associations is quite diverse. Some associations only have individual members, while others have both institutional and individual members. The survey results show that associations with institutional members have certain advantages in the operation process. Specifically, in the sector of finance, these associations often receive support and financial aid from their institutional members and other organizations.

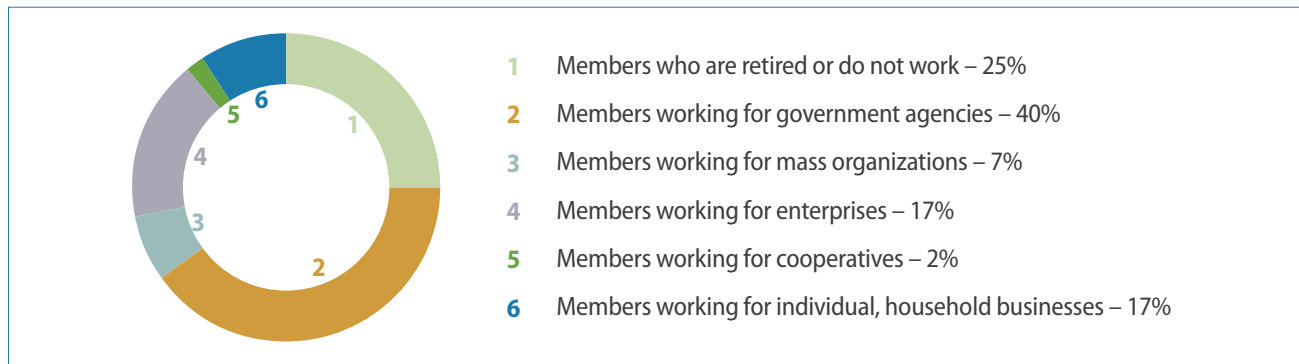
Sex and age of members

- The number of female members in the total membership is quite low compared to male members: 35% versus 65%. About 4% members are people with disabilities.
- The average age of members is quite high. The common age is 31 - 45 years (52.5%), of the remaining, 10.7% are under 31 years old, 25.8% are from 46-60 and 11.0 % are over 60 years old. 42.0% of associations have members over 60 years old, 82.7% have members between 50 - 60 years of age, 94.8% have members between 40 - 50 years of age, and 75.7% between over 30 - 40 years of age.

Current employment status of members

- The survey results show that 75% of members are working in agencies, organizations and enterprises, of which: 17% are working for enterprises; 2% for cooperatives; only 9% are household businesses, while the majority are working for state agencies and organizations, mass organizations (47%), followed by retired officers or freelancers (25%).

FIGURE 4. Current status of employment of members



The survey results show that 64% of members working for state agencies, units and enterprises are, in theory, represented by trade unions, while the remaining 36% of members working for cooperatives, individuals, household businesses, retired officials and freelancers are not represented and protected by any organization other than their associations. Except for retired officers, the remaining are groups of people with high need for protection by representative organizations.

For working members, the percentage of association members working for agencies and units is very high. This affects the need for representation and protection in labor issues, because these members are

already protected by the trade unions in their workplace. According to the Trade Union Charter, these members are, in theory, represented by the Vietnam General Confederation of Labor (VGCL), which takes care of and protects their rights and interests. However, associations can coordinate with trade unions to better exercise their representative right to protect their members.

Besides, in terms of labor contracts, the survey results show that: up to 64.7% of members have labor contracts with indefinite term with their current employers; 28.9% sign contracts of 12-36 months and only 6.4% of members sign contracts of fewer than 12 months or other contracts. In addition, over 51% of members are civil servants and public officers in administrative and non-business organizations. Thus, the employment of association members is quite stable and secure.

FUNCTIONS AND TASKS OF ASSOCIATIONS

According to general provisions of laws as well as the Charter of Association, associations have common basic functions and duties such as: representing and protecting the legitimate rights and interests of members, consulting, supporting members; developing, communicating and disseminating laws, policies, and knowledge related to the associations and their members; participating in social counseling, criticism, monitoring and appraisal, etc. The awareness of these issues of members and associations are as follows:

TABLE 8. *Awareness of functions and tasks of associations*

Awareness	%
Representing and protecting members' interests	86.0%
Counseling and supporting members without charges	64.1%
Counseling and supporting members with charges	20.8%
Communicating and disseminating laws and policies directly related to the association and members	93.4%
Communicating and disseminating specialized knowledge of the association and members	93.5%
Developing laws and policies related to the association and members	78.5%
Provide social counseling, criticism and appraisal	84.6%

The above table shows that members' awareness of the association's functions and tasks mainly focuses on communication and dissemination of laws and policies related to the association's operation (accounting for over 93%). Group discussions and in-depth interviews show that the main reason is that the role of associations in this area is not clearly reflected (maybe due to the capacity of associations themselves, or because there are few opportunities for associations to perform these functions), so members do not know about these functions of the associations. The least-known function of associations is providing fee-based counseling and support services (accounting for 20.8%). This confirms the difficulty in terms of funding for association's activities.

PERFORMANCE OF ASSOCIATIONS IN 2017

TABLE 9. *Participation in providing criticism, suggestions on policies and regulations directly related to the association and its members*

Answers	Local	Central
Yes	63,8%	53,9%
Forms of participation		
Participating in conferences, seminars, meetings of the association	72,7%	71,8%
Participating in conferences, seminars, meetings of other agencies and organizations	80,6%	71,0%
Sending written comments and suggestions	69,4%	63,2%
Meeting and direct contacts and dialogues with competent authorities	32,6%	27,4%
Reflection and posting news and article on mass media: radio and newspapers, etc. of the State	26,9%	21,8%
Reflection, posting on social media	7,6%	11,3%
Other forms	2,8%	2,4%

Central and local associations have paid attention to providing opinions, comments and suggestions on the development of policies and regulations directly related to associations and their members. The survey results show that 63.8% of local associations and 53.9% of central associations have carried out these activities. Their participation is under many forms, mainly writing articles and making speeches at the association’s meetings and discussions (72.7% central and 71.8% local associations), writing articles, making counter-arguments at meetings and discussions of other agencies and organizations (80.6% and 71.0% respectively), and sending written comments and criticisms to related agencies and organizations (69.4% and 63.2% respectively). However, direct dialogues with competent authorities are very limited (only accounting for 32.6% and 27.4% respectively), especially when it comes to the use of forums and social media (only 7.7% -11.3% respectively).

Although associations have actively participated in providing comments to the process of development of laws and policies directly related to associations and their members, group discussions and in-depth interviews show that their comments have not been actually considered by competent authorities. Many associations even say that the process of consultation with associations is just a formality. Associations’ comments and suggestions are efficient as they are usually based on issues which they themselves discover. An example can be cited: VUSTA Can Tho said: *“They face difficulties in providing social criticism, which is only limited to the field of land management, not to other areas (e.g. construction works, etc.), especially when working with competent authorities”*. In addition, the Can Tho City Lawyers’ Association said *“The Association participates in such activities as: disseminating laws, providing legal aid, providing social supervision and criticism when requested by state agencies”* (Excerpt from the Roundtable discussion in Ho Chi Minh City). On the basis of comments and criticism of members on

policies and regulations directly related to them, they contribute to promoting the system of policies and laws on associations and members.

The outstanding activities of associations at present are providing legal aid for members, answering members’ questions on topics such as the Labor Code, Trade Union Law, organization and operation of the association, the rights and obligations of members and the Charter, functions, tasks and authority of the association in accordance with laws (accounting for 69.9%); Associations support in protecting members’ rights (18.8%); sending feedback and proposals to competent authorities (19.7%); sending petitions to agencies and organizations (2.2%); Representing members in negotiations and dialogues (5.3%); Protecting association members in state agencies (4.8%), etc. Thus, associations have only focused on providing legal advice and answering questions of members on issues related to the labor code, trade union law, structure, functions and Charter of the association, without paying much attention to the representative functions, and protection of members before stakeholders.

In the coming time, the planned activities of associations include: opening more sub-associations, expanding the scope of activities (42.0%); attracting more members (65.9%); strengthening communication and dissemination of information to members (78.9%); enhancing participation in providing criticism, suggestions to develop local policies and regulations directly related to associations and their members (64.0%); enhancing participation in providing criticism, comments on central policies and regulations directly related to associations and their members (41.2%).

TABLE 10. *Planned activities of associations*

No.	What of the following activities associations plan to carry out in the coming time	%
1.	Establish more sub-associations, expand the scope of activities	42.0%
2.	Attract more members	65.9%
3.	Strengthen communication and dissemination of information to members	78.9%
4.	Increase participation in providing criticism, comments to develop local policies and regulations directly related to associations and their members	64.0%
5.	Enhance participation in providing criticism, comments on central policies and regulations directly related to associations and their members	41.2%
6.	Others	6.1%

So, the representative and protection functions are not in focus and have not been paid due attention by associations. One thing worth noting when asking the open question: **“In the coming time, what of the following activities associations plan to implement?”** almost no association indicates the important task that is representing and protecting their members. This shows the associations’ low level of awareness of this function. This shortcoming has been proven in the past when members’ interests are violated, but no association has raised their voice to protect them.

ORGANIZATIONAL WORK AND GOVERNANCE OF ASSOCIATIONS

Development and management of members

From 2015 to 2017, the number of members of associations increased significantly: 64.5% of associations have their members increased and only 8.3% saw a decrease. The development of associations was evident in 2017 when 33% of the surveyed associations established new sub-associations and 64.3% admitted new institutional members. The number of new members increased by about 12% per year in the last 3 years (2015 - 2017).¹⁶ However, according to representatives of associations, the number of association members now accounts for only 67% of the total number of eligible candidates. Thus, about one third of eligible candidates have not yet joined the associations. This is a great source of membership for associations to continue to develop if effective measures are taken to attract members. However, there is an obstacle for associations to attract more members and keep existing members. The survey results show that most associations have loose management of members; the number of members on the list is much larger than the number in reality. So, the biggest challenge of the associations in the coming time is to attract more members, making them realize the benefits of joining associations. Then, members will support and further develop their associations. This is related to resources and ability to mobilize resources of associations.

Table 11. *Number of associations having members changed in 2015 - 2017*

Changes in the past 3 years	Percent
Number of associations with increasing number of members	64.5%
Number of associations with decreasing number of members	8.3%
Number of associations with the same number of members	27.2%
Total	100.0%

Procedures for joining associations are very diverse and flexible: 50.7% of members send written applications, other forms include: verbal application, expressing aspirations to join (37.0 %) or members are invited to join and the association decides to involve certain members (12.3%). However, the establishment of associations is assessed as very complicated, there is no specific guidelines, so organizations and individuals having the need to establish associations are confused, especially the requirements and conditions for establishing associations are very difficult to meet, which is the biggest obstacle limiting the establishment of associations at present.

Operation, coordination and monitoring

The bi-annual review, annual or ad-hoc review by DOHA of associations, sub-associations is still quite loose. Specifically, in 2017, only 47.4% of local associations submitted their bi-annual report to DOHA;

16 Not including the leaving or non-participating members as there are no statistics.

69.6% submitted annual report and 57.8% submitted ad-hoc report when there is an issue or request from DOHA. However, up to 7.8% of associations did not send any report in 2017. This shows that the state management of associations is still loose.

Similarly, the internal administration of associations and their affiliated units and sub-associations has not been seriously implemented. The survey results show that, in 2017, only 47.1% of associations sent their bi-annual report; 72.2% of associations sent annual reports to their affiliated organizations and sub-associations. In contrast, only 50.7% and 70% of associations requested its sub-associations and affiliates to submit bi-annual report and annual reports respectively.

One of the contents of internal administration and governance is managing the interactions between individuals and organizations. This study defines it as interaction between members and associations through two-way exchanges of information and the participation of members in their association's activities. The survey results show that all associations have provided information on their activities to members, but the volume of information is significantly different. Associations mainly provide information related to their activities, difficulties and advantages in terms of organization and operation (over 80% of the information provided), while members are also interested in information on the income and expenditure of the association, the level of this type of information provided is only 45-47%.

TABLE 12. *Percentage of members receiving information from their association in the past 3 years (2015 - 2017)*

The information received from Association	Percent
Income of Association	47.3%
Expenditure of Association	45.7%
Performance of Association	87.2%
Difficulties in the organization and operation of Association	60.3%
Plans of activities of Association	69.2%
No information received	6.0%

In contrast, the participation of members in their association's activities was not significant, particularly in the period of 2015 – 2017; the activities that most members took part are meetings organized by the association (68.0%), followed by communication and dissemination activities (64.6%). Association development activities such as consultation, reporting have not been paid due attention to by members (accounting for only 33-35%).

TABLE 13. *Percentage of members participating in association's activities in the past 3 years (2015 - 2017)*

Association's activities	Percent
Consultation on the association's activities	35.1%
Reporting on the association's activities	33.6%
Joining the association's meetings	68.0%
Participating in communication and dissemination activities of the association	64.6%
Not participating in any activity	8.0%
Consultation on the association's activities	35.1%

OPERATION RESOURCES

The operation resources of an organization including human resources (organization's personnel), finance and support mechanism, facilities and infrastructure for operation. It is the same for associations. The survey results show the status of resources for operation of associations is as follows:

Leadership and personnel of associations

Of the total number of 4,756 officials and staff working directly for associations, only 773 people (16%) work full-time, and the remaining 84% work part-time. Associations with a fewer members or are newly established do not often have full-time staff. Of the total 773 full-time staff, only 14.0% do professional work of associations; 7.5% do office work, administration, services, 73.1% do both and 5.4% do other jobs.

This shows that human resources of associations are insufficient, with only a few professional staff and the remaining staff undertake different tasks of the Association. In addition, of the 4,756 staff, only 690 (15%) work full-time and receive salary and other allowances from the associations, so at least 83 people work full-time but do not receive salary and most part-time staff do not receive salary or allowances. This negatively affects the motivation of staff and activities of associations.

A positive point of the workforce of associations is that the qualifications of these officers and employees are quite good, according to the survey results, of the 4,756 people, 354 have PhD degree (7%); 616 have Master degree (13%); 1,744 have bachelor and engineer degree; the remaining 2,042 people have college level or below. Thus, the quality of human resources of associations is high with more than 57% of people having bachelor degrees or higher. This will be a very good resource to maintain and develop associations' activities.

TABLE 14. *Quantity and structure of associations' personnel*

		Number (people)	Percent
Total number of personnel working for associations classified by:		4,756	4.756
Sex	Male	2,506	53%
	Female	2,252	47%
Full-time and part-time	Full-time	773	16%
	Part-time	3,983	84%
Salary, allowances	Receive salary, allowances	690	15%
	Do not receive salary, allowances	4,066	85%
Qualifications (highest professional qualification)	Ph.D.	354	7%
	Master	616	13%
	Bachelor, Engineers	1,744	37%
	College or below	2,042	43%

In terms of association leaders, the survey results show that:

- On age, the average age of leaders is 57 years, 49 for female and 57 for male. Overall, the average age is high. The age of leaders represents both opportunities and challenges to the organization's activities. High age with high level of expertise mean that leaders are experienced in both practice and theory, which will be very helpful for managing and organizing associations' activities. In addition, retired persons will have more time to work for associations and they generally dare to speak about issues that are considered sensitive to those working for the government.

In addition to these advantages, the higher age of leaders significantly affects activities of associations, including their weak ability to access information technology, especially when it comes to exploiting and disseminating information on the Internet. In addition, because of the old age and rich experience over many years in different positions, they tend to be rather conservative, difficult to change, and no longer active to operate their association in the current trend. Thus, in the long run, the senior age of leaders will be a major constraint to the operation and development of associations.

Financing and support mechanisms

Finance is a basis for maintaining activities of associations; support mechanisms will help associations to operate more smoothly. The survey results show that the financial situation and support mechanisms received by associations are as follows:

In 2017, only 59.9% of associations had members who pay membership fee of 178,000 VND/person/year on average. In addition to the membership fee, some associations provide fee-based consultancy and support services to supplement their operation fund, but this rate is not high (20.8%). This is a

solid basis for associations to maintain and develop their activities. However, over 40% associations do not collect or fail to collect membership fees. This has a huge impact on financial resources for the operation of associations.

In addition to associations' revenue sources as mentioned above, in their operation, associations have also received financial, technical and professional support from VUSTA (if they belong to the Union), from the State, local government, businesses, domestic and foreign organizations and individuals to supplement their resources for operation. Specifically, in the period of 2015 - 2017, 84.8% of associations received a lot of support from the Union (funding support accounts for 37.3%); 40.8% associations received support from the state budget (local or central budget) to pay salaries and allowances, administrative and professional expenses and others.

BOX 1. Comment on support from State budget

"Associations like us have the need to be more devoted and want to make contributions. However, it is difficult to have a mechanism for our contributions, comments and counter-arguments. The funding supported by the union of associations is very little. Every year, the Union is allocated budget from the State and it gives funding to some affiliated associations. Our Association has, in the past three years, received 15 – 16 million VND to cover our office cost. It is not a big funding, but it is an encouraging source for us, which is better than other associations which receive no funding support at all".

(Representative of an association in Hanoi)

In reality, associations can mobilize and receive significant support from the “socialized” resources in a formal way. In 2017, 47.3% of associations received support from domestic individuals and organizations, 10% received support from foreign individuals and organizations (formally and legally). The majority of leaders of associations have been local leaders, thus their “social” and “information” capitals are very large and create favorable conditions for associations to mobilize socialized resources. These are important revenue sources for associations' operation. In general, the revenue structure of associations is quite diverse from both the state budget and other sources (accounting for 50%). So, if other sources are not maintained or cut off, activities of associations will be greatly affected. In other words, if associations' revenue and expenditure balance is zero, the self-mobilized resources of associations (membership fees and income from services) can only meet 50% of their financial needs.

TABLE 15. *Structure of budget revenue of associations in 2017*

Budget revenue sources	%
State support	29%
Membership fees	33%
Income from services	17%
Sponsorship, support and other revenue sources	21%
Total	100%

In terms of expenditure, the survey results show that in 2017 associations spent money on the following four main groups: organizing activities (60%); salaries and allowances for employees (23%); procurement and repair of equipment and facilities (9%); and other expenses (8%). This expenditure structure is relatively suitable to maintain operations of associations.

Infrastructure

One of the operation resources of associations is infrastructure. The survey results show that associations often have very poor infrastructure, which is a common difficulty, especially for associations receiving no state support: only 14.7% own their head office; 11.1% rent head office; 74.2% borrow office of individuals, organizations and private enterprises.

The level of “computerization” of associations’ activities is also limited: 15.5% associations do not have computers; 7.8% have computers without internet connection, 16.7% do not use emails for work.

3.2. ENSURING THE RIGHT TO IMPLEMENT LABOR CODE AND TRADE UNION LAW

IMPLEMENTING SOME BASIC PROVISIONS OF LABOR, TRADE UNION LAWS

Most associations do not fully understand the role of the trade union within associations. The survey results show they simply think that the trade union is similar to that at the workplace of their members. Therefore, they do not see the need to organize and implement activities of the trade union in the association. This is due to low awareness on the representative function of associations, including the representative function in protecting the labor rights and interests of their members, especially those in the private and informal sectors. The link between the Government, Association and Trade Union in protecting members’ rights also needs to be improved.

Associations merely represent members in their specific sector. Their main activities are focused on exchange of work experience in their profession, update information on expertise sector, encourage members to comply with related laws, and promote members' products. The associations have limited representation of the voice of their members in policy advocacy, monitoring and social criticism due to limited involvement mechanism; poor advocacy capacity and weak voices.

The establishment of trade unions and participation in the trade union of working members are as follows:

- 75% members are working for government agencies, businesses, cooperatives or private business households.
- 74.8% of the total surveyed associations have trade union and 25.2% have no trade union.
- 22% of the total surveyed members have not yet joined trade union.

This means that theoretically speaking, 78% association members are members of the trade union and their legitimate rights and interests are represented and protected by the trade union.

The survey results show that the enforcement of the labor code and trade union law in the workplace is highly appreciated by association members when it comes to employment protection, labor contracts, social insurance, etc. Over 80% of respondents choose "rather good" for these issues (more than 65% of them say "good", except for ensuring members' welfare, 59.7%). Among the issues questioned, the percentage of respondents assessed "Bad" for issue "Implementation of regulation on democracy in the workplace" is the highest (1.4%). Thus, in general, the enforcement of the labor code, trade union law in the workplace is good and meets the need for protection and representation of members at workplace.

TABLE 16. *General assessment of the enforcement of labor, trade union laws in the workplace of association members*

	Job security	Signing and enforcing labor contracts	Social insurance, health insurance and unemployment insurance	Working time and rest time	Implementation of regulation on democracy at workplace	Welfare
Excellent	66.3%	69.3%	71.9%	71.5%	65.5%	59.7%
Good	19.7%	18.1%	15.9%	17.9%	22.6%	22.8%
Medium	12.0%	9.3%	7.2%	8.3%	8.7%	13.4%
Bad	0.4%	0.2%	1.3%	0.5%	1.4%	1.1%
Do not know	1.8%	3.0%	3.8%	1.8%	1.8%	2.9%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

In addition to assessing the enforcement of labor and trade union legislation in the workplace, association members also talk about the difficulties faced by grassroots trade unions in the workplace. Specifically, the biggest challenge is lack of professional skills (58.7%), followed by lack of proper organization and operation (33.8%) and lack of effective protection of members (17.4%).

TABLE 17. *Difficulties faced by grassroots trade unions*

Difficulties	Percent
Grassroots trade union staff lack professional skills and expertise	58.7%
Grassroots trade union staff are not yet devoted to members and workers	26.8%
Improper organization and operation	33.8%
Trade union activities are not realistic, cannot attract members	32.2%
Lack of support from upper-level trade unions	26.5%
Poor operational mechanism of grassroots trade unions	20.5%
Lack of effective protection	17.4%
Others	6.0%

PROTECTING THE RIGHTS OF MEMBERS IN ACCORDANCE WITH LAWS

In general, association members are working in government agencies, units, and enterprises that already have trade unions, so the requirement for associations to protect and represent the rights and interests of members is not very critical, in particular during 20015 - 2017, only 12.6% of members requested their associations to take their opinions to relevant agencies and organizations; 9.2% asked for legal aid from their associations; 8.6% requested for support in protecting their rights; 5.0% wanted their associations to represent them in dialogues with relevant agencies and organizations and 3.9% requested their associations to represent them and protect their rights with state agencies.

TABLE 18. *Members' request for representation and protection over the past 3 years (2015 – 2017)*

Requests	Percent
Legal advice	9.2%
Support for protection of rights	8.6%
Take their opinions to relevant agencies and organizations	12.6%
Representing members in dialogues with relevant agencies and organizations	5.0%
Representing members to protect their rights with state agencies	3.9%

The need for representation and protection of association members in matters related to their rights and interests is quite low, partly due to good enforcement of the labor and trade union legislation at workplace, because of the high proportion of members working in government agencies, units and businesses, so they are participating in trade union activities at their workplace, and their rights and interests have already been protected by the grassroots trade union.

Although the need for representation and protection by associations over the past time is not high, asked about their future need for representation and protection, respondents show a very high need: 63.0% respondents need support from the association for the protection of their interests; 54.5% need legal advice and assistance; 40% need representation and protection of their rights before state agencies and organizations; 36.4% want their associations to take their opinions to competent agencies and organizations and only 15.9% need representation in dialogues and negotiations with state agencies. Thus, it can be said that members' awareness of their associations' role in representing and protecting their rights and interests has improved and members have higher expectations on their association's activities.

TABLE 19. *Expectations of associations' future representation and protection*

Expectations	Percent
Legal aid and advice	54.5%
Support for protection of members' rights and interests	63.0%
Taking their opinions to competent agencies and organizations	36.4%
Representing in negotiations and dialogues with state agencies and organizations	15.9%
Representing in protection of members before state agencies and organizations	40.0%

The above table shows that the need for representation and protection of members in the coming time is very high, but it is extremely difficult for associations to meet their expectations when human, financial and infrastructural resources are very limited. Through discussions with associations in different localities, it is recommended to link associations into a confederation under Vietnam General Confederation of Labor (Trade Union) to represent their members and protect their interests. However, as mentioned above, most members already join trade unions, so establishing a confederation for members to join is not consistent with the Trade Union Charter. However, for associations having no grassroots trade union, particularly in the informal sector, the model of confederation should be considered in the future.

In addition, when confederation is not yet established, a practical solution is to build representative capacity for associations and increase their closer relations with trade unions at different levels in order to raise their voice and represent and protect the rights and interests of their members.

3.3. CAPACITY BUILDING

THE NEED FOR AWARENESS RAISING

The overall assessment shows that leaders and professional staff of associations expressed high need for improving knowledge and understanding of laws related to their areas of activities; contents and methods of representation and protection of the rights and interests of their members. They also show high need for improved technical knowledge and information, especially the knowledge related to labor and trade union legislation as follows:

TABLE 20. *Members' need for understanding of labor, trade union legislation*

Needs	Percent
Labor contracts	49.3%
Minimum wage	40.5%
Working time, resting time	39.8%
Solving labor disputes, strikes	26.7%
Social insurance, health insurance, unemployment insurance	66.8%
Regulations and policies related to the association's expertise	50.0%
Specific regulations for female workers	38.5%
Specific regulations for people with disabilities	7.5%
Social dialogue at workplace	25.1%
Establishment and participation in trade union	13.8%
Rights and responsibilities of trade unions	26.7%
International labor standards for trade unions	18.8%
Others	0.9%

The above table shows that members' need for improved knowledge of labor and trade union legislation is very diverse, especially the need for knowledge of social insurance, health insurance, unemployment insurance (66.8%); regulations on benefits and policies related to the association's expertise (50.0%) and labor contracts (49.3%). These needs come directly from the rights and interests of members.

To deliver information to their members, the associations have used many channels including trainings, distribution of leaflets, over mass media, etc., but the most outstanding and effective channel is training and communication for key staff of associations, sub-associations (62.2%) and members (59.0%). In addition, in the context of development of information technology and social media, associations have also taken advantage of this communication channel to deliver information and knowledge of the labor and trade union legislation to their members. This is also suitable for the

characteristics of associations and members, because members are scattered in many places, agencies and units. So, if they want to communicate certain issues, they often open training classes for staff and members or they use social media like Facebook and Zalo for more efficient communication.

TABLE 21. *Forms of communication and dissemination of labor, trade union legislation to members*

Forms	percent
Communication and trainings for key staff of associations, sub-associations	62.2%
Communication sessions and trainings for members	59.0%
Communication through loudspeakers	12.9%
Communication through leaflets and posters	21.6%
Communication through mass media	20.4%
Communication through social media (Facebook, Zalo, etc.)	45.3%
Communication through call centers	27.3%
Others	0.4%

THE NEED FOR CAPACITY BUILDING IN REPRESENTATION AND POLICY ADVOCACY: FOR POLICY DEVELOPMENT AND REVISION

From the current starting point and expectations of leaders and members, their needs for capacity building can be summarized as follows:

- Associations’ representatives and leaders must be prestigious, trusted by their members.
- Advanced training to improve professional knowledge, methods and skills to attract, explain, share, listen, and collect members’ opinions
- Associations and sub-associations should promote “horizontal and vertical” linkages; strengthen coordination with agencies, organizations, especially local and grassroots trade unions.

To fulfill the functions and duties of associations to meet their members’ expectations, associations need to build their capacity for effective operations in the coming time by focusing on the following activities: Strengthening of leadership and direction in implementing the functions and duties of associations (65.7%); Recruitment, development, management of members (42.6%); Representation and protection of the rights and interests of members (26.1%); Legal advice, legal aid for members (26.1%); Participation in giving criticism, comments on policies related to associations (55.7%); and fundraising for association development (67.8%).

TABLE 22. *Members' expectations for association's key activities*

No	Expectations	Percent
1	Leadership and direction in implementing the functions and tasks of associations	65.7%
2	Admission, development, management of members	42.6%
3	Representation and protection of members	26.1%
4	Legal advice, legal aid for members	26.1%
5	Giving criticism and suggestions for policies related to associations	55.7%
6	Fundraising for associations' development	67.8%

Associations have also identified the methods and skills of members that need to be improved in the coming time including: leadership and organizational skills (63.2 %); Methods and skills to rally, develop and manage members (60.1%); Methods and skills in social dialogues and collective bargaining (19.7%); Accountability methods and skills of members (8.8%); Methods and skills in policy advocacy (40.4%); Methods and skills in attracting external resources for associations (74.1%).

TABLE 23. *Members' expectations on improved skills and methods of operation*

No	Expectations	Percent
1	Special attention be paid to improve leadership and organizational skills and methods for association development	63.2%
2	Improve methods and skills in admitting, developing and managing members	60.1%
3	Improve methods, skills in social dialogues and collective bargaining	19.7%
4	Improve methods, skills and accountability	8.8%
5	Improve policy advocacy methods and skills	40.4%
6	Improve methods, skills to attract external resources for associations	74.1%

Associations have also made some proposals and recommendations to central and provincial governments for their effective operations including: Legal regulations on associations (54.1%); Mechanism for managing associations at central and provincial levels (40.5%); Changes by state management agencies (65.6%); Support from mass organizations (25.1%) and Support from other individuals and social organizations (20.6%).

TABLE 24. *Proposed solutions for practical and effective operations of associations*

No	Content	Percent
1	Finalization of legal framework on organization and operations of associations	54.1%
2	Management mechanism of associations	40.5%
3	More support from the State for practical and effective operations of Associations	65.6%
4	Support from mass organizations	25.1%
5	Support from other individuals and social organizations	20.6%
6	Others	3.4%



PART 4.

**RECOMMENDATIONS
FOR FINALIZATION AND
CAPACITY BUILDING IN
REPRESENTATION OF
ASSOCIATIONS IN LABOR,
TRADE UNION**

From the assessment of the status of organization and operations of associations and proposals by members, the following recommendations are made on building of representative capacity of associations related to labour, trade union:

4.1. GOVERNANCE AND HUMAN RESOURCES

On governance capacity, associations should focus on implementing their strategies and orientations related to representation and protection of the rights and interests of members. This is one of the main motivations attracting members and “keeping” them in the organization. The leadership and staff of associations should change their way of thinking, awareness and take action to be more responsible in representing and protecting the rights and interests of members, taking the level of “satisfaction” of members into account in setting and achieving the goals of the associations.

Step by step limit making associations’ activities “administrative”; be more flexible in terms of organizational work, not rigid in organizational structure according to the State administrative levels. At the same time, overcome “formal” operations and pay more attention to the results and outcome of activities.

Beside communications, updated information and professional knowledge, attention should be paid to legal communication and legal aid on labor legislation to working members.

On human resources, the process of election of key officials at some associations was influenced by the Department of Home Affairs. The general capacity of the associations’ personnel is weak. Many aged officials are devoted and qualified and have high sense of responsibility and enthusiasm, but face difficulties in health conditions, advocacy skills and operational.

There is a need to self-study and locate funding for training of associations’ staff in advocacy and convincing skills and forms to be more attractive to their members and catch up with the development trends.

There is also needed to rally and engage more experienced staff inside and outside the sector in counter-arguments on some major issues within the areas of activities of the associations; pay special attention to comments and suggestions given by devoted and knowledgeable staff to the process of consultation, appraisal, representation and protection of the rights and interests of members.

BOX 2. Reflection on policies toward associations

“The leadership of association comprises retired people who work out of the joy, are knowledgeable and enthusiastic. However, they also face limitations in health conditions, new technology and learning new ways of operation of associations... The associations have no funding to pay salary to younger officers. The main option is to mobilize the enthusiasm of associations’ leaders and members”

(Representative of an association in Da Nang)

Step by step overcome the way of thinking of many leaders and members of the associations waiting for financial subsidies from the State. At the same time, the leadership of some associations should pay attention to comments and suggestions made by devoted and knowledgeable staff to the associations' activities of counter-arguments of some related issues, thus increasing their participation in the consultation process.

The number of members of associations is low. Their full-time staff are insufficient and unstable and are not trained to undertake long-term work of the associations. Therefore, efforts should be made to keep existing members and invest in developing new membership which is very potential. In particular, in the current situation, with strong development of the 4th Industrial Revolution, Vietnam's wide and comprehensive international integration, and opportunity for flexible labor transition to informal sector, associations are required to expand membership in non-public sectors including education, healthcare, pharmacy, construction and transport etc.

4.2. CAPACITY IN ESTABLISHING LINKAGES AND RELATIONS

Associations themselves should strengthen their closer relation with members, and closer relation between leaders and staff and members. They should reduce and gradually eliminate the common situation of having names in the list of members without taking part in any activities of the associations. The relation and coordination between associations and their members is loose and inefficient. Software, information technology and social media should be applied for the management and networking of members.

Associations should be proactive in establishing relations with mass organizations, particularly trade unions at all levels in representing and coordinating to raise voices and protect the rights and interests of their members. This is because members working in government agencies and businesses having existing trade unions do not highly appreciate the role of the trade union and do not trust their role of representation and protection, and there is no close relation between authorities and associations and trade unions in protecting the rights and interests of members.

Associations should discover and make use of the strength of the sectors in which they operate to establish horizontal and vertical links with other associations, government agencies and mass organizations inside and outside the province and across the whole country. From such links, big and small, step by step support to mobilize resources for their sustainable development.

4.3. FINANCIAL RESOURCES AND INFRASTRUCTURE

BOX 3. Reflection on policies toward associations

“Associations exist for a long time because of social needs. They have been respected by the State and many associations have created their own sources of revenue and position for their operations. . . . However, there is an unequal State funding support given to associations.

Associations operate not merely to get money from the State. They want to speak out, to be allowed to speak up and give advice, monitoring and counter-arguments to local political and socio-economic issues”

(Representative of an association in Ho Chi Minh City)

Financing, facilities, sustainability and their efficient use are difficult, but together with human resources, they are factors deciding the existence and development of associations, in the condition of a strong shift to self-accounting of associations.

Most associations are facing difficulty in financing their operations. Their own revenue only meets less than 50% of the operational cost; the remaining cost relies on State subsidies or financial aid from domestic and international organizations and individuals. If these sources decline, activities of associations will be greatly affected. In general, associations, particularly non-specific associations face difficulties in operations and rallying of members, due to limited financial and human resources. Many localities cannot pay due attention to associations’ activities.

BOX 4. Requests for support of offices and administration

“For our operations, we will mainly rely on membership organizations which are businesses and mobilize social capital. As the leadership is prestigious, it is not too hard for us to ask departments and agencies for funding support. We would like to ask the line Department to allow us to share the head office, just a small room is enough for us; we can use the common meeting hall for meetings . . .”

(Representative of an association in Hai Duong)

“We would like provinces to build a common head office and allow major associations in the province to use or rent a room as their office. We can share infrastructure. . . . In this way, we can save money and support associations to have office for their work”

(Representative of an association in Binh Thuan)

Reality shows that one of the measures of fundraising is based on the strength of the association including: (1) registering and providing fee-based counseling services to their members, enterprises and the public; (2) conducting research, consulting, counter-argument activities for Government agencies, businesses and sectors; (3) seeking and implementing local and international projects to make use of financial aid, build capacity for staff, improve management and governance of associations, etc.; (4) conducting or coordinating with businesses, universities and colleges in organizing trainings,

workshops, and seminars directly related to the expertise of associations. Of these activities, counseling services and trainings are considered key. Each association has its own strength in their sector, occupation and areas of activities which should be used and developed to mobilize high quality human resources including retired people to carry out those activities.

Another measure is to improve infrastructure including offices, facilities, application of information technology, and social media in the future. The infrastructure and facilities of associations are limited. Most of them do not own head offices, have to rent offices and even have no office, and have to take the residence of the chairperson to register the associations' establishment. In such conditions, it is necessary to make full use of information technology to reduce administrative and office cost. However, most staff of the associations are facing difficulties in applying information technology. Thus, it is needed to mobilize and connect with young officers, computers' centers, informatics units; or develop their "social capital" to receive support and assistance from line agencies, sectors and former workplace (for retired staff) for associations' staff.

4.4. LAWS AND POLICIES

Continue to finalize legal grounds of the rights of citizens as stipulated by the Constitution: "Citizens have the right to freedom of expression, access to information, meeting, association, and demonstration. The implementation of these rights is stipulated by laws" (Article 25) and "Human rights, citizenship rights can only be restricted by laws in case of necessity due to national defense, national security, social order, social ethics and community health." (Clause 2 Article 14, Constitution 2013):

- Finalize mechanisms and policies to better develop the role of associations in all walks of economic, political and social life of the country, contributing to the success of the cause of national construction and defense in the new situation.
- Finalize regulations on conditions, procedures, process of "registration/licensing" establishment of associations in a simplified way and specifying duties and authority of State agencies related to such procedures and administrative timelines.
- Clearly define the rights and duties of associations toward the principle of "associations entitled to do what is not prohibited by laws". Thus, there should be the right of associations to complain and file suits.
- Define and have mechanism in place for the implementation of the right of association to advice, monitor and provide social counter-arguments; ensure the right to be involved in the development of mechanisms and policies related to their areas of activities and the right to take part in some State management activities, provide public services to associations (not only specifically categorized associations).
- Define more clearly the right to establish membership-based funds of the associations, from the revenue of business and service activities, and other legal aid sources from organizations and individuals (local and international) in accordance with laws as well as funding from the State (if any).

BOX 5. Recommendation on funding support

“The State should treat associations equally. There should be a common mechanism for the operation of associations. Associations cannot ask the State to provide funding, because they should be self-reliant. The State has no budget for them. The State should allocate budget through assigning tasks. Through carrying out the assigned tasks, associations have funding for their operation. The State should also create favourable conditions for associations to have offices or at least rent offices with low rate”

(Representative of an association of Health in City H.)

Create mechanisms and environment for further self-reliance, self-rule of the associations and develop their role in socio-economic development:

- Create environment and mechanisms for associations to exercise the principle: “associations have the right to do what is not prohibited by laws”, within the legal framework, encourage associations to be self-reliant in terms of the organizational work, human resources, financing, duties, operations, issuance of charters, linkages and coordination with other organizations and agencies within the legal framework;
- Create favourable conditions for associations to finalize their charters and rules of operations of each organization in compliance with laws;
- Provide guidance to associations to develop their regulations on operations, management of assets and finances in the spirit of democracy, transparency and compliance with laws;
- Develop a mechanism for settling emerging disputes within associations;
- Develop a mechanism for encouraging organizations and individuals to provide support and aid for associations’ activities, such as tax deduction for businesses that provide financial aid to social activities of associations.

BOX 6. Recommendation on a coordination mechanism between associations and trade unions

“There should be a coordination mechanism between trade unions and unions of associations and associations. Trade unions’ activities should be integrated into those of the associations. Right now, our association has a good relationship with the Trade Union of Agriculture, but we have very little relation with other provincial or district trade unions.”

(Representative of Association of Fisheries)

The Vietnam General Confederation of Labor (VGCL) should develop strategies for membership development, and methods of rallying workers from all sectors (formal and informal) to expand the coverage of trade union membership, to meet the legal and objective needs of having the right to representation and protection of workers. In addition to trade unions and associations there should be other forms of organizing to meet the diverse needs of workers: trade unions, integrated syndicates, and soft linkages; collaboration between trade unions and associations, confederations or other forms of organizations of workers who have common interests to raise their voice and represent and protect the rights and interests of all working people.

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ANNEXES

1. SYNTHESIS OF STATISTICS OF ASSOCIATIONS IN THE SURVEY

Structure of associations

TABLE 25. *Structure of associations under Union of Associations*

Do you belong to any Union of Associations?	Percent
No	14.5%
Yes	85.5%
Total	100.0%
If yes, do you belong to the Union of Science and Technology Associations or the Union of Literature and Arts Associations	
Union of Science and Technology Associations	81.6%
Union of Literature and Arts Associations	3.8%
Not belonging to any union	14.5%
Total	100.0%

Classification of associations by sector

TABLE 26. *Percentage of associations classified by sector of members*

Sectors	Percent
Physics, chemistry, math, computing	2.1%
Architecture, planning, construction	12.4%
Electrical, electronics, telecommunications	6.8%
Mechanics, mechanical engineering	3.4%
Chemicals, mining, metallurgy	1.7%
Mapping, graphics, geodesy	2.1%
Engineering, means of transportation, traffic safety	1.3%
Life sciences (Biology, botany, zoology, pharmacology, pathology, agronomy, forestry, etc.)	5.1%
Medicine (medicine, dentistry, veterinary, pharmaceutical, healthcare, etc. except nursing)	27.8%
Cultivation, husbandry, fisheries, processing, etc. under agriculture, forestry, fisheries	7.3%
Handicraft, fine arts, carving, printing, etc.	0.4%
Nursing, care giving	0.4%
Teaching, lecturing, education & training	3.4%
Professional expertise for management (accounting, auditing, finance, human resource management, etc.)	2.1%
Legislation (lawyers, judges, etc.)	6.0%
Business, agency, trade and services	1.7%
Archiving, library and information storage	0.9%
Social sciences and related sectors (economics, sociology, geology, philosophy, etc.)	8.1%
Writing, media, creation, and performing arts	4.7%
Others	2.1%
Total	100.0%

Association's activities in representing, protecting, and providing counseling and support for members in 3 years (2015 - 2017)

Statistics and classification criteria	GENERAL	
	Average / Association	Total
Number of times representing and protecting the rights and interests of members	11	665
Number of members receiving legal advice	432	18.573
Total number of members represented and protected	196	12.159
Number of free-of-charge counseling and support sessions for members	74	5.396
Total number of members provided with counseling and support (free-of-charge)	2.065	150.774
Number of charged counseling and support sessions for members	72	1.376
Total number of members provided with counseling and support (with charge)	715	13.581

Associations' communication activities on laws and knowledge related to their expertise in 3 years (2015 – 2017)

Statistics and classification criteria	GENERAL	
	Average / Association	Total
Number of communication sessions to disseminate laws and policies directly related to associations and their members	44	5794
Total number of sessions associations and members communicated and disseminated with laws and policies directly related their area of activities	9.590	1,256,259
Number of sessions of communication and dissemination of technical knowledge to associations and their members	24	3,350
Total number sessions associations and members communicated and disseminated with technical knowledge	11,113	1,544,663

Associations' involvement in developing policies and laws, giving advice, criticism and social appraisal in 3 years (2015 - 2017)

Statistics and classification criteria	GENERAL	
	Average / Association	Total
Number of participants involved in developing policies and laws related to associations and their members (3 years, 2015 - 2017)	237	22,056
Total number of policies and laws developed with the participation of associations and their members (3 years, 2015 - 2017)	19	1,653
Number of times involved in counseling, giving criticism and social appraisal (3 years, 2015 - 2017)	16	1,561
Total number of cases of counseling, giving criticism and social appraisal (3 years, 2015 - 2017)	13	1,226



Vietnam General Confederation Of Labor (VGCL)
Institute for Workers and Trade Unions (IWTU)



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PROJECT

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