

NEW REGULATIONS OF LAW ON TRADE UNION 2024

DANG HUYEN THU - TRAN THI THUY MAI

On November 27, 2024, the National Assembly promulgated the Law on Trade Union No. 50/2024/QH15 replacing the Law on Trade Union 2012 (**Law on Trade Union 2024**). This Law is promulgated to overcome the limitations and inadequacies of the Law on Trade Union 2012 after more than 10 years of implementation, such as some matters regarding the organizational system, financial mechanism, trade union rights, etc. In addition, the Law on Trade Union 2024 aims to institutionalize the Constitution 2013, policies, and resolutions of the Party and ensure the consistency of the legal system. The Law on Trade Union 2024 will take effect from July 1, 2025 with some notable contents as follows:

Firstly, in the Law on Trade Union 2024, a number of rights and responsibilities of trade unions have been supplemented. In addition to inheriting all duties of trade unions in representing, caring for, and protecting legitimate rights and interests of trade union members and employees in the previous Law on Trade Union 2012, the Law on Trade Union 2024 supplements some new ones in Article 11 as follows:

- Proactively negotiate with the employers and the employers' representative organizations to support and implement more favorable regimes and conditions than those stipulated by the labor laws;
- Organize activities to take care of and improve the living standards, cultural and spiritual life; encourage, reward and support in case of illness, maternity, difficulties, tribulations and other caring activities for trade union members and employees;
- Organize legal support activities for trade union members and employees in the following forms: providing legal advice; participating in proceedings as a defender of legitimate rights and interests or a defense counsel; providing out-of-court representation at competent state agencies.

Secondly, the Law on Trade Union 2024 supplements three cases of exemption, reduction, or suspension of trade union dues under Article 30, including:

- Enterprises, cooperatives, and cooperative unions that are dissolved or bankrupt in accordance with the law shall be considered for exemption from the unpaid trade union dues;
- Enterprises, cooperatives, and cooperative unions that encounter difficulties due to economic reasons or force majeure may be considered for a reduction of trade union dues;
- Enterprises, cooperatives, or cooperative unions that encounter difficulties and have to suspend their production and business, leading to the



inability to pay trade union dues, may be considered for a suspension in payment of trade union dues for a period not exceeding 12 months. It is noted that upon expiration of the suspension period, enterprises, cooperatives, and cooperative unions shall continue to pay trade union dues and make up for the trade union dues of the suspension period. The deadline for making up the unpaid payment is the last day of the month following the month in which the suspension of payment ends. The making-up amount is equal to the payable amount of the months of suspension.

Thirdly, the Law on Trade Union 2024 amends and supplements the regulations on management and use of trade union finance and supplements the requirements for disclosure of trade union finance. In the Law on Trade Union 2012, some regulations on trade union finance are still general and the mechanism for monitoring and ensuring publicity and transparency is unclear. Therefore, to address this issue, the Law on Trade Union 2024 has added a number of implementation principles which emphasize the concentration, publicity, transparency, thriftiness, efficiency, with assignment and decentralization of management in association with the authority and responsibilities of trade unions at all levels, and at the same time, ensure compliance with relevant legal provisions (clause 1, Article 31 of the Law on Trade Union 2024). In addition, the Law on Trade Union 2024 also adds the tasks for which trade union finance could be used and requires trade unions at all levels to publicly disclose trade union finance annually at the trade union executive committee meetings and also make relevant disclosure in one of the following forms:

- Posting at the working offices of agencies, organizations, units, and enterprises;
- Notifying in writing to relevant agencies, organizations, units, enterprises and individuals;
- Making announcement at the annual conference of cadres, civil servants, public employees and employees;
- Posting on the websites of agencies, organizations, units and enterprises.

COMMENTS AND RECOMMENDATIONS

The Law on Trade Union 2024 has made numerous changes to suit the actual organization and operation of trade unions, and at the same time overcome limitations and shortcomings of the Law on Trade Union 2012, especially the regulations related to trade union finance and the policies on exemption, reduction, and suspension of payment of trade union dues. In addition to the contents mentioned above, enterprises need to update and study other provisions of the Law on Trade Union 2024 and future guiding documents to ensure their compliance.