

UNIVERSITY OF TAMPERE

Faculty of Management

**The development of capacity for labour inspection: A case study of
Ministry of Labour, Invalids and Social Affairs in Vietnam**

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January 2018

ABSTRACT

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Author	Pham Thi Thu, Hang
Title of Thesis	<i>The development of capacity for labour inspection: A case study of Ministry of Labour, Invalids and Social Affairs in Vietnam</i>
Master's Thesis	66 pages, 10 tables, 6 figures
Time	January 2018
Keywords	Capacity, capacity development, capacity building, inspection, labour inspection

This research is about capacity development for labour inspection. Within the scope of this study, the capacity of the labour inspection could include the capability of all individuals, their organizations and resources. A major reason leads to this research is that labour inspection in Vietnam has been facing many challenges but it seems not to have an effective solution to resolve its issues. Many countries have made great efforts to address the shortcomings of the labour inspectorate but the problem would seem not to be improved significantly. A specific policy on capacity development for labour inspection of Vietnam was chosen for analysis in this research. Although this policy has been undertaken for four years, its implementation is limited and likely to come to failure. The research aims to examine the theoretical framework of capacity development, theoretical as well practical rationales of the policy of capacity development of labour inspection in Vietnam; identify challenges in labour inspection, especially in the case of Vietnam; and seek sound solutions for better implementation of the capacity development of labour inspection. The qualitative method was used for data analyzing. Overall, this study provides three main findings. First, policy-makers did not identify the challenges of labour inspection of Vietnam adequately when building the policy on capacity development for labour inspection. Second, this policy was not established based on the theoretical framework of capacity development. The last but not least is the policy on capacity development for labour inspection was not guaranteed by a specific financial plan. This study then proposed three recommendations corresponding to the three findings. They include identifying and dealing properly with the identified challenges in labour inspection, developing a theoretical framework for the capacity development policy, and sufficient financial resources for the implementation of the policy.

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ABBREVIATIONS AND ACRONYMS

DOLAB: Department of Overseas Labour

DOLISA: Department of Labour, Invalids and Social Affairs (at the local level)

DOLISA's Inspectorate: Inspection Unit of DOLISA (at the local level)

ILO: International Labour Organization

MOLISA: Ministry of Labour, Invalids and Social Affairs (at the central level)

MOLISA's Inspectorate: Inspection Department of MOLISA

OSH: Occupational Safety and Health

CHAPTER 1 – INTRODUCTION

1.1 Background

In the fast changing world today, it would seem to be that labour inspection plays a crucial role in society. It contributes to maintaining labour relation sustainably and ensures that labour provisions can be applied to both employers and employees at all levels and all sectors. In other words, labour inspection is a crucial tool for the government in monitoring and managing labour field. Labour inspection, therefore, offers “a comprehensive solution to a wide variety of the problems that have arisen in response to globalization. The need to strengthen inspection systems has become apparent in recent years” (Treichel, 2005, p. 78).

In Vietnam, labour inspection has many functions and duties regulated by laws and in accordance with the international standards set by the ILO. The role of labour inspection in Vietnam has known through its tasks regulated by Labour Code (2012). It has some main roles such as preventing potential risks at workplaces, protecting workers from violation of employers, ensuring labour legislation to be applied in all sectors of the society and at all levels, maintaining gender equality of both men and women in work, and minimizing occupational accidents and protect the health of workers. In addition, labour inspection can support the government in completing labour legislation system by collecting legal gaps through inspection work, resolving complaints and denunciations in labour area, eliminating child labour and forced labour issues, bad working conditions, discrimination, violence at workplaces, and providing employers and workers useful legal advice (see the roles of inspection in Chapter 2).

According to Gerd Albracht, the President of the International Association of Labour Inspection (2002), “effective and efficient labour inspection is an essential paradigm of any civilized government and of any successful economy” (as cited in Richthofen, 2002, v). Therefore, it needs the action of the governments to develop the capacity for their labour inspection system. Some previous studies emphasized challenges facing labour inspection and good practices of labour inspection in some countries in Asia region and in the world (see Chapter 2). With the large approach of these studies, each country had different context and difficulties. Thus, the ways to handle the problems of labour inspection agencies were varied from country to country. Obviously, although the challenges of labour inspection may be similar among countries, there is no common solution for all countries. However, the experience of a certain nation could be able a good reference for others nations.

1.2 Statement of the problem

1.2.1 Research problems

Labour inspection in Vietnam has been facing many difficulties and challenges. Its issues are presented in detail in Chapter 4 of this research. Inadequate number of labour inspectors has known as the most challenges of labour inspection agencies. It led to a huge number of inspection objects was not monitored. Occupational accidents have been occurring in many workplaces where safety standards were not applied. Furthermore, strikes, labour dispute, discrimination, complaints, and renunciations in labour area have still existed in many economic sectors. The essential need for Vietnamese labour inspection is to seek an effective solution to solve its current problems.

Fortunately, the government promulgated a policy on developing the capacity for labour inspection in 2013. This policy has conducted for four years (from 2014 to 2017) and lasts until 2020. It aims to increase the quantity and quality of labour inspection in Vietnam and strengthen the facilities for labour inspection agencies. However, the key problem is that the policy on capacity development for labour inspection seems not to be successful as the expectation of labour inspectorate. While the government of Vietnam emphasized that development of the capacity for labour inspection is the priority task to respond the requirement of labour-management effectively in the international integration process (Decision No. 145, 2016).

If this policy on capacity development for labour inspection of Vietnam does not reach the objectives stated, labour inspection system will not be strengthened. Thus, the challenges of labour inspection will not be handled. In fact, leaders of labour inspection agencies in Vietnam might not know why they did not reach the objectives of that policy. The most priority action of the government of Vietnam is to seek an effective solution to achieve the targets of the policy on developing the capacity for inspection. For that reasons, a topic namely “*The development of capacity for labour inspection: A case study of Ministry of Labour, Invalids and Social Affairs in Vietnam*” was selected to study. This research could clarify the reasons why the policy on capacity development for labour inspection of Vietnam was unfeasible. Moreover, it would provide the practical experience of Vietnam involving capacity development for labour inspection for other countries.

1.2.2 Research objectives and research questions

Research objectives

The overall objective of this study is to clarify theoretical and practical issues of the Master Plan on developing the capacity for labour inspection in Vietnam and propose solutions to help Vietnam and other countries built the effective policy to develop capacities of labour inspection. To reach the overall aim, this study sets three specific objectives as below:

Specific objective 1. Identifying major challenges of labour inspection in most countries in the world and Vietnam.

Specific objective 2. Clarifying the problems while building a policy on capacity development for labour inspection.

Specific objective 3. Proposing a solution for building a feasible policy on capacity development for labour inspection.

Research questions

To achieve this objective, the research seeks to address three main question as bellows:

RQ1. What are challenges of labour inspection?

RQ2. What are issues of the policy on capacity development for labour inspection?

RQ3. What is the connection between the challenges of labour inspection and the capacity development policy?

The author must perform some of the main tasks to find answers to these questions. Firstly, the information related to labour inspection must be collected. Then, literature and previous studies should be found for building the theoretical framework for the study. Analyzing the Master Plan is one key task of the study. The following task is to conduct interviews with key informants. The last but not least task is to analyze and synthesize data.

1.3 Research scope and structure

This research is about labour inspection in Vietnam but focuses mainly on analyzing a policy on capacity development for labour inspection in Vietnam. It, therefore, includes some relevant contents such as an overview of labour inspection system of Vietnam, its roles, and functions in society. Some challenges are mentioned as the difficulties of labour inspection and what the

government of Vietnam has done to resolve the problems of labour inspection. The situation of labour inspection in Vietnam is reflected in specific data.

The research consists of six chapters. The first chapter is the introduction. This chapter aims to provide readers with the necessity to study this topic, research problems, research questions, research objectives, and research scope and structure of the thesis. The second chapter is about literature review. It outlines relevant studies concerning labour inspection and capacity development. The theoretical framework is developed in this chapter for analyzing data in Chapter 5. The third chapter is about research methods using in this study and the way to conduct the research. The fourth chapter presents an overview of labour inspection in Vietnam and its real situation. The fifth chapter turns to analyze a case study namely the Master Plan on the development of capacity for labour inspection in Vietnam. Some major research results and findings were presented in this chapter. The final chapter as a concluding chapter of the study summarizes the research. It also presents some main conclusions of the research, recommendations, significance, ethics, validity and reliability, and limitations of the research. A direction for further research in the future is the final content of this chapter.

CHAPTER 2 – LITERATURE REVIEW

This chapter has four sections. The first section is about definitions of capacity and capacity development in general. Some critical theories involving capacity development were presented in this part. The second section addresses the roles of labour inspection in society. The next section presents major challenges of labour inspection in most countries. The fourth section gives good practices of some countries in the world in handling the issues of labour inspection. The ten steps for strengthening labour inspection is presented in this section as a general reference for labour inspectorates of the countries. The final section shows theoretical framework of the study. This section is used for data analysis in Chapter 5.

2.1 The concept of capacity development

There are some studies related to capacity development. This study presents some materials, which are the most relevant to the topic of capacity development for labour inspection. The concept of capacity development needs to be explored. Capacity development depends on “the needs and purposes of organizations - the ability of institutions to identify and solve development problems over time” (Malik, Lopes & Fukuda-Parr, 2002). It cannot lack key elements such as human and financial resources because all authors emphasized these factors when they wrote the concept of capacity. In other words, developing capacity means changing or improving all elements contribute to capacity, especially staffing and finance matters. A contribution of individual and organization capacity influences development outcomes of the organization (Malik et al., 2002, p. 27).

Initially, there are some definitions related to “capacity”. Lusthaus, Anderson, and Murphy (1995) and Lusthaus et al. (2002) stated that the capacity of the organization concerns some main elements such as “resources, knowledge, and processes employed by the organization” (as cited in Horton et al., 2003, p. 21). These authors emphasized that the resources include staffing, infrastructure, technology, financial resource, strategic leadership, program and process management, the networks and linkages with organizations. According to Morgan and Qualman (1996), capacity is about “the self-organization of a society and the will, the vision, cohesion and values to make progress over time” (as cited in Malik et al., 2002, p. 27).

Another concept of the capacity has shown in the study of other authors. The capacity of the organization consists of some elements such as context and conceptual framework; vision; strategy; culture; structure; and material resources (Fowler, Ubels & Acquaye-Baddoo, 2010, p. 15), in

which material resources including finances, equipment and facilities. The concept of Fowler et al (2010) differs from others. The author mentioned some new elements of the capacity such as vision, strategy and culture. For example, two organizations cannot solve the same problem in the same way because the vision creates differences between organizations. Organizations should clarify the strengths and capabilities to develop their capacity in the most effective way. The vision is a part of organizational capacity, and sometimes it determines the success of the organization. Improving personal skills through training and acquiring new skills are an especially important part of capacity development. The culture involves attitudes, habits, lifestyle patterns, practices, and values and norms. The organization should have all these capabilities in the capacity development process (Fowler et al., 2010). The definition of these authors could help leaders re-think, re-plan, and re-establish strategies for capacity development to adapt to the practical situation.

The second definition is about the “development”. It is about “the growth or realization of a person’s ability and potential through the provision of learning and educational experiences” (Amstrong, 2016, p. 108). This concept seems to be narrow. It does not include the development of the organization. Conversely, the development can be understood that as the action, process, or result of developing new ideas, or the state of being developed a project in development” (“Definition of Development,” n.d.). Therefore, the concept of development should link to the concept of capacity. Capacity development can be understood as “the process whereby people, organizations, and society as a whole unleash, strengthen, create, adapt, and maintain capacity over time” (Bolger, 2008, p. 9). The effectiveness of capacity development requires the attention in a long-term, the attempt of the whole organization and its environment. To achieve the success in developing capacity, the organization needs have time to conduct a policy or strategy, for example. Time is an important dimension of capacity development work because the improvement of the organizations cannot be taken in a short period (Fowler et al., 2010, p. 261). With all the definitions and explanations of capacity and its development, the concept identified and described by Bolger above seems to be a valid and powerful perspective.

Developing the capacity is a fundamental component of organizational development. In other words, all key capacities need to be developed for strengthening the organization. Capacity development, in general, needs to be addressed at three levels, including individual, institutional and societal levels (Malik et al., 2002, p. 9). The study highlighted that the individuals should begin to improve themselves, raise knowledge and skills to develop their capacity. They should be pushed in a high level of linking to the improvement of institution and society. Individuals cannot develop themselves independently without connecting to other people, organizations, and relations

around them.

Overall, capacity and capacity development are broad concepts. In this thesis, these concepts are used in the context of developing the capacity for labour inspection. This section acknowledges the value of all previous studies on capacity development. Moreover, these studies help to formulate a theoretical framework for data analysis in Chapter 5.

2.2 The roles of labour inspection

In some previous studies, the roles of labour inspection were stated in different ways. Most authors agreed that labour inspection brought a great value to society. Firstly, the labour inspectorate ensures professional monitoring and analysis, and equitable enforcement of the law, not only through sanctions but also with good advice and assistance (ILO, 2011). The ILO Committee of Experts on the Application of Conventions and Recommendations (1964) emphasized that “the existence of an efficient labour inspectorate provides the surest guarantee that national and international labour standards are complied with not only in law but in fact” (as cited in Richthofen, 2002, p. 78). In addition, labour inspection has known as “a key part of the labour administration system, exercising the fundamental function of labour law enforcement for promoting effective compliance. Labour inspection is at the core of effective labour law, with wide powers and functions that go beyond strict disciplinary procedures” (ILO, 2010a). Other authors affirm that labour inspection is “a key pillar of the labour administration system. It is not an end in itself, but rather a means to achieve the higher purposes of good governance and the economic and social development of the country” (Casale & Sivananthiram, 2010, p. 43). Once again, labour inspection can be seen as a “guardian of social justice and social peace” (Casale & Sivananthiram, 2015, p. 7). Overall, it can be seen that “labour inspection is the most important specialized organ of the state for intervention and control in the sphere of the work relations. In any state of law, it is impossible for a labour relation to occur, to attempt the eradication of the “black work”, to protect the employees’ interests, to monitor the observance of the legal and/or contractual provisions, without regulating the institution of labour inspection” (Popescu, 2012, p. 1).

With some brief remarks from reviewing of previous studies, it emphasizes the indispensable role of labour inspectors in society. It is one of the most important institutions to protect human rights and ensure the best conditions of the workplace with health and safety for workers. The strict compliance and good application of labour laws depend mostly on effective labour inspection systems. For example, labour inspectors consult to both employers and employees to improve

compliance with labour laws such as working time, wage and salary, occupational safety, child labour. Moreover, labour inspection, while doing the tasks, takes notes on the gaps and loopholes in current laws to develop a report to the competent individuals or authorities to amend and, or supplement the unfeasible regulations.

It means that labour inspectors not only carry the function of inspection but also supervise the establishment and implementation of the legal system in labour area. Their work contributes a lot to completing legal framework in general and in labour area in particular. Labour inspection can be considered as a tool in ensuring that labour laws and regulations enacted by the government must be suitable for the society, served legal rights and interests of both employers and employees.

Additionally, Richthofen (2002) claimed that, in fact, labour inspection has a twofold nature: supervising the enforcement of legal regulations and providing information and advice, as well as training for workers and employers. For example, labour inspectors while working in an enterprise provide advice on recruiting policy, wages and salaries, working hours, working in hazardous and OSH prevention for employers and employees. By consulting, both workers and employers could gain knowledge and awareness about labour laws and provisions to increase the compliance at all workplaces. These features of labour inspectors help to balance between their powers regulated in involving laws and their responsibilities with inspection objects and society for ensuring fairness at the workplace and good governance in labour relation.

The ILO, established in 1919, became a specialized agency of United Nations relating to labour issues. All the ILO Conventions are meaningful and helpful for many nations because they provide basic standards in labour field for both member nations and non- member nations of the Conventions. Almost matters on labour inspection were presented in three fundamental conventions of the ILO: Labour Inspection Convention, 1947 (No. 81); Labour Inspection (Agriculture) Convention, 1969 (No. 129); and Labour Inspection (Seafarers) Convention, 1996 (No. 178). Of which, Convention No. 81 concerning Labour Inspection focused on international standards of labour inspection, became one of the most widely ratified of all ILO Conventions with 145 member States in the world (Casale & Sivananthiram, 2015). The government of Vietnam ratified Convention No. 81 since 1994 (“Ratifications for Viet Nam,” n.d.). In fact, these conventions did not indicate the roles of labour inspection but they presented clearly the functions of labour inspectors as below:

“(a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours,

wages, safety, health and welfare, the employment of children and young persons and other connected matters, in so far as such provisions are enforceable by labour inspectors;

(b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;

(c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions” (ILO, 1947, Article 3).

Three functions of labour inspection were also shown in the studies of Casale & Sivananthiram (2015). The authors mentioned the roles of labour inspection through emphasizing its functions as the content stated in Article 3 of Convention No. 81 above. As such, these three functions can be considered as three roles of labour inspection, in which each labour inspector takes the role as an inspector, a supervisor and an advisor (or a consultant). Thus, each member nation that ratified Convention No. 81 should ensure that these three functions of labour inspection as stated are legalized in domestic labour laws of that country.

To sum up, labour inspection plays a crucial role in society. It also holds an important position in connecting to different partners in labour relation (such as representative of employers, trade union as a representative of employees), monitoring a social dialogue at the workplace and elsewhere. Labour inspectors are those who give advice and ideas to make an effective dialogue among tripartite. In the case of collective disputes, labour inspectors must examine, propose and explain methods of preventing conflict and facilitating its settlement. Labour inspection is deemed indispensable in almost countries although procedures, laws, methods for inspection may vary little or considerably from country to country.

Moreover, labour inspection can support the government to remain stable sound labour relation, contributing to the stable development of the social economy of the country. It means that if labour relation of one nation goes into a crisis, it leads to complicated matters in society and unforeseeable consequences. This is a reason why the government should raise awareness on the role of labour inspection and build suitable policies to improve and reform it, to ensure that it can meet the real tasks require.

2.3 Challenges of the global labour inspection

Rarely studies were found relating to the development of capacity for labour inspection. The information relating to this topic may be unreliable if it is collected from the online or unofficial

resource. After reviewing, there were three studies relevant to the topic of this thesis. The first study names “Labour Inspection: A Guide to the Profession” of Richthofen (2002). The second study is “Fundamentals of labour administration” of the two authors namely Casale & Sivananthiram (2010). The last but not least study is “Labour Administration and Labour Inspection in Asian Countries: Strategic approaches” of Casale & Sivananthiram (2015). Why were these studies chosen to review? It is because they were written by experts of the ILO who had in-depth knowledge in labour inspection domain. These studies mentioned to different contents such as labour administration and recent trend, labour inspection, child protection in the informal economy, good practices in ASEAN countries on labour inspection, labour legislation, industrial relations, working conditions, planning and policy development and so on. However, this section cannot present all contents of these studies. Some key contents were chosen to describe with the aim to provide an overview of labour inspection to readers. These included information on challenges of labour inspection and some good practices in some countries. Although these studies have a different approach, they both provided common challenges of global labour inspection.

Firstly, in the modern world, the challenges of labour inspection may emerge from the development of new technologies. For example, new hazardous substances produced leading to new hiding risks at workplaces while labour inspectors may not have the experience to recognize and warn employers and employees about that threat. Other issues such as the increase of unemployment rate; precariousness of employment; the growth of illegal employment relationships such as child labour; illegal immigrants as human trafficking; and fragmentation of the labour market all became challenges, lead to unstable labour relation and put the pressure on labour inspectors. In addition, one of the most sensitive works of labour inspectors today in some countries is to deal with a matter involving the mental health of workers. It was stated that “Psychological and sexual harassment at work, or mobbing, is another serious “new hazard” (Richthofen, 2002). These issues could be able to become big challenges of labour inspection in the coming years, especially in some countries which labour inspection system is not developed. Hence, labour inspection needs to be equipped good specialized knowledge and practical skills as well as forecasting ability on their field to deal with numerous complicated challenges.

This study of Richthofen (2002) is helpful for labour inspectors in some countries. It helps them realize the risks that they may face in the coming years. Labour inspection need prepare necessary conditions to deal with that issue. Actually, there existed some challenges in practice such as the development of virtual enterprises (on the internet), the insecurity of employment in economic

crisis, the increasing number of workers work in agriculture area instead of focusing on the industrial sector as many decades ago but they were not mentioned in this study. With these complex issues as presented, it requires labour inspection to have actual solutions and actions appropriate to the context of that country to deal with the challenges effectively.

Secondly, Casale & Sivananthiram (2010) had a different approach to challenges of labour inspection. The authors described the challenges of labour inspection as below:

Inadequate numbers of inspectors

It can be said that a human resource of inspection agencies decide how many inspection visits will be conducted and how is the quality of this work, or in other work, a huge workload cannot be resolved by a few inspectors. The Labour Inspection Convention No. 81 in Article 10 recommended that labour inspectors “shall be sufficient to secure the effective discharge of the duties of the inspectorate” (ILO, 1947). However, there is no official explanation for the concept of “sufficient” number of inspectors and there is no measure or indicator to scale the number of inspectors per thousand workers but it needs to be relevant with total workforce and a size of workers. In this research, the authors quoted the benchmarks of the ILO relating to ratios of labour inspectors to workers:

- 1) 1:10,000 in industrial market economics;
- 2) 1:15,000 in industrializing economics;
- 3) 1:20,000 in transition economics; and
- 4) 1:40,000 in less developed countries.

Lack of a labour inspection policy to drive the labour inspection process

According to Casale & Sivananthiram (2010), it is essential to develop a policy on dealing with problems of labour inspection. The policy must be matched with international standards concerning labour inspection. The strengthening of labour inspection system in any country must start with a clear policy, and labour inspection should conduct it based on the goals and contents stated in the policy. However, most countries do not enact the policy to guide the reforming process for labour inspection system.

Lack of coordination of the labour inspection system

The authors continued to emphasize that “a key issue facing labour inspectorate is how to ensure adequate coordination of this various aspect of its activity, and the setting of sound priorities, when overall resources are under pressure” (Casale & Sivananthiram, 2010, p. 46). Lack of

cooperation of social partners of labour inspection such as representatives of employers and employees, and other conditions (for example equipment, means of transport and facilities, expenses) prevent labour inspectorates in conducting their mandates.

The growth of informal economy

There are many organizational forms in the informal economy: cooperatives, small traders, community groups, and social associations developing in the fast-changing world today. Labour inspectors with the insufficient human resource cannot reach informal economy sector regularly, even absence from this sector.

While employers and employees working in the informal sector have a real demand to be supported by labour inspectors through giving advice and technical consult on labour law. For instance, labour inspectors provide advisory service on OSH, child labour, how to control of workplace hazards, prevention of human trafficking. This brings useful knowledge to employers and workers, assists them in better compliance with labour law, especially in small-scale enterprises.

Migration

Migrant workers now become a serious issue in many countries because there are many violations from this sector. Workers sent to another country to work need to be protected their legal rights and interests from working, and eliminated inequality, unfair, discrimination, and distinction at workplaces. Thus, labour inspectors must ensure the safe and healthy environment for the migrants to avoid the overloaded exploitation of employers and violation of the laws. Nevertheless, the authors claimed that inspection work involving migrant workers issue seems to be under discussion in numerous countries.

Child labour

The study addressed that one important task of labour inspection is to reduce and eliminate child labour at hazardous workplaces and improve health standards and safety conditions for children. There are many ways to resolve the issues involving child labour. For example, the government can focus on the policies about the support of multiple agencies in educational, health, social areas. Actually, this matter needs the efforts of all individuals and organizations in the society, not only labour inspection agencies. However, the certainty is that child labour has still existed and become the challenge of labour inspection due to inadequate support of relevant agencies and organizations in the society in preventing child labour and raising awareness of all people in the society about this issue.

HIV/AIDS at the workplace

The study emphasized that labour inspectors in some countries play an important role in protecting workers at the workplace where HIV/AIDS is existing. The ILO could be able to provide training courses for labour inspectors on how to prevent, limit and mitigate the negative impacts or potential risks for workers while working at the workplaces having HIV/AIDS. In many countries, labour inspectors may not have skills on this matter because they focus more on handling other multiple challenges.

Forced labour

There are two types of victims at work relating to forced labour such as human trafficking and combating abuses. Although labour inspectors can identify it while conducting their mandates at workplaces, forced labour is concealed carefully and labour inspectors cannot always investigate and bring it to the light. According to Convention No. 29 of the ILO on Forced Labour (1930), the term “forced labour” has some features of criminals. Hence, labour inspectors must be trained adequate skills to prevent and against it. In many countries, dealing with forced labour is one of the most difficulties of labour inspectors.

Databases and record keeping

Labour inspection agencies in almost nations seem not having a system to record the essential data concerning inspection visits. It needs the databases system and record keeping to save the information of inspected enterprises with the detailed comments of labour inspectors. There will be helpful for other labour inspectors in the continuing visit. Lack of databases and record keeping causes difficulties for both leaders and staff of labour inspection system in carrying their functions and duties. The next study continues to mention challenges of labour inspection but in a different approach.

In the third study, Casale & Sivananthiram (2015) has some differences from previous studies. Labour inspection system in some countries seemed to be not improved appropriate with the development speed of global labour relation. Besides, the unpredictable changes in the politic matter or economic crises occurred in some places in the world. According to the ILO (2006a, 2006b) labour inspection system faced some chronic challenges lengthening many past years up to now such as “lack of staff, equipment, tools, training and poor remuneration” (as cited in Casale & Sivananthiram, 2015, p. 2). Thus, authors supposed that the challenges might differ among countries, but the common issues existed in many nations, leading to the reality that labour inspectors “are still fighting for mere survival” (p. 3).

In conclusion, three studies described in detail almost challenges of labour inspection over the world. In fact, most of those issues have been lasting until today. It requires the government takes awareness of the serious nature of these challenges to make appropriate actions to handle them. Of total challenges stated, the second study of Casale & Sivananthiram (2010) was the sufficient information related to challenges of labour inspection in the world. Then, the third study in 2015, these authors repeated some major issues of labour inspection and added some new issues.

The challenges all affect the inspection work of the labour inspectorate. Some of them may be more complicated because they require experienced labour inspectors to deal with. For example, some things such as forced labour and human trafficking (Andrees, 2008), human trafficking and forced labour exploitation (ILO, 2005a). This is because children have the characteristics as being more “vulnerable” than others (Dottridge, 2012). In addition, inspection of domestic workers is also a challenge of labour inspection. The employees have to work excessively long hours for low wages. Many of them are treated as “servants” than workers (Ally, 2009) but there was no labour inspector to protect them.

It can be said that there have some common challenges of labour inspectorate in the world, although labour inspection might vary between countries. The challenges include inadequate human and financial source; lacking equipment and facilities; insufficient training to equip necessary knowledge and skills to recruits; conditions of service cannot assure stable careers for inspectors; a lack of personal security and protection in the exercise of their functions and the absence of an appropriate regulatory framework. Poor conditions frequently lead to ethical issues that threaten the integrity and independence of inspection staff, thus undermining the public protection function of labour inspection (ILO, 2011). With a huge workload, it also puts a heavy burden and pressure on labour inspectors.

2.4 Good practices of the nations

With multiple challenges facing labour inspection, some nations in Asia region and the world have their own solutions to handle the issues. The following countries mentioned as some good examples in dealing with the challenges of labour inspection. The evaluation of the studies of Casale & Sivananthiram (2015) and Richthofen (2002) presented that many countries in the world had achieved the noticeable improvement while dealing with the issues of labour inspection.

In Singapore, a program on occupational safety and health was enacted to encourage enterprises

to supervise themselves through conducting regular inspection visits at the workplace to prevent industrial risks and accidents. This program is not only useful and effective for managers in control the issues on labour area but also raises awareness of all workers to protect themselves in the workplace (Casale & Sivananthiram, 2015, p. 37). With that policy, the country aims to build a preventative OSH culture at all levels in society to reduce a burden for labour inspectors because enterprises may prevent potential risks by implementing guidance of labour inspectors. Hence, labour inspectors do not need to visit these companies for inspection. In addition, this nation paid attention to increasing awareness of employers and employees on rights and duties under the law. The strategy of Singapore is to go “beyond minimum protection”, and labour inspectors do not work alone but with many partners such as civil society groups, Youth and Sport, Trade Union, National Employer Federations (Casale & Sivananthiram, 2015, p. 55). Re-organizing structure of labour inspection system appropriately is an effective way to handle variously complex matters of labour inspection in Singapore.

In Malaysia, a situation is that number of enterprises increased in few years while the number of inspectors did not meet the tasks. Ministry of Human Resources had taken some steps called “a three-tier approach”: audit, promotional and investigate (Casale & Sivananthiram, 2015, p. 58). In which, audit inspection is to ensure that employers comply labour regulations, generally in smaller enterprises; promotional inspection aims to encourage employers in dealing with some key issues at workplaces such as sexual harassment, equality for treatment and gender of all employees; and investigative inspection is to resolve complaints. Another inspection unit is called “flying squall” with the mandate of training for officers, and the Ministry paid attention to information and communications technology to manage labour area through an e-government.

In Philippine, Labour Law Compliance System was launched in 2013. I had initiative for voluntary compliance and enforcement of labour laws and social legislation to promote a culture of compliance with legislation in labour area (Casale & Sivananthiram, 2015, p. 60). To conduct this system, Labour Law Compliance System applied three approaches (p. 61): join assessment (visits enterprises with a few workers), compliance visit (means previously complaint inspection and investigating complaints about labour standards violations) and OSH investigation (covers imminent danger, handles accidents occurred).

Additionally, this study of the authors also mentioned to Vietnam with the topic namely “The role of private initiatives in labour inspection” as a good practice in ASEAN. It is because Vietnam has been carrying the Master Plan on the development of capacity for labour inspection. The research presented a short brief of contents of the Master Plan and did not show any analysis or outputs

involving that policy. Therefore, it has no evidence to prove that Vietnam is the success in conducting the Master Plan.

Another study noted that in Hungary, Kenya and South Africa, a number of labour inspection agencies combines with other relevant inspection bodies or activities under the responsibility of public employment services in a bid to make their intervention in labour inspection field more effective (Richthofen, 2002, p. 93). This way has been applying in Vietnam many years up to now by employing inspection collations from other agencies to increase the number of inspection staff in the context of insufficient human resource in labour inspection agencies.

The last but not least good practice is an example of Indonesia. In 2016, a number of labour inspectors were 1,923, while this country has 21,591, 508 companies, reached the ratio of inspectors to companies with 1: 11,228 (ILO, 2017). It means that there has one labour inspector covering 11,228 enterprises, while the ILO recommended the rate is 1: 40,000 for less developed countries. Indonesia can be seen as one of the best practices in the region involving the strategy on increasing number of labour inspectors.

Overall, the good practices above demonstrates that many nations had conducted the policies or strategies to strengthen labour inspection and resolve its challenges. The inadequate number of labour inspectors leads to the fact that the violates involving child labour, labourers in the agricultural sector and non-commercial sector, disabled workers, for example, have not monitored yet. Normally, labour inspection agencies choose the field that may make them achieve the success significantly in the short term, for example, inspection on OSH matters, all people in the society can realize that labour inspectors have to reduce occupational accidents at some specific enterprises.

Furthermore, one of the essential things to reform inspection successfully is to promote compliance information and guidance rather than control and sanctions. There includes handing on advice and predictable enforcement for small-medium enterprises (SMEs), which is to provide clear guidance on “how to do things right” is probably the most effective way that regulatory delivery agencies can improve public outcomes. This is because SMEs, in particular, do not really know what to do, or why, or how to do it. SMEs usually do not know what to expect from inspectors, what they will require, what they will pay attention to, how they will react (Blanc, n.d., p. 76). Besides, the inspection agencies must assure guidance and consistent enforcement for larger businesses. It means that labour inspectors do not need to inspect at all the workplaces but they should focus on key sectors where the violations often occur.

To support labour inspection improves itself, Treichel (2005) addressed ten steps for strengthening labour inspection. The ten steps give guidance on structuring and developing “a well-functioning labour inspectorates” as below:

Table 1 Ten steps for strengthening labour inspection

Step 1. Creation of an appropriate structure and organization	Re-orienting national labour policy, labour inspection policy and human resource policy, internal policy and enforcement policy to suitable with labour standards recommended by the ILO and the differing circumstances of the ILO member States.
Step 2. Better utilization of resources	Ensuring, in case of resource shortages, that the ratio inspector per workpeople accurately matches the finance allocation.
Step 3. Introducing effective training	Building a specific, nation-tailored concept for effective training that leads to a prevention-oriented integration of specialized and general inspectors.
Step 4. An active role for labour inspectors	Creating a three-fold role for the labour inspector: supervisor, advisor and enforcement agent, with an overall mission of guidance.
Step 5. Integrating inspections	Trimming down specialist and general inspectorates’ roles to allow for a “one inspector for one enterprise” mentality.
Step 6. Publicizing inspection best practices	Creating an inspection plan for the frequency of inspections and prevention strategies.
Step 7. Ensuring tools for management systems and labour inspectors	Centralizing tools such as firm chemical data sheets, active research and on-the-job training of important policy and current events issues.
Step 8. Task-related issues	Fostering the important roles of social dialogue among other sector approaches.
Step 9. Stressing networking	Providing inspectorates with knowledge, training, financial support and expertise through a steady-flowing exchange of information with other organizations.
Step 10. Other issues	Taking steps to curb corruption and other challenges that currently hinder the field.

(Source: Treichel, 2005, pp. 74-75)

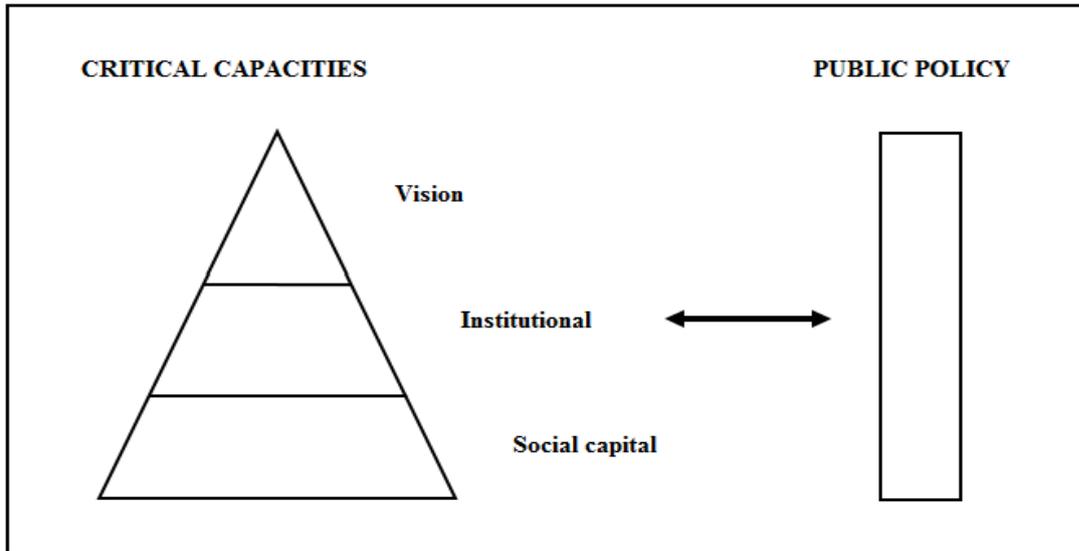
The table illustrates the recommendation of an expert of the ILO concerning to enhance labour inspection in general. Almost steps may be appropriate to the context of Vietnam. Three of ten steps, including step 3, step 7 and step 9, have a similar concept of training for labour inspectors. To develop the capacity for labour inspection, it needs strengthening the role of the state in controlling authority and promoting social dialogue (as step eight in the table above) at the enterprise level. Arranging dialogues in enterprises can make an opportunity for employers and employees understand each other and create a good working environment. Inspectors in many countries still neglect this mission. The creation of information and competency networks between the habitual partners of labour inspection such as representative of employers and the trade union can lead to better collation and greater unity of purpose (Richthofen, 2002, p. 65).

These ten steps can be a good reference for many countries in strengthening their labour inspection system. The steps could provide a useful guide to “both policy-makers and labour inspectors with a comprehensive overview of labour inspection practice, policy questions, training and inspection activities” (Treichel, 2005).

2.5 Theoretical framework

There included some viewpoints of the authors concerning to capacity development. However, the most perspective was the study of Malik et al., (2002). The key point here is that what capacities are keys to the development of organizations and how those capacities impact to public policies? According to Malik et al., (2002), critical capacities include vision, institutional and social capital as the following figure.

Figure 1 Critical capacities

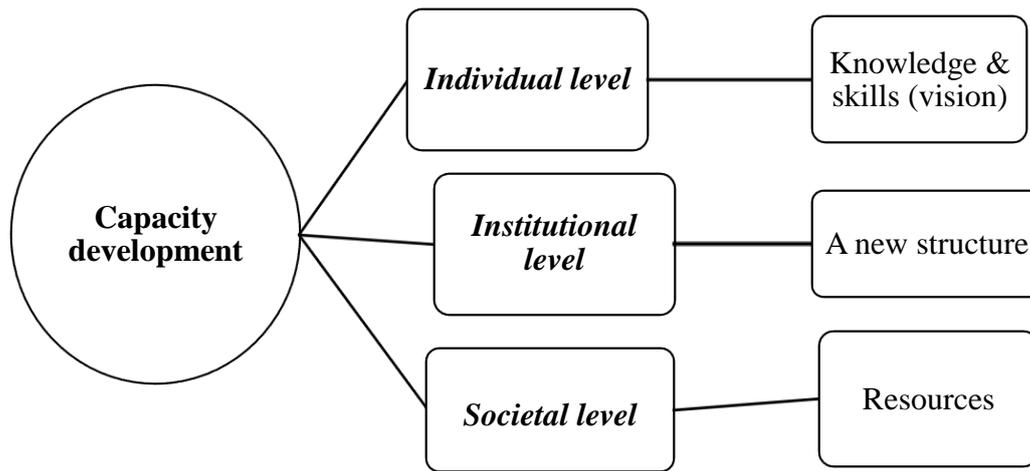


(Source: Figure 1.1.1, Malik et al, 2002, p. 29).

At first, vision is to set priorities and identify the rights of the policy. Next, the institution was known as the administrative capacity of government or the role of government. Finally, social capital is to establish a judicious policy to poise and link social norms and cultural merits development. These three capacities “are integral components of capacity development, and hence of the formulation and implementation of public policies designed for sustainable development”, and “public policy is shaped by but also shapes the visionary scope, institutional robustness and the social-capital content of a society. Well-established capacity strengths provide the necessary groundwork for the sound and effective public policies, which in turn promote further development of critical capacities” (Malik et al., 2002, p. 29).

Based on key capacities in Figure 1, the following figure shows three levels of capacity development. It includes “the individual, the institutional and the societal” levels (Malik et al., 2002, p. 9). These three components were used for data analysis in Chapter 5.

Figure 2 A framework of capacity development



(Source: Malik et al., 2002, p. 9).

This viewpoint of Malik et al., (2002) was chosen as the framework of capacity development for the organization. Developing capacity is a fundamental component of organizational development. In other words, to strengthen an organization, all following elements of capacities need to be developed:

- 1) **Individual:** It allows individuals to embark on a continuous process of learning – building on existing knowledge and skills, and extending these new directions as fresh opportunities appear.
- 2) **Institutional:** This level is related to developing on existing capacities, and building a new thing based on what existed instead of constructing new institutions.
- 3) **Societal:** This level related to capacities in the society as a whole, or a transformation for development. An example is creating the kinds of opportunities, whether in public or private sector, that enable people to use and expand their capacities to the fullest (Malik et al., 2002, p. 9).

Figure 2 indicates that capacity development includes three levels, including individual, institutional and societal. Firstly, the individuals should begin to improve themselves, raise knowledge and skills to develop their capacity. Vision can be seen as the most important thing of the organization because it defines the ideal future of the organization. Leaders need to work with people inside their organization to “create a vision, a reasonable story about the organization’s future in light of the constraints imposed by its environment and culture, and to articulate the goal agenda that follows from that vision” (Beach, 2006, p. 49). The development of the organization relies upon on the vision of leaders and skills of individuals. Training activities could bring the

change for institutions, leadership, empowerment and public participation (Analoui & Danquah, 2017, p. 63).

Secondly, people in the organization should be pushed in a high level of linking to the improvement of the institution. This level means that creating new structure is a key factor, which helps the organization develop its capacities. The previous institution might not be appropriate to the change of individual capacity in the first level. Thus, the organizational structure should be re-organized to run more effectively.

Finally, the organization cannot develop capacities of its individuals and institution if it does not have essential resources. A financial resource is the most important factor alongside other supports of the government. To ensure the feasibility of the policy, it needs “the ability of a government to make intelligent policy choices and muster the resources needed to execute those choices” (Painter & Pierre, 2005, p. 255). If the government does not prepare good capacities for a policy well in advance, it may lead to the unfeasibility or failure of the policy ended.

There exists a relation among three components. Individuals cannot develop themselves independently without connecting to other people, organizations and other relations around them. Moreover, the financial resource is a key element to ensure that the organization can develop its capacities as the targets stated. Three levels of capacity development mentioned here relate to the Master Plan on developing the capacity for labour inspection in Chapter 5. If the policy on the capacity development of labour inspection does not follow three levels: improving labour inspectors; improving organizational and a whole system; improving relations in society involving labour area, the capacity of labour inspection system cannot be strengthened as the goals set by the government.

In this study, these authors emphasized, “All of these layers of capacity are mutually interdependent. If one or the other is pursued on its own, development becomes skewed and ineffective” (Malik et al., 2002, p. 10). Each person in the organization improves specialist skills over years of education and training. Capacity development is not only individual human skills but also the institutions and networks created. The framework for the capacity development of these authors is mostly applied to develop the capacity of nations and societies. However, in the narrower context of public organizations, it is completely appropriate.

CHAPTER 3 – RESEARCH METHODOLOGY

3.1 Research design

3.1.1 Context of the empirical study

Widely, the study was conducted with the aim to know how decision-makers could build efficient policy on developing the capacity for labour inspection in general and particularly in Vietnam. To reach this aim, a specific policy on developing the capacity for labour inspection of Vietnam was selected as a case study. It is driven by a specific methodological approach.

Why was the Master Plan of MOLISA chosen as a case study of this thesis? In fact, MOLISA has been conducting some Master Plans involving its managerial areas. However, there is solely one Master Plan relating to the topic of building capacity for labour inspection. MOLISA is also a state agency of Vietnam, helps the government manage mainly on labour area alongside some other issues. Studying a specific policy of MOLISA could be able to bring some valuable contribution to policymaking and management of MOLISA in the future.

A huge of workload led inspectorates of MOLISA and DOLISAs to many difficulties and challenges. It is essential to raise the role of inspection agencies to help them resolve the issues existing many years up to now. Hence, the government of Vietnam decided to approve the Master Plan on developing the capacity for labour inspection until 2020 of MOLISA. The beneficial objects of the Master Plan are individuals and inspection agencies of MOLISA and DOLISAs. This policy consists of six objectives on training basic inspection; training specialized inspection; the structure of inspectors in different levels; the educational level of inspectors and inspection staff; the increase of the number of inspectors; and facilities and equipment.

For the government of Vietnam, the overall goal of the Master Plan is to strengthen and develop labour inspection system in both capacities of inspectors and their organizations to help the government manages labour field more effectively. The challenges of labour inspection, therefore, could be eliminated gradually. MOLISA supposed that the Master Plan seems to be a strategy for the development and reform of labour inspection system in Vietnam. Those are some reasons to choose the policy of MOLISA as a case study of the research. With that policy of MOLISA as introduced, the scope of the study is medium and suitable for the research, not too large or narrow. The case study chosen is to help obtain detailed information on the background of labour

inspection, specific situation and relevant matters related to concerns in public management in Vietnam. The theories on capacity development discussed in the study were clear and understandable, and then a theoretical framework was established to orient the approach of the research. Based on the context of the research, the general findings could be discussed, and the recommendations in this study can be applied in practice.

3.1.2 Empirical methods and data

The researcher uses a qualitative method for this study. A qualitative research allows exploring and understanding a diversity of social and public policy issues (Huberman, M., & Miles, M. B., 2002, p. 305). To do this method, the semi-structured open-ended interviews were conducted with the guidance of series of questions. The questions were posed with the answers dividing into topics. There have six objectives of the Master Plan on building capacity for labour inspection in Vietnam (as a case study). Thus, each objective contains some relevant questions (see Appendix). The main questions were designed based on the theoretical framework, six objectives of the Master Plan and research questions to orient the answers of the interviewees.

The researcher conducted four interviews. Of which, three interviews were separately carried at the central level with three key informants at different appointments. These interviews helped select specific information, understandings, and evaluation of the Master Plan in the own language of the interviewees. It provided primary data for the study to create the belief in the research. Then, the fourth interview was done with the attendance of ten interviewees of DOLISAs at the local level. It was convenient to perform the first three interviews at the central level. However, the researcher had to wait for the training course hosted by MOLISA's Inspectorate in Quang Binh province of Vietnam in September 2017. In this training course, many inspectors of different DOLISAs were invited to participate, and the researcher could meet them to make a group interview. Ten inspectors agreed to answer and discuss questions of the researcher relating to the Master Plan, but they required that their names should be hidden. The questions used for each interviewee at the central level were different because the informants worked in various positions, but the interviewees at the local level got the same questions.

The case study chosen in this research was appropriate because it provided "thick description", and "deep explanation" of the processes and events occurring within a specific case (Woodside, 2010, p. 13). The single case study was to describe and analyze the case by text, table and other forms (Yin, 2013). The case study helped answer the questions of who, what, where, when, and how. It also

answered why question by explaining in detailed information and data. In addition, the case study predicted the things might be appeared in near term and/or long term. Then, theories and model of this research were developed to predict outcomes or future events.

3.2 Data collection

The interview used in this thesis is a qualitative research method (Woodside, 2010, p. 246). The purpose of this method demonstrated the usefulness of collecting information through interviewing key informants. To interview, the researcher had to select key persons who could provide the most sufficient and valuable information for the study. Who were key informants of this study? They were at the highest position of labour inspection agencies in both the central and local levels. At the central level, I chose one person who knew clearly about the Master Plan, since it was started to draft it until it ends because he has the power to direct and monitor the relevant agencies to implement this policy. I also interviewed two other people of MOLISA's Inspectorate. One of them participated in making the detailed plan for implementing the Master Plan and another person who know how the financial resource was allocated for MOLISA's Inspectorate annually to implement the Master Plan. This interviewee was expected to provide deep and wide answers relating to all matters of the Master Plan and situation of labour inspection agencies of the whole country. If I choose other people, who may not take part in the whole process of the policy so they cannot provide information with appropriate experience and objective evaluations. In fact, it was unnecessary to interview people at DOLISAs' Inspectorates because they have to report the results of the implementation of the Master Plan to MOLISA's Inspectorate at the central level. Thus, the key person of MOLISA's Inspectorate will know how the Master Plan has been conducting at the local level. However, I still made a phone call to some chief inspectors of MOLISAs' Inspectorates to reaffirm the result I collected from the first interviewee and understand clearly how the Master Plan was conducted in some DOLISAs.

In accordance with Fontana & Frey (2005), interviews were not neutral exchanges of questions and answers, but active processes (as cited in Tracy, 2012, p. 132). The interviews brought "opportunities for mutual discovery, understanding, reflection, and explanation via a path that is organic, adaptive, and oftentimes energizing. Interviews elucidate subjectively lived experiences and viewpoints from the respondents' perspective" (Tracy, 2012).

The series of interviewing question was designed for collecting information. First, a questionnaire was started with an introduction in which I made a clear intention with the research and the reason

to make this interview to expect the informants ready to take part in the interview. I also emphasized that all information of the respondents was entirely anonymous. I introduced to the interviewees about the structure of the interview how to answer the semi-open-ended questions (non-structured questions). Then, I made short and concise questions in a neutral way with single meaning to avoid the confusion of the interviewee while giving the answers. The series of questions were grouped into subjects and exclude technical terms and jargon to help the respondents give answers as quickly as possible and focus on the main subjects. The respondents were encouraged to give long answers and discussions to the questions. I gave the interviewees some relevant and consistent guidance to help the interviewees possibly response. Using non-structured questions allows the researcher to explore new ideas and information from the respondents out of prediction of the interviewer. This type of questions brought more insight into the thought of the respondents because of non- structured responses. With this kind of questions, I had made some questions with a partial list of answer choices to guide the respondents but still gave other choices when the respondents were doubt or uncertainty about the choices stated. To ensure the interviewees understand the series of question, I had sent these questions to them for reading first. When there was no confusion, I started to make the interviews.

Each interview lasted about 30 minutes, face-to-face meeting with interviewer and respondents in the Vietnamese language. Semi-structured interviews allow asking open-ended questions for deeper discussion. The responses during the interviews were taken notes in documents. The data collected from interviewing was compared to information gathered from other research methods, for example comparing information answering by interviewees with the information and data collected from direct observation and analyzing documents. Then, the final description of the case study could be able to develop. Research data was confidential and the informants remain anonymous. All questions and answers were taken notes some key points to serve the data analysis.

In addition, some secondary data was used in this research. Mostly, it was gathered from reports of MOLISA on inspection work from 2010 to 2017. These materials could provide useful data involving labour inspection of Vietnam such as the results of the implementation of the Master Plan in the period of four years, from 2014 to 2017, the number of inspectors over years and qualification of inspectors for example. The next kinds of materials were statistical yearbooks of General Statistics Office of Vietnam 2016, and statistical yearbooks of Labour, National Devotees and Social Affairs, 2016. These materials offered the exploitation of data relating to the number of employees, the entire enterprises and inspected enterprises, child labour, and occupational accidents of the whole country. The important kinds of materials are the reports and studies of the ILO, which

present the situation and challenges of labour inspection in many countries in the world. Many legal documents provide the foundation for building a policy on developing the capacity for labour inspection of Vietnam. The two decisions (including Decision No. 2155 on approving the Master Plan and Decision No. 193 on guiding in detail the Master Plan) were selected to analyze. Finally, the online resource was used to seek information relating to the topic.

3.3 Data analysis

After conducting the interview, the answers of the interviewees were taken notes for analysis. Description method was important in this work because almost readers “will not have a detailed knowledge of specific methods used in any given research study” (Yin, 2013). The case study evidence selected from the interviewee was presented in chronological order.

The description is medium, not too short or long. Whereby, it can provide readers sufficient information on each topic addressed. The researcher read the written document many times to select the key points from interviews and divided the contents of interviewing into topics. The context of the Master Plan was described and main results of the study were presented. Then, the evaluation of the case study in the first period was indicated as main findings of the research. By this way, the researcher can compare the results of the study with the theories presented in Chapter 2 to answer research questions.

CHAPTER 4 – BACKGROUND OF LABOUR INSPECTION IN VIETNAM

This chapter consists of three sections. The first section is the introduction of organizational structure, functions, and mandates of labour inspection. The second section shows a legal basis for the operation of labour inspection agencies. The last section addresses a real situation and some challenges of labour inspection in Vietnam.

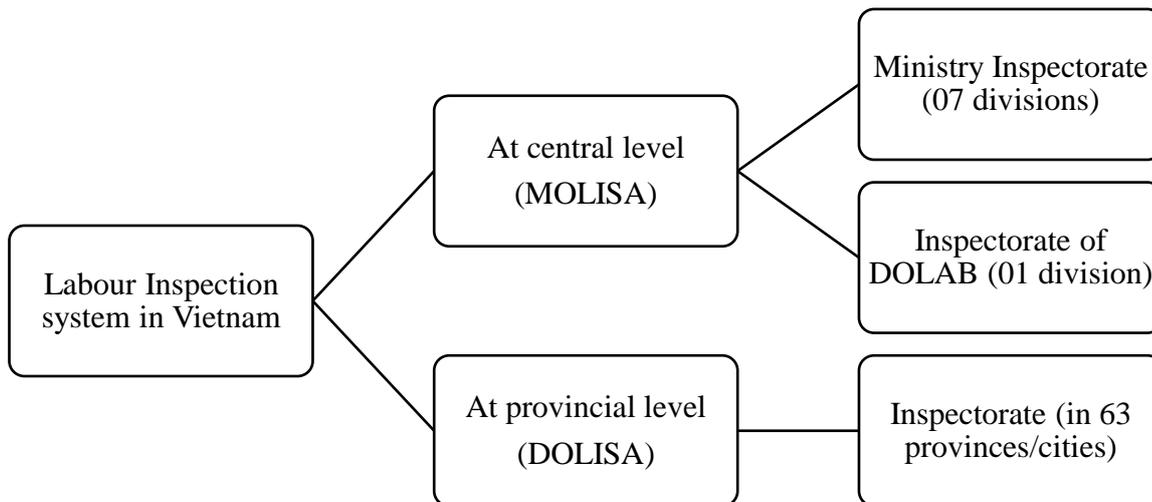
4.1 Labour inspection system in Vietnam

4.1.1 Organizational structure of labour inspection

Normally, each agency of the state machinery in Vietnam has an inspection agency to help inspect and supervise the compliance of the laws and regulations of relevant objects. Inspection agency of the state is divided into two tiers (at the central and provincial levels). MOLISA is a ministry of the government, has an inspection agency at the central level namely Ministry Inspectorate. At the local level, there are 63 DOLISAs. Each DOLISA has one inspection division. In this study, it is called DOLISA Inspectorate. In fact, Vietnam does not have separate labour inspection agencies. The inspection agency of MOLISA and DOLISA is in charge of different functions and mandates, in which labour matter is one domain. However, most people often call it as "the labour inspection agency".

As shown in Figure 3 below, at the central level, MOLISA has a Ministry Inspectorate as its inspection agency, and 63 DOLISA Inspectorates allocate in 63 provinces and cities in the whole country at the provincial level. Ministry Inspectorate has full rights to inspect all objects and areas under the managing scope of MOLISA. At the same level with Ministry Inspectorate, DOLAB is a department of MOLISA but has only one inspection division to conduct solely the matter of overseas workers based on the function of its managing organization (Decree No. 07, 2012, Article 14). DOLAB Inspectorate does not have the same power as Ministry Inspectorate. It is under the direction and guidance on specialized inspection from Ministry Inspectorate, and the scope of DOLAB Inspectorate is narrower than that of Ministry Inspectorate.

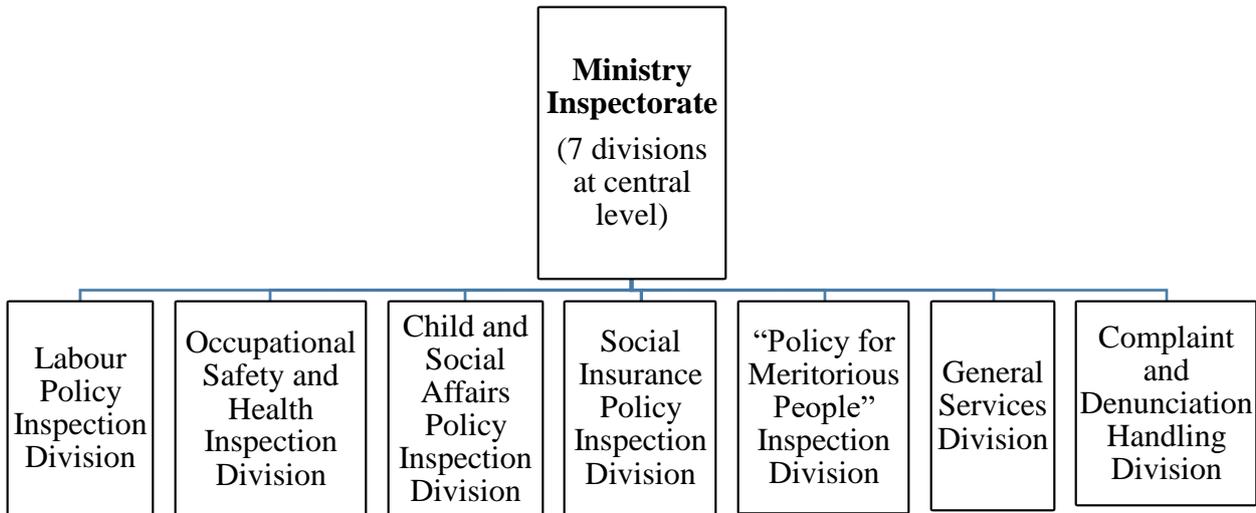
Figure 3 Labour inspection agencies system in Vietnam



(Source: “Decree No. 39 on organization and operation of the , invalids and social affairs inspectorate.,” 2013)

At the provincial level, each DOLISA has one inspection division with a few inspectors to undertake many domains belong to the management of DOLISA. It means that there is no independent inspection agency of labour field at DOLISA. The inspection staff of DOLISA at the local level has to work in different domains of DOLISA, and each inspector is in charge in one or many domains, not solely labour matter. The following figure shows organizational structure of MOLISA’s Inspectorate.

Figure 4 The organizational structure of MOLISA’s Inspectorate



(Source: “Decision No. 916 of the Minister of Labour, Invalids and Social Affairs of the Minister of MOLISA on Roles, Responsibilities, Duties, Authorities and Organization Structure Of the Ministry Inspectorate.,” 2017)

According to Figure 4, Ministry Inspectorate has seven divisions in charge in different fields. Of which, two first divisions in the figure are responsible for labour inspection field. The rest of five divisions undertake inspection of other fields of MOLISA. The number of labour inspectors is accounted for just one-third of the total inspection staff working in labour inspection agencies.

4.1.2 Functions and mandates of labour inspection

In Vietnam, each ministry takes responsibility to manage one or some domains regulated by legal provisions on organizational structure, functions, and mandates of the ministry. MOLISA is a ministry belongs to a machine of the government. It supports the government to monitor various matters: employment, vocational training, wage and salary, social insurances, occupational safety, people with the special contribution to the country, social protection, child care and protection, gender equality, social evils control and prevention (Decree No. 106, 2012, Article 1). Ministry Inspectorate helps MOLISA monitor and inspect all objects under the management of this ministry (Decree No. 39, 2013, Article 6), while inspectorate of DOLAB has one inspection division, is responsible for inspecting the matter on overseas workers.

DOLISA has similar functions as MOLISA because it is an agency managing labour field at the provincial level. Thus, inspectorate of DOLISA has the same functions as Ministry Inspectorate,

carrying inspection work and resolving complaints and denunciations, preventing and against corruption relating to functions and tasks of DOLISA (Decree No. 39, Article 9).

Based on Labour Code (2012), labour inspection takes responsibility to inspect the implementation and compliance of labour laws and regulations of individuals and organizations under the management of MOLISA and DOLISA. However, each DOLISA Inspectorate has the right to inspect objects in its region while MOLISA's Inspectorate can visit all objects using employees in all sectors of the whole country. Annually, MOLISA and DOLISA have to enact an inspection plan to avoid a coincidental inspection in one object.

Overall, labour inspectors take three roles as a supervisor, an advisor, and an enforcement agent (ILO, 1947, Article 3). In other words, they have three functions, including inspecting of the compliance of labour laws, providing advice and technical support, and contributing to reform legal system involving labour laws. In Vietnam, the duties of labour inspection were legalized in Labour Code (2012), except for the duty to consult knowledge and provisions on labour to employers during the inspection at the enterprises. Although advising on labour provisions is not compulsory for labour inspectors in Vietnam, but they often carry this work as a regular task for employers and employees when they inspect at workplaces to support them comply with labour laws more advantage, and therefore, employers will make the better working environment for their employees. To conduct the functions, labour inspectors in Vietnam have to conduct some duties. The first duty is to inspect inspection objects about the compliance with the labour law. The second duty is to investigate occupational accidents and violations of occupational safety and hygiene at the workplaces.

The third duty is to guide the application of labour standards and technical regulations on working conditions and occupational safety and hygiene. The next duty is to resolve complaints and denunciations in labour area. The last duty is to handle or propose competent agencies to handle violations of labour law ("Labour Code," 2012, Article 237). In comparison with the functions of labour inspection in Convention No. 81 of the ILO, the two functions such as consulting and finding the gaps in labour laws are not compulsory for Vietnamese labour inspectors. Nonetheless, labour inspectors of Vietnam still perform these tasks to help the government completing the loopholes of labour laws during inspection work.

4.2 Legal basis of labour inspection

Labour inspectors and their agencies conduct the functions and mandates based on many different laws and other legal documents guiding the laws. To do the tasks, inspectors need to be equipped knowledge of labour area and labour inspection procedures. Thus, they must know all regulations regulated in legal documents in the table above. They have to understand clearly about provisions involving their organization, operation, inspection procedures, process, functions, mandates and working relationship.

Table 2 Main legal documents in labour inspection operation in Vietnam

No.	Name of legal documents
1	Law on Inspection (2010).
2	Decree No. 86 dated September 20, 2011, detailing and guiding the implementation of a number of articles of the Law on Inspection.
3	Decree No. 07 dated February 9, 2012 on agencies assigned to conduct a specialized inspection and the conduct of the specialized inspection.
4	Decree No. 97 dated October 21, 2011 on inspectors and inspection collabourators.
5	Decree No. 39 dated April 24, 2013, on organization and operation of the labour, invalids and social affairs inspectorate.
6	Labour Code (2012).
7	Law on Occupational Safety and Hygiene (2015).
8	Circular No. 14 dated March 30, 2015 of Ministry of Labour, Invalids and Social Affairs on the inspector, specialized inspector and inspection collaboration of labour, invalids, and social affairs.
9	Circular No. 01 dated April 9, 2012 of State Inspectorate regulating the form, usage, and management of the inspector card.
10	Circular No. 02 dated March 16, 2015 of State Inspectorate regulating costumes of cadres, inspectors, civil servants and officials of state inspection agencies.
11	Circular No. 05 dated October 16, 2014 of State Inspectorate regulating the organization, operation, working relation of inspection mission and process, the procedure for conducting an inspection.

12	Circular No. 05 dated September 10, 2015 of State Inspectorate on supervising operation of inspection mission.
13	Decision No. 916 dated June 20, 2017 of the Minister of Labour, Invalids and Social Affairs on Roles, Responsibilities, Duties, Authorities and Organization Structure Of the Ministry Inspectorate.

Labour inspectors have to know how to apply skillfully legal documents in different situations. They also must understand other laws and provisions when they inspect enterprises operating in various fields. For example, labour inspectors must know about Construction Law, Health Law, and relevant legal documents when they conduct an OSH inspection visit beside legal documents relating to labour inspection domain shown in the table.

In general, labour inspectors of MOLISA and DOLISAs are not always at high awareness in the legislature, especially those who have a few years working in labour inspection area. To strengthen their ability to match the requirement of work, labour inspectors need to learn themselves and to be equipped legal knowledge through training activities. Thus, the policy of the government on improving capacity for labour inspectors should aim to train labour inspectors, particularly the basic knowledge of labour inspection and inspection skills.

4.3 Challenges of labour inspection in Vietnam

Labour inspection in Vietnam has to face many difficulties and issues. Each part below shows one main challenge. The following data collected from reports of MOLISA, yearbooks statistics of relevant agencies and online resource indicates some difficulties of labour inspection in Vietnam. Many past years, these issues can be considered as challenges that the government of Vietnam expects to find an effective solution to resolve them.

4.3.1 A huge number of inspection objects

Labour inspectors of Vietnam have to inspect a great number of enterprises and other organizations in both formal and informal economic sectors. There is no official definition of “informal economy”, but according to José Luis Daza (as cited in ILO, 2005, p. 16), the aspect of informality in this term and in the context of this section can be understood that no labour standard is applied in

that sector, and thus there are no official obligations and rights exist. This is also a reason why labour inspectors almost focus on inspection of objects informal economic sector because it means that this sector has sufficient standards as well as the legal framework on labour area to help them in conducting their mandates more advantage. The table below shows a total number of inspection objects under the management of MOLISA and DOLISAs. MOLISA has the right to inspect all enterprises in the whole country while each DOLISA can only inspect enterprises within its region.

Table 3 Number enterprises, cooperatives and non-farm individual business establishments¹ (2010-2014)

Business types Year	Enterprises	Cooperatives	Non-farm individual business establishments
2010	279,360	11,924	4,236,352
2011	342,691	13,338	4,628,802
2012	364,777	13,087	4,536,046
2013	373,213	12,870	4,671,339
2014	402,326	12,794	4,754,286

(Source: Statistical Yearbook of Vietnam, 2015, pp. 261- 408).

Table 3 reflects three types of inspection objects such as enterprise, cooperative and non-farm individual business establishment. It excludes a great number of employers who recruit employees for domestic work, for example, cleaning, nursing, looking after children and cooking, for example. According to Labour Code (2012), employers including enterprises, agencies, organizations, cooperatives, households and individuals hiring, employing employees under labour contracts are all inspection objects of labour inspection agencies (Article 3). In fact, it is difficult to make a fully statistic report of the number employers using employees in domestic work. Annual reports of MOLISA's Inspectorate show that labour inspectors did not inspect the cooperatives and non-farm individual business establishments over time, but they focused mainly on inspecting enterprises. However, labour inspection agencies do not have enough inspectors to inspect all enterprises as shown in the table above.

¹ Non-farm individual business establishments can be understood that units are established by registration with the authority, using labourers as enterprises but they are not enterprises, for example households business.

From this data, it can be seen that the number of enterprises increased rapidly since 2010 to 2014. Even in case of inspection agencies have enough human resource to monitor and inspect all enterprises, it is quite difficult to find out all violations hidden by employers, for instance, violation of paying wage and salary below the legal minimum, social security, OSH matter and so on.

4.3.2 Overseas workers and child labour

Overseas workers

Annually, thousands of Vietnamese workers are sent to foreign countries for working by labour contract and agreement between Vietnam and other countries. The table below shows the number of Vietnamese workers in some labour markets in the period of five years (from 2006 to 2010):

Table 4 A number of migrant workers of Vietnam by major destination, 2006-2010
(Unit: person)

Year	South Korea	Japan	Taiwan		Africa and the Middle East	Other	Total
2006	10,577	5,360	14,127	37,941	5,246	5,604	78,855
2007	12,187	5,517	23,640	26,704	6,184	10,788	85,020
2008	18,141	6,142	31,631	7,810	11,113	12,153	86,990
2009	7,578	5,456	21,677	2,792	16,083	19,440	73,028
2010	8,628	4,913	28,499	11,741	10,888	20,877	85,546

(Source: Table 1, Consular Department, MOFA [2012, 16], Ishizuka [2012], Choi [2010] as cited in Ishizuka, 2013, p. 8).

The data in Table 4 above was extracted from Table 1 in the study of Ishizuka (2013). It can be seen from the table that, averagely, about 80,000 Vietnamese workers were sent to abroad to work each year. In reality, foreign employers have violated for Vietnamese workers at the workplaces. The violation includes discrimination, requiring Vietnamese workers to work in a bad environment, paying lower salary than the agreement in the employment contract. The workers could not be able to react or request their owners to stop doing so. Many Vietnamese workers were reported to escape

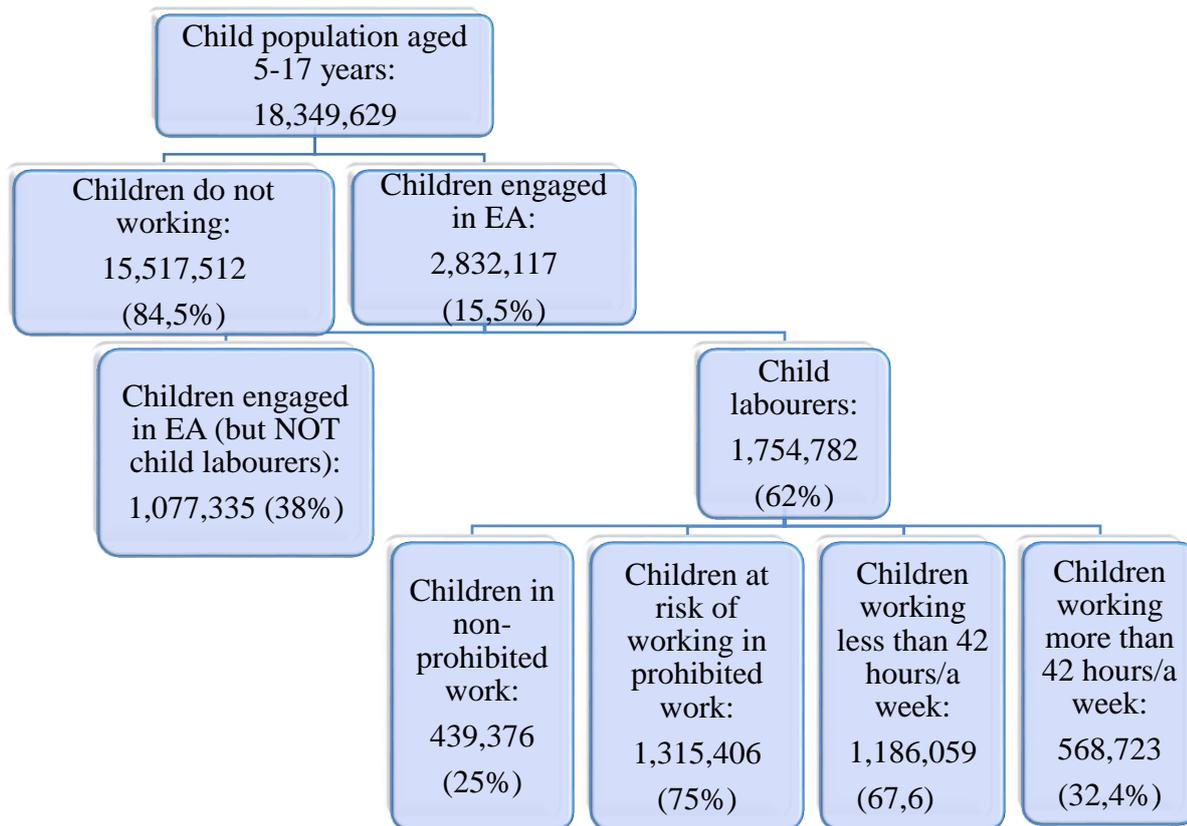
from their workplaces to work as illegal workers for other employers. They did not return home when the contract ended. According to the Minister of MOLISA (answered the questions of delegates of the National Assembly on October 1st, 2017), about 93,000 Vietnamese workers were sent to work in other countries in the first nine months of 2017 (Duong, 2017). The big issue is that Vietnam does not have sufficient labour inspectors to monitor this sector. As a result, the violation relating to migrant workers has still been occurring in this sector.

According to statistic data, there were 1,129 accident cases occurring for Vietnamese workers in some countries such as Japan, South Korea, Taiwan, Malaysia, Africa and the Middle East causing total 317 fatalities in three years, from 2006 to 2008 (p.12). It effected on the cooperative relationship between Vietnam and other countries involving importing and exporting labourers. For example, the government of South Korea suspended a program of receiving Vietnamese workers some years because many Vietnamese workers broke the agreement in the labour contract or overstayed in this country after finishing the labour contract (“Vietnam stops illegal workers in S. Korea,” n.d.). Therefore, it really needs labour inspectors to be available to inspect and deal with the violation in this sector and minimize accidents for Vietnamese workers in foreign labour markets. However, this matter has still been the challenge of labour inspection agencies of Vietnam.

Child labour

Vietnam was reported on the blacklist of Department of Labour of the United State involving child labour and forced labour matters for two products: bricks and garments (“List of Goods Produced by Child Labour or Forced Labour,” n.d.). In case Vietnam cannot prove its enterprises did not use child labour and forced labour in timeframe fixed by the government of America, Vietnam will not be allowed to export these products to America in the next coming years. Thus, the matter of child labour can be seen as a big challenge for labour inspection agencies in Vietnam because there is lack of human resource to appear in all workplaces to inspect and investigate where employers use children for work and whether they comply labour regulations on using child labour or not.

Figure 5 Child population aged 5-17 years in Viet Nam by status of participation in economic activities (EA), (*Unit: person*)



(Source: ILO, 2014, p. 2).

Figure 5 presents the total number of children of Vietnam in 2012. The children engaged in economic area accounted for 15.5% of the total (with more than 2,8 million children). According to Labour Code (2012), labourer (or employee) shall mean a person who is at least fifteen years old (Article 3), and a minor employee is an employee under 18 years old (Article 161). Those who are under fifteen years old are allowed to do some work but they must be under special regulations of labour law. For example, the employers are prohibited to recruit minor employees for heavy and hazardous work and work with exposure to toxic substances or in work and workplaces which create a harmful influence to their dignities (“Labour Code,” 2012, Article 163, item 1). As shown in the figure above, about one million of the 2,8 million of children worked in the economic area but were not labourers, and nearly 1,8 million children worked as labourers. Labour Code (2012) showed that the children are employees when the employers sign the employment contracts in writing with their legal representative (Article 164, item 2, a). In fact, many children working in enterprises or economic units do not have written employment contracts. They are often paid low salaries while they have to work more hours than prescribed in the Labour Code. The lack of labour inspectors led to unprotected child labour. The employers should be forced into complying

labour provisions on child labour. However, this work is still under discussion and not implemented in practice in Vietnam. The legal rights and interests of children working in small private enterprises, in a rural area, or in the informal economic sector (see Figure 5) have not been protecting by labour inspectors.

4.3.3 A small number of labour inspectors in Vietnam

In 2016, total inspectors and inspection staff of MOLISA’s Inspectorate and DOLISAs’ Inspectorates were nearly 500 people in 2014 (see the table below). However, the number of labour inspectors in charge in labour inspection field accounted for just one-third of the total, and other inspectors are responsible in other fields belongs to functions of MOLISA and DOLISAs according to Interviewee 01.

As the recommendation of the ILO in Chapter 2, a less developed country should have at least one inspector to cover about 40,000 employees. In 2016, total employees from 15 years of age and over in Vietnam stayed at more than 54 million people, increased 461 thousand people in comparison with that in 2015. Of which, the rate of employees at urban area accounted for 32.1%, whereas, it was 67.9% at rural area. It can be seen that number of employees in Vietnam is on the upward trend. This number even reached 60 million people (ILO, 2010b). Whereas, total inspectors who work mainly in labour area accounted for one-third of the total inspectors. For example, the number of inspectors was 484 people in 2014, so the number of labour inspectors was about 160 people (one-third of the total). It means that Vietnam needs about 1,500 labour inspectors to monitor 60 million employees as the recommendation of the ILO. It is estimated that Vietnam lacks 1,340 labour inspectors.

Table 5 A number of inspectors of MOLISA and DOLISAs (2010-2014)

Name \ Year	2010	2011	2012	2013	2014
MOLISA’s Inspectorate	46	45	52	53	53
DOLISAs’ Inspectorates	376	384	405	411	431
Total	412	429	457	464	484

(Source: *Statistical Yearbook of Vietnam*, 2015, p. 58).

The table above shows total number people work for all labour inspection agencies in both the central and local levels in Vietnam according to the research of Inspection Department of MOLISA in 2015. While on the other hand, Convention No. 81 of the ILO (as Article 10) called for a “sufficient number of inspectors” in countries to do the work required, the number of labour inspectors in Vietnam is very small comparing to their workload.

In Vietnam, 150 labour inspectors are in charge about 400 thousand enterprises, excluding inspection objects in the informal economic sector. Thus, each inspector takes responsibility for about 2,600 enterprises leading to workload. The ILO also warned that “labour inspection can also be weakened if it is assigned tasks beyond its mandate” (ILO, 2005b). It is estimated that Vietnam may have about one million enterprises until 2020 (“Resolution No. 35”, 2016). It, therefore, requires labour inspection to be increased both number and quality to cover the huge amount of enterprises in the coming years. A meanwhile, the ILO, in Article 16 of Convention No. 81, stated that all workplaces must be inspected “as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions” (ILO, 1947). The question here is that how labour inspection of Vietnam could be able to cover a great number of enterprises while labour inspection agencies have a small number of inspectors as shown in the table above.

4.4 Occupational accidents in Vietnam

On the rapid pace of changing at the workplace, labour inspectors keep an important role in preventing risks and hazards for enterprises. Although MOLISA launched a national programme on occupational safety and occupational health annually and promoted inspection work on OSH, the occupational accidents were reported with a high number as in the following table.

Table 6 A number of occupational accidents in Vietnam (2011-2015)

2011		2012		2013		2014		2015	
Total cases	Total fatal accident (persons)	Total (case)	Total fatal accident (persons)						
5,896	483	6,791	553	6,695	567	6,706	592	7,725	693

(Source: *Statistical Year Book of Labour, National Devotees and Social Affairs*, 2016).

In Table 4, the number of accident cases increased nearly 2,000 cases after four years, from 5,896 cases in 2011 to 7,725 cases in 2015. The number of fatal accidents was also increased 210 people in 2015 in comparison with that number in 2011. There is no effective solution to minimize the rate of occupational accidents annually. This issue has existed as a challenge of labour inspection of Vietnam today.

Although the occupational accident is on the upward trend, the number of inspectors is not equivalent to the inspection objects (see Chapter 5). Total inspected enterprises were accounted for less than two percents each year. This is a major reason why occupational accidents could not be reduced over the years. It means that a great number of enterprises had not inspected by labour inspectors, especially, a large number of enterprises in the informal sector as shown in the table above. It is very urgent for Vietnam to increase the number of labour inspectors to inspect a higher number of enterprises in the next coming years.

CHAPTER 5 – DATA ANALYSIS AND DISCUSSION

This Chapter focuses on analyzing a case study and its results. The first section presents the context of the Master Plan. The second section indicates some fundamental legal basis for building the Master Plan. The next section shows objectives of the Master Plan. The fourth part of this chapter is the analysis of the results of the Master Plan. The final section addresses some main findings of the study.

5.1 The context of building the Master Plan

MOLISA has issued many decisions which creating new inspection methods to monitor labour area more effectively. In 2006, MOLISA issued two of important decisions to create new inspection methods for labour inspection agencies. Decision No. 01 concerned inspection activities and appointing inspectors for the provinces. The second document is Decision No. 02 on the use of a self-assessment form on labour law. Then, MOLISA's Inspectorate started piloting the mode, in which, each inspector was appointed to manage one zone such as district or province. This agency also established ten self-assessment forms. With the technical support of the ILO, the self-assessment forms were completed and delivered to enterprises for check the compliance of labour provisions at the workplace. These forms are similar to questionnaires and checklists for inspection objects. When the enterprises receive the self-assessment form, they must fill information of compliance labour laws into that form and re-send it to inspection agencies for synthetic assessment.

In case the enterprises are reported to have the violation of labour regulations through these self-assessment forms, they may be inspected and fined by labour inspectors. Thus, it exists the situation that, many employers who comply well the Decision No. 02 on the use of a self-assessment form on labour law by filling all real information of enterprises into the self-assessment forms such as violation of paying a low salary, complaints and denunciations, they are at a high rate of being inspected. Whereas, the enterprises violate labour law but they hide all the mistakes and claim to labour inspection agencies that they are very good in compliance with labour law, so they may be ignore being inspected. That seems to be unequal among inspected objects, and labour inspectors need to be available directly at workplaces to inspect and apply sanctions in necessary situations. Moreover, there were no sanctions for employers who did not send back the self-assessment forms

after filling information. Therefore, the result of applying the self-assessment forms was not high, leading to the problems of labour inspection agencies were not significantly improved.

The second initiative of MOLISA was related to appointing labour inspectors in charge in specific regions. There have four regions of the whole country, and MOLISA's Inspectorate assigned four head of regions respectively. Each region has one head and some labour inspectors to take responsibility to inspect enterprises and cover all the matters occurring in their zone. In fact, the two decisions brought many advantages for labour inspection agencies in Vietnam after ten years applied. It contributed to increasing the number of enterprises being inspected and resolved the issues in labour field. However, with a huge number of inspection objects (see Chapter 4), these two decisions of MOLISA could not be able to deal with all challenges and difficulties of labour inspection. Additionally, MOLISA received the technical assistance from the ILO. Some campaigns on different fields were conducted to help enterprises more convenient on complying labour laws. The campaign on garment and textile in 2005, the campaign on construction in 2016, and the campaign on electronic in 2017. All campaigns contributed to raising awareness of all people in society of labour regulations in different domains, especially employers and employees working in these three domains.

Although these activities of MOLISA brought many positive effects to its inspection agencies, there still lacks a big policy or strategy to broaden labour inspection while it has been facing so many challenges. These challenges also created pressure and promoted labour inspection to the demands for innovation, reinforcement. The issues of labour inspection have been complicatedly occurring in many sectors of labour area that requires labour inspectors and their agencies have greater capacity.

In fact, MOLISA's Inspectorate had conducted the ministerial-level science project in 2011 (MOLISA, 2012) with the topic of "Some solutions to enhance the capacity of labour inspection at all levels appropriate with the market economy and integration until 2020". This scientific them, approved by MOLISA, was developed to the Master Plan on building capacity for labour inspection until 2020. To build the Master Plan, MOLISA's Inspectorate carried out the survey on the needs of building capacity for labour inspection of DOLISAs at the provincial level for completing the dossier and submitting it to the government in 2013. Then, the Master Plan was approved by the Prime Minister of Vietnam on November 11, 2013.

The Master Plan has large scope and purpose. It covers the development of capacity for all inspectors and inspection staff working in both the central and local levels and in different fields under the management of MOLISA and DOLISAs. It means that inspectors work in other

inspection fields, such as social insurance, child policies or meritorious service are all beneficial objects of the Master Plan (see Chapter 4). The capacity development of MOLISA and DOLISAs' inspectorates is also the objective of the Master Plan. Additionally, inspectors of inspection agencies do not work in one field because they will be turned to another field under the functions of MOLISA and DOLISA. Therefore, they must be developed necessary capacity to perform their roles in a new field.

5.2 Legal basis of building the Master Plan

The following documents were issued by the government of Vietnam, in which allowed MOLISA build the Master Plan. These documents are also the legal framework of MOLISA. It affirms the necessity of enacting the Master Plan. In Vietnam, the Communist Party leads the State, and some documents shown in the following table are the direction of the Party to the government bodies.

Table 7 A list of basic documents as the legal foundation for the Master Plan

No.	The directions of the government of Vietnam in building capacity for labour inspection	Name of documents
	Completing legal framework on structure and operation of inspection to ensure all state managing activities are under the inspection of the government and eliminate bad behaviours of inspectors causing difficulties and troubles for the operation of administrative agencies and enterprises.	("Resolution No. 48 of Politburo on the Strategy for building and perfecting the Vietnamese legal system through 2010, with orientations toward 2020," 2005).
	Completing legal system, including labour policies and applying to all enterprises and employees; increasing human resource and improving quality of labour inspectors in order to enhance the inspection and deal with labour violations strictly in enterprises.	("Directive No. 22 dated June 5, 2008 of Central Committee of the Communist Party of Vietnam on enhancing the lead and direction of the development of harmonious, stable and progressive labour relations within enterprises," n.d.).

	The government assigned MOLISA to build the Master Plan on building capacity for labour inspection until 2020.	("Resolution No. 06 on enacting Action Plan for the Government Programme in the term of 2011 - 2016," 2012).
	Prime Minister assigned MOLISA to cooperate with Ministry of Home Affairs and People Committees of central cities consider to increase staff for LI and improve quality of labour inspectors; coordinate with the bodies of cities and provinces having a high number of enterprises to raise the inspection of compliance with labour laws at enterprises.	("Decision No. 1129 dated August 18, 2008 of the Prime Minister issuing the Plan for implementing Directive No. 22 of Central Committee of the Communist Party," n.d.).
	Identifying legal position of inspection agencies appropriate with their functions and duties; consolidating inspectorates in accordance with the laws; renovating personnel matter from recruitment, training, transferring, and ensure all conditions of facilities to serve inspection work.	("Decision No. 2213 of the Prime Minister dated December 8, 2015 on approving the Strategy on the development of the inspection sector up to 2020, with a vision toward 2030," n.d.).
	Enhancing abilities of labour inspectors to meet requirements for efficient labour management amid international integration.	("Decision No. 145 of Prime Minister dated January 20, 2016 on approving the strategy for international integration regarding labour and social affairs through 2020, with a vision toward 2030," n.d.).

In addition, Vietnam has ratified 21 Conventions of the ILO, including six core Conventions, on labour area such as Convention No. 81, Convention No. 100, Convention No. 111, Convention No. 29, Convention No. 182, and Convention No. 138 ("Ratifications for Viet Nam," n.d.). Vietnam also ratified some Conventions of United Nations such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); International Convention on the Rights of the Child; International Convention on the Rights of Persons with Disabilities. To carry out and

promote compliance these Conventions, Vietnam as a member of the Conventions had to commit to acting in relevant fields appropriate with the commitments. In labour field, the government of Vietnam must seek the most effective solution for the development of labour inspection because it is an important tool for labour management.

Overall, MOLISA had sufficient legal framework to suggest the government of Vietnam issue a strategy or policy on developing the capacity for labour inspection. It can help the government reach the overall goal of managing labour area. It demonstrates that strengthening labour inspection of Vietnam is an urgent demand. However, it requires many elements to issue a feasible policy on building effective labour inspection system.

5.3 Objectives of the Master Plan

The Master Plan consists of six objectives. The first objective is to train on basic inspection for labour inspectors. All people working in inspectorates of MOLISA and DOLISAs are required to be trained basic knowledge and skills for one month together with people who work in other inspection agencies in the whole country. This is a compulsory course regulated by Law on Inspection 2010 of Vietnam. One of four criteria for people who are appointed as inspectors is to achieve a diploma or certificate of inspection skills (“Law on Inspection,” 2010, Article 32). This article also requires that people who are inspectors must have at least two years working in inspection work, excluding probation period. The objective on basic inspection training was appropriate with the regulation of Law on Inspection. The objective was stated with the aim to build labour inspectors with full basis knowledge to approach inspection work.

The second objective is training on specialized inspection. It means training knowledge and skills for inspectors in labour inspection field. The third objective is relating to inspector ranks. Law on Inspection (Article 33) shows three ranks of inspectors in general such as the inspector, principal inspector, and senior inspector. It means that inspectors work for all inspection agencies in Vietnam will be one of three ranks as stated by this regulation, and labour inspectors are the same ranks. Therefore, the Master Plan aims to build capacity for labour inspectors to help them reach these ranks. The fourth objective is to gain the educational level of inspectors and inspection staff. The Article 32 of Law on Inspection regulated that inspectors must have a university degree, and state management and legal knowledge. Particularly, specialized inspectors who work in different specific fields must have relevant professional knowledge. Thus, training on specialized inspection provides labour inspectors knowledge and skills on labour inspection to help them conduct their

work better. It is also an opportunity for labour inspectors from different regions to share the experience.

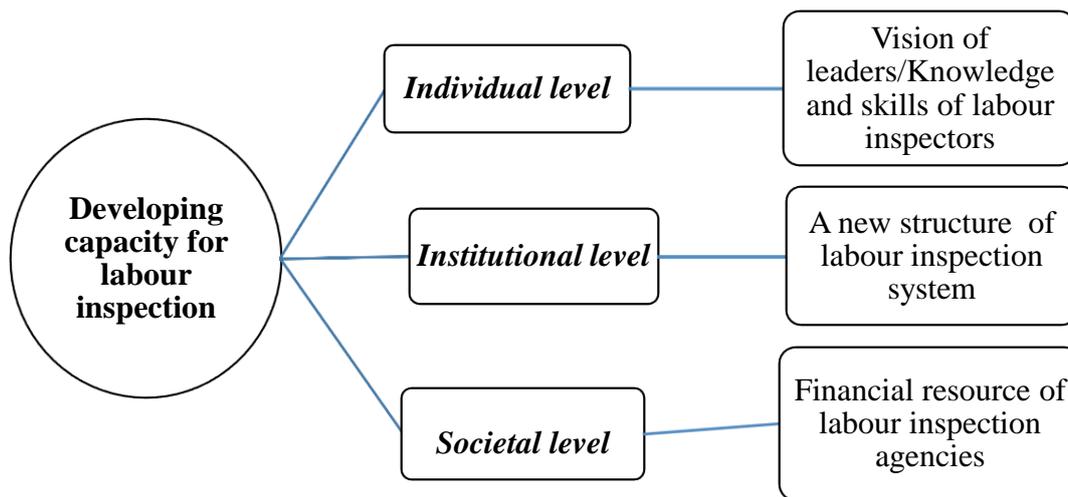
The next objective is to increase the number of inspectors. According to Decision No. 193 issued by MOLISA, the number of inspectors would be 750 to 800 by 2015 and 1,200 to 1,250 by 2020. The final objective is to equip facilities and equipment for labour inspection agencies in the whole country. MOLISA and DOLISAs have to buy more facilities for their organizations to ensure that inspectors and inspection staff work in the best conditions.

Of six objectives, the first four objectives related to training. Thus, it can be seen that the Master Plan has three major purposes such as improving capacity for labour inspectors through training, increasing the number of labour inspectors, and purchasing specialized equipment and other necessary things for labour inspection agencies to make them have better capacity and conditions to serve the requirements of work.

5.4 Data analysis

After four years, labour inspection agencies in Vietnam achieved some basic results by conducting the Master Plan. There also existed some limitations. The results of the Master Plan were analyzed based on the theoretical framework in Chapter 2 and objectives in section 5.3 of this chapter. The data is collected from the interviews, observation and materials for analysis. It can be said that labour inspection agencies can deal with their challenges and issues when they develop sufficient capacities to respond the work requirements. So, what are key critical capacities of labour inspection? As the theoretical framework in Chapter 2, capacities of labour inspection shall mean three key components such as individual capacity, institutional capacity and societal capacity of labour inspection.

Figure 6 A framework of capacity development for labour inspection



5.4.1 Individual level

Developing the capacity of individuals should be the first objective of a policy on capacity development. Developing the capacity of individuals means to make leaders have the vision to manage their organizations and equip knowledge and skills for human resource in these organizations. In the context of the Master Plan, this objective should be done with the aim to develop a vision for leaders of labour inspection agencies and equip knowledge and skills for labour inspectors. By doing so, labour inspection agencies will be strengthened with critical capacities to help conduct all functions and tasks. The Master Plan set this objective but it focused mainly on training inspection procedures in general. There was no deep training course on developing knowledge, skills to raise the vision for inspection leaders.

Table 8 presents the results of the Master Plan in two periods by six objectives. The first period lasted from 2013 to 2015. In the period from 2013 to 2014, this was time for labour inspection agencies establishing a detailed plan to implement the Master Plan. MOLISA issued Decision No. 193 in 2014 on guiding Decision No. 2155 of the Prime Minister. It means that MOLISA had little time in the first period to perform the Master Plan. It started from the middle 2014 to 2015. The second phase of the Master Plan began from 2016 to 2020. MOLISA has conducted the second phase for nearly two years (2016-2017). The Master Plan will complete by 2020.

Table 8 Results of the Master Plan (at the central level)

2013 - 2015			2016 - 2020 ²		
Objectives		Objectives (%)	Results (%)	Objectives (%)	Results (%)
1) Training on basic inspection	1.1) Training for inspection staff	60	62,2	70	69,2
	1.2) Training for inspectors	20	29,4	30	26,9
	1.3) Training for principle inspectors	0,5	3,9	10	3,8
2) Training on specialized inspection Inspectors and inspection staff are trained		60	100	90	100
3) Inspector ranks	3.1) Inspector	60	61,5	75	Unreported
	3.2) Principal Inspector	20	26,9	25	Unreported
	3.3) Senior inspector	0,5	3,8	0,5	Unreported
4) Educational level/literacy of inspectors and inspection staff	4.1) Bachelor' Degree	100	100	100	Unreported
	4.2) Master's Degree	10	40	20	44
	4.3) PhD's Degree	0,5	0	10	0
5) Increasing number of inspectors (Unit: person)		750 - 800	500	1,200-1,250	Unreported
6) Increasing facilities and equipment		unclear	unclear	unclear	Unreported

(Source: A report on summing up inspection work over of the years 2013-2016; “Decision No. 193 on a detailed plan for implementation of the Master Plan on building capacity for labour inspectorates until 2020,” 2014; interviewing results).

This table describes six objectives of the Master Plan and the results after four years implementation. These objectives were not shown in Decision No. 2155 approved by the Prime Minister of Vietnam but in Decision No. 193 of MOLISA on guiding the implementation of Decision No. 2155. It can be seen that some results were not reported because the interviews were conducted when MOLISAs’ Inspectorate had not finished the inspection plan in 2017. Obviously,

² The results were calculated by September 2017.

there is no result for the period from 2018 to 2020 because the activities of the Master Plan have not performed.

Training on basic inspection (the first objective of the Master Plan)

According to Interviewee 01, "all inspection staff of MOLISA's Inspectorate must be trained the basic knowledge on inspection". Normally, new staff recruited will be sent to participate in a basic training course of inspection hosted by the school of Government Inspectorate after some time working in MOLISA's Inspectorate. They will then be appointed as inspectors. After that, inspectors must be trained at the higher level to be appointed to principal inspectors. The last compulsory training course is to train principal inspectors to appoint them into highest rank (senior inspectors). Certainly, there are rarely inspectors responding the conditions to become senior inspectors. MOLISA's Inspectorate has only two senior inspectors of the total 53 people in 2017. In 2016, a total number of inspectors and inspection staff of MOLISA's Inspectorate was 02 senior inspectors, 14 principal inspectors, 32 inspectors and 04 inspection staff, excepted for two servants and two drivers. In comparison with the objectives stated for the first period from 2013 to 2015, it can be said that MOLISA's Inspectorate slightly exceeded the rate shown in respective objectives.

Training on specialized inspection (the second objective of the Master Plan)

Many courses were organized for inspectors of almost DOLISAs in the whole countries. Some inspectors of MOLISA's Inspectorate were sent to be trained together with inspectors at the local level in the same training course. In 2016, there were 07 training courses 140 inspectors of inspectorates of MOLISA and DOLISAs ("A report on summing up inspection work in 2016 and the orientation for 2017", 2016). The state budget and the ILO funded these training. However, some important topics such as inspection for overseas workers, child labour, domestic workers or employees in agriculture area have not organized for labour inspectors (according to a group of interviewees).

Inspector ranks (the third objective of the Master Plan)

There was no report of the results relating to the ranks of inspector in the first years of the second phase. However, the result on inspector ranks of the first phase was higher than the objective (see Table 8, item 3). According to Interview 01, there was no significant change of labour inspection system of Vietnam since the Master Plan issued. Hence, it cannot be said that the results concerning to inspector ranks in the beginning years of the second phase respond the objective stated.

Educational level of inspectors and inspection staff (the fourth objective of the Master Plan)

The interviewee 01 said that all people recruited to work in MOLISA and DOLISAs must have at least bachelor's degree, except for servants and drivers. Master's degree was not compulsory for civil servants working for government agencies. Hence, it was just the objective to encourage inspectors gaining their qualifications. According to Interviewee 03, the number of labour inspectors at the central level who got Master's Degree was high, with about 44% of the total, exceeded the objective shown in the Master Plan for the period from 2016-2020 (see Table 8). However, the number of people at the local level obtaining the Master's Degree has not reported. There was no person achieved the PhD's Degree in inspectorates of DOLISA and DOLISAs (according to Interviewee 01), while the objective was 0,5 percent by 2015 and one percent by 2020.

In addition, one of the most important things is to develop the vision for leaders of labour inspection agencies and decision-makers of MOLISA. However, the Master Plan did not have any training activities relating to developing the vision for authorized people. Hence, it is difficult to build an effective policy on building capacities for labour inspection if decision-makers do not have the vision for that matter.

5.4.2 Institutional level

Increasing number of inspectors (the fifth objective of the Master Plan)

Since the Master Plan was built in 2013 until 2017, the number of inspectors of MOLISA's Inspectorate and DOLISAs' Inspectorates was not significantly changed. The number of inspectors in Vietnam increased very slowly, from 412 to 500 people in the period of 6 years (from 2010 to 2015). Especially at the central level, the number of inspectors working for MOLISA's Inspectorate remained stable around more than fifty people (2013 to 2014: 53 people; 2014 to 2016: 54 people; and 2017: 53 people, including 02 servants and 02 drivers). It can be seen that total inspectors of MOLISA and DOLISAs remained stable over the years. One of the major reason was that the government of Vietnam enacted the policy on regulations on downsizing and restructuring of officials and public employees ("Resolution No. 39 downsizing and restructuring of officials and public employees," 2015). This resolution of the government of Vietnam issued after the Master Plan. Normally, the government has to ensure that the policies issued before Resolution No. 39 could be done in practice. The problem here is that the government of Vietnam did not commit any specific number of increasing labour inspectors for MOLISA and DOLISAs. In Decision No. 2155, the objective of increasing number of inspectors was regulated in a general way: "the number of

inspectors and inspection staff of labour inspection system will be increased to respond the politic tasks, ensure the compliance of the policy and laws in labour area”. The objective set by MOLISA was that labour inspection agencies of Vietnam would have reached 750-800 inspectors by 2015 and 1,200-1,250 inspectors by 2020 (“Decision No. 193 on a detailed plan for implementation of the Master Plan on building capacity for labour inspectorates until 2020,” 2014, part B, item III, 2.2). It is clear that this criterion was set by MOLISA only, not the government of Vietnam. Hence, there is no warranty for MOLISA to reach this goal. In addition, there was no financial plan for MOLISA and DOLISAs to recruiting the number of inspectors as stated. The interviewing results showed that inspectorates of MOLISA and DOLISAs did not reach 750 inspectors in 2015 in comparison with the objective stated in Decision No. 193. In 2017, at the time this study was conducted, the number of inspectors was 500 people (according to the Interviewee 01). While the ILO encouraged the less developed country like Vietnam should reach the rate of labour inspector and enterprises with 1:40,000 (see Chapter 2). It has not any evidence to demonstrate that decision-makers had used the indicator or criteria when setting the objective with a specific number such as 750 to 800 inspectors by 2015 and 1,200 to 1,250 inspectors by 2020. It might be the owned ideas of decision makers of MOLISA because the Prime Minister just approve the general goal of increasing labour inspectors, but not stated exactly how many inspectors will be increased for labour inspection agencies.

Actually, the Master Plan did not set private objectives for MOLISA’s Inspectorate at the central level but the whole labour inspection system. In 2017, at the time this research was conducted, there was no report relating to the improvement of human resource and facilities of inspectorates at the local level. According to Interviewee 01, the number of inspectors of 63 DOLISAs’ Inspectorates was not increased significantly because the total number of inspectors in the whole system of labour inspection has been staying with a similar number as before the Master Plan was issued.

The following table shows the results, which labour inspection of Vietnam reached after four years (2014-2017). The table illustrates the number of inspectors and inspection staff of Inspectorates of MOLISA and DOLISAs, number of enterprises, and number of inspected enterprises. It allows comparing the real quantity of inspectors to a big number of enterprises in the whole country. The number of inspected enterprises means the result, which labour inspection agencies made over the years.

Table 9 The number of inspectors, enterprises and inspected enterprises in Vietnam (2010-2017)

Years Year	Before the Master Plan issued (1)				In first 4 years implementing the Master Plan (2)			
	2010	2011	2012	2013	2014	2015	2016	2017
1) Phu Tho DOLISA	412	429	457	464	482	500	492	500
2) A number of enterprises ³	279,360	342,691	346,777	373,213	402,326	442,485	612,000 ⁴	Unrepor- -ted
3) A number of inspected enterprises ⁵	7,090	7,108	7,007	8,156	8,557	6,883	7,923	Unrepor- -ted

(Source: Statistical Yearbook of Vietnam, 2016; Statistical Year Book of Labour, National Devotees and Social Affairs, 2016; and Reports of MOLISA's Inspectorates in the years from 2010 to 2016).

The table above shows the practical issues of labour inspection in Vietnam. The table shows the number of inspectors and enterprises over the years. The last row of the table presents inspection results of Inspectorates of MOLISA and DOLISAs each year. The number of enterprises went up over years while the number of labour in the whole country was not changed. It even decreased in 2016 in comparison with that number in 2015 (from 500 to 492 people). There was no change of the number inspectors as of October 2017 (Interviewee 01).

Firstly, there were no contents of the Master Plan about the number of inspectors would be increased. It means that the government did not approve in detail that how many inspectors would be increased. On the contrary, Decision No. 193 of MOLISA guiding in detail the Master Plan indicated the target that the number of inspectors would have increased from 750 to 800 people by 2015 and 1,200 to 1,250 people by 2020. These were separate targets approving by MOLISA. Indeed, they might not be conducted because the government did not approve the budget for the targets of MOLISA. In fact, the results from interviews and the reports of MOLISA demonstrated that the number of labour inspectors of Vietnam, in the first period of the Master Plan, was not increased as the objectives stated.

³ Unit: enterprise

⁴ As of 20 April, 2017, Vietnam had 612,000 enterprises. Retrieved from <https://www.ahvietnam.com/uncategorized/happened-vietnam-wednesday-17-may-2017/>

⁵ Unit: inspected enterprise

Secondly, the number of enterprises was on the upward trend. Vietnam could reach one million enterprises by 2020 (“Resolution No. 35 of the government on assisting and developing enterprises until 2020,” 2016). MOLISA’s Inspectorate reported that this issue was one of the most difficulties of labour inspection (“*A report on summing up inspection work in 2016 and the orientation for 2017*”, 2016, p. 20).

Finally, the enterprises inspected each year accounted for a small rate comparing to the entire enterprises of the whole country (see Chapter 4). The fact is that the number of inspected enterprises after some years conducting the Master Plan was not much higher than that number in previous years. To sum up, it seemed to be that inspectorates of MOLISA and DOLISAs had no fundamental change, or in other words, the difference was unclear and breakthrough between two periods: before the Master Plan issued (from 2010 to 2013) and the first four years of conducting the Master Plan (2014 to 2017).

Building a new structure for labour inspection system

Decision No. 2155 did not identify objectives relating to re-structure labour inspection system. However, Decision No. 193 guiding in detailed Decision 2155 addressed some targets involving this concept. According to this decision, there has a representative office of Ministry Inspectorate in the centre and the south of Vietnam. Moreover, each DOLISA Inspectorate will have some divisions instead of one division as before. The government had addressed the target of increasing number of inspectors for all DOLISAs’ Inspectorates.

The Interviewee 01 stated that both MOLISA and DOLISA have less than 500 inspectors and inspection staff. Another interviewee who is working for a DOLISA’s Inspectorate said “we still have four inspectors many years until now. There is no change in both human resource and facilities for us”. It can be noted that MOLISA and DOLISAs have not reached the fifth and sixth objectives as shown in the table above.

5.4.3 Societal level

It means the role of society and state in providing sufficient financial resources for the development of labour inspectors. MOLISA could not be able to achieve objectives without financial resources. For example, it needs funds for buying facilities, equipment and paying salaries for newly recruited staff. According to the Interviewee 01, the fund was not enough for purchasing specialized

equipment such as noise, light, sound and dust meters. It was the reason why labour inspectors have not trained the subject on how to use the equipment for inspecting enterprises.

Increasing facilities and equipment (the sixth objective of the Master Plan)

As shown in Table 7, there was no report on how to equip facilities and equipment for labour inspection agencies. According to Interview 03, labour inspection at the central level was equipped with some things such as computers, tables, chairs and other official tools. By contrast, this was very limited at the local level. For example, MOLISA's Inspectorate had two cars why Inspectorates of almost DOLISAs of 63 provinces and cities must use the cars of their managing agencies. They are not allowed to have private cars to serve the purpose of moving for inspection purposes. Inspectors of these inspectorates have to arrange means themselves when they go to inspect at workplaces and have the allowance from their agencies for paying the costs of renting vehicles.

Some interviewees in the interviewing group said that they received a small budget each year for conducting the objectives of the Master Plan at the provincial level. For example, one person of the group told that "we got about one hundred million Vietnam Dong each year" (equivalent to about 4,500 US dollars), but almost that amount spent on training and spreading legal documents relating to their tasks and functions. At the central level, the state budget was allocated for MOLISA's Inspectorate about one billion Vietnam Dong each year, equivalent to about 45,000 US dollars. This fund spent mostly on training activities for inspectors of both MOLISA and DOLISAs and purchasing official equipment for MOLISA's Inspectorate (Interview 02). The fact was that specialized equipment such as noise, light, sound and dust meters were not bought to equip for labour inspectors to help them inspect safe conditions at workplaces for employees. Due to no specialized equipment, the training course on how to use the equipment was not organized for labour inspectors at the local level. They have equipped some things such as computers, tables, chairs and other official tools. Vehicles were limited to buy, for example, MOLISA's Inspectorate had two cars why Inspectorates of almost DOLISAs of 63 provinces and cities must use the cars of their managing agencies. They are not allowed to own cars to serve the purpose of moving for business purposes. Inspectors of these inspectorates have to arrange their means when they go to inspect at workplaces and have the allowance from their agencies for paying the costs of renting vehicles.

5.5 Main findings

There are some fundamental results of MOLISA and DOLISAs after the first four-year implementation of the Master Plan. According to Malik et al., (2002) as shown in Chapter 2, individual and organizational capacities could influence the development of outcomes of the organization. As analyzed, the most significant results of the Master Plan in the period from 2014 to 2017 concerns a training objective. It aims to provide labour inspection knowledge and skills to respond the work requirement. The objective of developing labour inspectors of the Master Plan is in accordance with the first level in the model of Malik et al., (2002) presented in Chapter 2. However, the Master Plan has revealed some limitations in the building and implementation processes as shown below.

5.5.1 Building the Master Plan

A vision for identifying the problems of labour inspection

The vision of policy-makers in identifying the problems of labour inspection is one of the most important elements when building the policy on the capacity for development for labour inspection. The proper identification of challenges of labour inspection will ensure that the policy will thoroughly address all of the issues existing in labour inspectorates. The authorized people of inspection agencies and policy-makers need to understand the concept of capacity development comprehensively before issuing the policy to develop the capacity of labour inspection. When developing capacity development policies, it is essential to ensure that the policy meets the demands to address all labour inspection issues. Therefore, it really needs the vision of the leaders of labour inspection agencies and decision-makers to promulgate effective policies. All individuals in the inspection institutions must be directed to develop their capacity to accommodate the transformation of their organization in the future. Nevertheless, the policy-makers seemed not to identify all challenges of labour inspection when they built the Master Plan. Hence, MOLISA, as a key implementer, has not reached the outcomes of the Master Plan in the first phase comparing to the objectives stated.

According to Interviewee 01, labour inspectors in Vietnam faced many challenges at the time MOLISA's Inspectorate developed the Master Plan. The surveys for building the Master Plan were carried out in a few DOLISAs out of 63 DOLISAs in the whole country. Obviously, the results of these surveys at several DOLISAs could not reflect the actual needs of all 63 DOLISAs' Inspectorates of Vietnam. There were several problems of Vietnamese labour inspection were identified, in which, the inadequate human resource is the most issue of all DOLISAs. Labour

inspection in Vietnam has a different challenge in comparison with these of the global labour inspection. For example, Vietnam had a high rate of employees work in the agriculture area, especially women and the children, accounted for 44% of the total employees in 2015 (“Employment in agriculture,” n.d.). Labour inspectors were not enough to monitor labour issues in the agriculture field. It seems to be that the decision-makers did not anticipate the difficulties in building and implementing the Master Plan. Consequently, the Master Plan did not specify how many labour inspectors were needed to inspect most areas, which labour inspectors have never visited. It would seem to be that it is difficult for MOLISA to obtain the major purpose of developing the capacity for labour inspection when the Master Plan finished.

The policy-makers did not fully identify labour inspection issues in the context of Vietnam when building the Master Plan. Therefore, the objectives might not meet the real demands of labour inspection agencies. For instance, they expected to reach 1,250 inspectors by 2020. While the ILO recommends that, the rate of a labour inspector and enterprises is 1: 40,000 for less developed countries. The number of inspectors should be 1,500 instead of 1,250 as the target stated by MOLISA.

The table below illustrates most of the labour inspection challenges described in studies of Richthofen, Casale and Sivananthiram (see Chapter 2). In the table above, there are nine major challenges to the global labour inspection. Based on the data collected, Vietnam was reported to have four of nine challenges. They include the shortage of labour inspectors, the growth of enterprises in general, the matters involving migrant workers and child labour.

Table 10 The challenges of the global labour inspection and Vietnam

No.	The challenges of labour inspection in most countries ⁶	The challenges of labour inspection in Vietnam ⁷	
		Identified	Unidentified
1	Inadequate numbers of inspectors	✓	
2	Lack of a labour inspection policy to drive the labour inspection process		✗
3	Lack of coordination of the labour inspection system		✗
4	The growth of informal economy	✓	
5	Migration	✓	

⁶ Please see Chapter 2

⁷ Please see Chapter 4

6	Child labour	✓	
7	HIV/AIDS at the workplace		✗
8	Forced labour		✗
9	Databases and record keeping		✗

In addition, labour inspection of Vietnam has the same challenges as other countries, including the lack of labour inspection policies to promote labour inspection process, the lack of coordination of the labour inspection system, HIV/AIDS issues at the workplace, forced labour and inadequate databases and record keeping (Interview 01). However, these challenges have not adequately indicated while developing the Master Plan. Consequently, the objectives of the Master Plan do not cover the solutions to deal with these issues of labour inspection. For example, the training courses organized by MOLISA's Inspectorate do not provide inspection skills for labour inspectors to check the workplace where HIV/AIDS is available.

A vision in establishing objectives of the Master Plan

The Master Plan consists of six objectives, focusing primarily on training, increasing human resource and providing additional facilities for labour inspection organizations. Unfortunately, the Master Plan was not developed based on the theoretical framework on capacity development. Based on the model of Malik et al., (2002), the capacity development for labour inspection should include the enhancement of the vision for leaders of labour inspection agencies, knowledge and skills for labour inspectors, the creation of the most appropriate structure for labour inspection system, and the allocation of sufficient resources for the policy implementation.

Another drawback of the Master Plan is that it was issued without a detailed financial plan for the implementation. This means that inspection agencies of MOLISA and DOLISAs were passive in conducting the policy because they must wait for the state budget annually. As stated in Chapter 1, the main aim of this study was to investigate the theoretical and practical issues of the Master Plan. Then, this could help propose the best solution for a feasible policy on capacity development for labour inspection. According to the Law on Promulgation of Legal Documents (2015), Decision No. 2155 on issuing the Master Plan should include the categories of finance for the implementation. Article 98, item 3 of this law requires competent authorities to evaluate human resources and financial conditions to ensure that decisions of Prime Minister can be implemented in practice when approved. However, the Master Plan, finally, was approved without a specific budget plan.

As Fowler et al (2010) indicated in Chapter 2, material resources for building capacity include finances, equipment, and facilities. For example, the inspection agencies need the budget to pay salaries for new recruits and purchase additional equipment for labour inspectors. In fact, the Master Plan did not have a financial plan and clarify the costs of each activity. There was only a general provision shown in Decision No. 2155: “The Ministry of Finance shall have to allocate funds for the implementation of the Master Plan” (Part IV, Article 2). In addition, Decision No. 193 stated that the budget for the implementation of the Master Plan was allocated in accordance with the law (“Decision No. 193 on a detailed plan for implementation of the Master Plan on building capacity for labour inspectorates until 2020”, 2014, part C). These are general provisions, not the detail financial plan. With a limited fund, MOLISA’s Inspectorate and most DOLISAs’ Inspectorates focused on training activities and purchasing some office equipment such as computers, laptops and air conditioners for labour inspectors (Interviewee 02).

5.5.2 Implementation of the Master Plan

After the first four years of implementation, it can be seen that the Master Plan on capacity development provided certain benefits for labour inspectors of Vietnam and their institutions. Labour inspectors, especially at the local level, had taken part in many training courses organized by the MOLISA’s Inspectorate. They were also equipped more facilities for work, for example, computers, air conditioning and other office equipment. Nevertheless, the capacity of the labour inspectorate of Vietnam seems not to be strengthened as the objectives addressed. The impacts of this policy on the labour inspection system and society of Vietnam are unclear. First, labour inspection agencies still have a small number of inspectors as the previous years of the Master Plan. The major reason is the government of Vietnam required to decline the number of officials and public employees based on Resolution No .39 (2015). Second, the qualification of labour inspectors has not been improved significantly. Labour inspectors were not provided training courses on the topics of inspection on child labour, migrant workers, labour in agriculture, fisheries and forestry. The inspection skills in these fields are particularly important for labour inspectors because labour inspectors are now facing the challenge concerning these. Third, the specialized equipment such as the tools measure noise, light, dust at workplaces was not purchased for labour inspectors to serve OSH inspection work. Thus, labour inspectors did not have any specialized equipment during the inspection process at the workplaces. In fact, if they were equipped inspection tools, the risks and occupational accidents at the workplace would have minimized.

In summary, it can be said that labour inspection agencies of Vietnam did not fully achieve six objectives as stated. The policy on reducing the public staff of Vietnamese government and inadequate budget are reasons causing this issue ("*A report on summing up inspection work in 2016 and the orientation for 2017*", 2016, p. 20).

CHAPTER 6 – CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

Developing capacity for labour inspection is an essential task of each government in the fast-changing world today. Through analyzing the situation of labour inspection of Vietnam, this research offers an efficient solution to capacity development policy for labour inspection in most countries. With this purpose, the research aims to explore three research questions: “What are challenges of labour inspection?”, “what are issues of the policy on capacity development for labour inspection”, and “what is the connection between the challenges of labour inspection and the capacity development policy?”

To find the answers to these research questions, the author employed the qualitative method by in-depth interviews. The researcher carried out four interviews with people of the inspectorates at the central and local levels of Vietnam in September 2017. Of which, three interviews were conducted face-to-face with key informants of MOLISA’s Inspectorate. The fourth interview was performed with a group of ten people of DOLISAs’ Inspectorates in the training course organized by MOLISA’s Inspectorate. In addition, the secondary data collected from materials provided valuable information for analyzing the research results. The critical thing is to build the theoretical framework for data analysis. The model of Malik et al., (2002) with three levels of capacity development assisted the researcher to complete the study with the justification and reliability.

As a result, this research has been successful in providing insights on the challenges of labour inspection of most countries in the world and particularly in Vietnam. In addition, the theoretical framework for capacity development provides the scientific merits for labour inspection organizations of most countries in the world. As stated in this study, capacity development is a large concept. The model of Malik et al., (2002) shown in Chapter 2 could be the most appropriate for capacity development of labour inspectorates. With all the tasks accomplished, the author can affirm that this study has answered all three-research questions.

The first research question is about identifying challenges of labour inspection. In fact, the challenges of labour inspection are various from country to country. However, the most issue of labour inspection is lack of human and financial resources to cover a huge number of inspection objects. Besides, labour inspectors lack knowledge and skills to help them solve their challenges.

In the context of Vietnam, labour inspection has been facing many challenges (see Chapter 4). The Master Plan provided labour inspectors with treasured knowledge and skills to help them resolve their issues. The results of the interviews showed that some inspectors were satisfied with the basic training courses on labour inspection. However, most training activities focused mainly on basic inspection processes rather than in-depth examination skills on different topics. Therefore, the Master Plan does not improve the capacity of labour inspectors significantly.

The second question is to identify issues of capacity development policy for labour inspection. According to Malik et al., (2002), there are three elements that need to be considered while improving capacity: vision, institutions, and social capital. The vision means the ability of inspection leaders and decision-makers in issuing an effective policy on capacity development. The institution element can be understood that labour inspection system will be re-organized in accordance with the change of individuals in the inspection agencies. The element of social capital means financial resource allocating to institutions to implement the policy on capacity development. Nevertheless, based on the analysis in Chapter 5, it can be said that the Master Plan has not reached all three elements to develop the capacity for labour inspection. In particular, the issues of the policy include: the lack of visibility in the formulation of the policy on capacity development for labour inspection; the structure of the labour inspection system has not re-structured after four-year implementation; and the lack of financial resource to conduct the policy.

Ultimately, organizational capacity is the combination of capacities of individuals, institutions, and finance. If the organization expects to develop their capacities, it needs to build all elements as Malik et al., (2002) stated. Furthermore, capacity development is “the process whereby people, organizations, and society as a whole unleash, strengthen, create, adapt, and maintain capacity over time” (Bolger, 2008, p. 9). Thereupon, the government should remain stable the capacity development in a long-term. It is difficult to improve organizational capacity in a short term of some years. It needs time for the organization to remain all factors of capacities after completing the policy. It is certain that capacities of the organization will not be tumbledown.

The final research question concerns the connection between the challenges of labour inspection and capacity development policy for labour inspection. Obviously, if the challenges of labour inspection are not identified, the decision-makers cannot establish correct objectives to handle them. Thus, the policy must identify all problems of inspection need to be solved. In fact, Vietnamese decision-makers, perhaps, missed some challenges of inspection when they established the policy on capacity development for labour inspection.

One typical example is that inspectors of Vietnam lack skills to inspect the matters of a child, overseas workers or domestic workers but the training courses did not consist of these topics. Moreover, labour inspectors do not have specialized equipment to inspect at the workplace. However, the training objective of the Master Plan did not cover the sufficient demands of labour inspectors. This is the main reason for the disconnection between the challenge of the labour inspectorate and the policy on developing its capacity.

Overall, after the first stage of the Master Plan, it seems that MOLISA has not reached all objectives as stated. The most unsuccessful thing was the objective of raising the number of inspectors. On the one hand, there is no convincing evidence that MOLISA could increase the number of inspectors to 1,250 by 2020. As a result, it is difficult for MOLISA to establish a modern, efficient inspection system with a small number of labour inspectors currently. It means that the labour inspection could not establish a new structure as the second level of the mode of Malik et al (2002). On the other hand, the financial resources are insufficiently allocated annually, which is not enough to carry out detailed activities of the Master Plan.

As some findings in Chapter 5, there are some issues, which lead to the ineffectiveness of the Master Plan in the first four years (2014-2017). The policy-makers did not identify all challenges of labour inspection in Vietnam when they built this policy. It led to the fact that most of the objectives of the Master Plan could not serve the aim of dealing with all challenges of labour inspection. Moreover, most objectives of the Master Plan are unfeasible because of the lack of financial resources to implement it.

6.2 Recommendations

Based on the findings in Chapter 5, this study proposes three recommendations to develop the capacity for labour inspection. The following recommendations are not only applicable to Vietnam but also to other countries.

Building an effective policy on capacity development for labour inspection

1. Identifying the challenges/problems of labour inspection need to be handled	2. Developing a theoretical framework for capacity development policy (see Chapter 2)	3. Ensuring sufficient financial resources for capacity development policy for labour inspection
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The first recommendation is that policy-makers should fully identify the challenges of labour inspection before formulating the objectives of capacity development policy. That means identifying the needs of the labour inspection, the resources and the capabilities of the labour inspectorates for the implementation of the policy. The policy must aim to solve all issues of the labour inspection and help it develop sustainably.

The second recommendation is that policy-makers should think about applying the model of capacity development of Malik et al., (2002) when developing capacity development policies for labour inspection. According to this model, there are three levels that need to be considered when developing the capacity for labour inspection. The first level is to develop the vision of inspection leaders and personal capacity of labour inspectors. The next step is to build the capacity of labour inspection agencies through restructuring the institution to suit the change of individuals. The final level is the assurance of resources for labour inspection agencies, including financial resources and facilities. The capabilities of the labour inspectorate will be developed when all three elements are implemented.

The final recommendation is that the government should allocate adequate financial resources for implementing all activities of the capacity development policy for labour inspection. Obviously, the policy on the capacity development for labour inspection cannot be done without financial resources or with the inappropriate funds. It is because the financial resource plays a key role in the success of the policy. Labour inspection agencies need money to pay salaries for their staff or to improve facilities, for example. Thus, the policy-makers should estimate the total amount of budget equivalent to all activities of the policy. The detailed budget plan must be attached to the capacity development policy when the government approves it.

6.3 Significance of the research

The study emphasizes that labour inspection plays a crucial role in society. It helps the government monitor labour field and ensure that labour relation remains stable. If capacities of labour inspection are developed, the current challenges of labour inspectorate can be minimized. The issues such as strikes, labour dispute, violations, occupational accidents and diseases will rarely occur at the workplaces.

This research offers some helpful suggestions for leaders of labour inspection agencies in Vietnam and other countries in building capacity for labour inspection in the coming years. It does not aim to seek and criticise the mistakes or problems in the process of making and implementing the policy on capacity development for labour inspection in Vietnam.

The research was conducted with the purpose of understanding the actual situation of labour inspection in Vietnam. It provides an effective solution for policy-makers relating to the transformation of labour inspection system in general. The interviews with guided questions and other research methods were helpful for obtaining key information to answer research questions. It can be said that the research has achieved all objectives addressed. The strengths of the research are to analyze necessary literature related to the topic and the theoretical framework for analyzing the case study.

The theoretical framework in Chapter 2 and the case study in Chapter 5 can convince readers of the findings and recommendations of the research. In summary, the most valuable thing of this research is to provide readers theoretical and practical knowledge on capacity development in general and the field of labour inspection in particular. The practical experience of Vietnam would be a useful lesson for other countries in building capacity for labour inspection. The readers would understand how to make an effective policy on capacity development for labour inspection. It even makes the reader easy to understand the background and situation of labour inspection even if they might not be familiar with that field.

Next, this research provides leaders of labour inspection agencies in Vietnam the lesson of building a policy on capacity development or labour inspection. It also can help them look back the drawbacks of the Master Plan and have a vision in building and implementing the capacity development policy in the next coming years. They should think carefully about making feasible policy to avoid wasting time and finance resource if the policy fails. For labour inspectors and staff works for labour inspection agencies, this research can orient them in developing capacity

themselves to respond the work requirements.

The last but not least, readers could have information about the experience of some countries in the world regarding the resolution of handling the challenges of labour inspection (in Chapter 2). The Master Plan of Vietnam on developing the capacity of labour inspection may be successful or failed when it is completed in 2020. The most important thing is that readers can learn from other countries on how to build a feasible policy and how to conduct it to and avoid the undesirable failure. This research gives them useful information and data involving labour inspection domain. It is also meaningful if they exploit the information of this research for their study work. The research emphasizes that theoretical framework on capacity development and the model had contributed great scientific merits for a decision-making process relating to developing the capacity for labour inspection in many countries generally and particularly in Vietnam.

6.4 Research ethics, validity and reliability

Research ethics is the most important thing in conducting a scientific study. This thought pursues me in the whole research process. I affirm that this topic is my own study, and it was conducted with the honesty and transparency.

The literature and documents used in this study are cited and listed in detail on the basis of respecting for the copyright of the authors and acknowledgement of the merits of previous studies. The interviewing questions were designed in detail by the owned idea of the researcher to collect empirical data for the study. The discussions, findings, and recommendations of this study were established based on the creations of the researcher. Whereby, individuals can use the recommendations of this research for the practical application.

The research methods used in this study provide reliable information for the study and help answer all research questions. The qualitative research method is “particularly good at examining and developing theories that deal with the role of meanings and interpretations”, and it answers the question “how qualitative analysis is conducted” (Ezzy, 2013, p. 3).

This study used different methods across multiple periods. The concepts, acronyms and all contents of this study are carefully considered while conducting this research. Furthermore, literature was not listed too much if it is not involved in the topic. One key point is that the theoretical framework is appropriate for the data analysis and giving recommendations. Therefore, the research is clear and can convince readers.

6.5 Limitations and future research direction

Although the author has attempted to conduct this thesis with the best efforts, the research could not avoid some limitations. First, the capacity development policy for the Vietnamese labour inspection was selected to analyze in this research. It cannot represent all policies on the capacity development of other state agencies in Vietnam. It is only meaningful for the capacity development policy for labour inspection. In addition, the results of the case study relate to the situation of labour inspection in Vietnam. Thus, it does not represent labour inspection of other countries.

Second, if the time permitted, the author would have interviewed more leaders of labour inspection agencies to gather additional information for data analysis and generalizations of the findings.

Third, it is difficult to say that qualitative or quantitative method is better for this study. The most important thing is that the method used for research must convince readers of all contents. In fact, it may be difficult to use a qualitative method to generalize a single case study of one organization to common issues of all labour inspection agencies of Vietnam or other countries. Through the qualitative method, the data collection and analysis has still relied on the subjective ideas of the author.

Fourth, other research methods such as direct observation and document analysis might provide additional information for the study but it is only secondary data. The disadvantage of using semi-open-ended questions was that it took much time for organizing and analyzing the data. However, it can believe that a case study, through the qualitative method, has still contributed valuable outputs for to labour inspection agencies of many countries in general and Vietnam in particular.

Next, the author seems to be subjective while analyzing data by qualitative research method. The information was interpreted with the lack of specific indicators. In fact, it is difficult to assess data and make an evaluation of the outcomes of Master Plan by the quantitative method. This is because the research must include the evaluation of the impacts of the Master Plan. The impacts could be estimated because it is difficult to present in the specific number. Hence, the judgment and conclusion of the Master Plan were based on the own-thought of the researcher. Moreover, when the author conducted the interviews, some interviewees seemed to be not very open to answering the interviewing questions. It dues to the Master Plan has not finished yet, and they may think that they should not give more comment on the results of the Master Plan.

Finally, the research still has an unanswered question. Is it whether the capacity development policies of other public agencies of Vietnam have similar problems as the Master Plan or not. If this

question is answered, the author can generalize the general issues of capacity development policies of public agencies in Vietnam. Then, the research can provide a common solution for all public agencies of Vietnam concerning capacity development, not just labour inspection agencies. It could help decision-makers enact efficient and feasible policies on capacity development.

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APPENDIX

Definitions and explanations

“Inspection” means the act of inspecting, the recognition of a familiar pattern leading to the immediate solution of a mathematical problem solve an equation by inspection, or a checking or testing of an individual against established standards (“Definition of Inspection,” n.d.).

“Inspector” is a person employed to inspect something; a police officer who is in charge of usually several precincts and ranks below a superintendent or deputy superintendent; a person appointed to oversee a polling place. Therefore, **“Labour inspector”** means a person employed to work in a labour inspection agency that is in charge of labour inspection area.

“Inspection staff” means people who work for labour inspection agencies but they have not become inspectors because the Law on Inspection requires some conditions for people who want to become inspectors.

“Labour inspection” is

“an essential part of the labour administration system, exercising the fundamental function of labour law enforcement and effective compliance. It ensures fairness in the workplace and helps promote economic development. In essence, the institution of labour inspection has a twofold nature. On the one hand, it supervises the enforcement of legal provisions, particularly with regard to the right of workers. On the other hand, labour inspection provides information and advice, as well as training. This dual nature means that labour inspection systems play a key role in the world of work” (“What is labour inspection?,” n.d.).

In this thesis, labour inspection can be understood in general as inspectors and their labour inspection agencies.

“Inspectorate”, according to Cambridge dictionary, is an official organization that sends inspectors to visit places and organizations to make certain they are in good condition and that the rules are being obeyed (“Inspectorate,” n.d.); or the office, position, work, or district of an inspector; or a body of inspectors (“Definition of Inspectorate,” n.d.).

“Labour inspectorate” used in this thesis means labour inspection agency.

“Specialized inspection agency”: there is no official definition of this term. In this thesis, it can be known as the agency such as Department of Overseas Labour and General Directorate of Vocational Training belong to Ministry of Labour, Invalids and Social Affairs of Vietnam, based on

the law, perform inspection work but solely in the fields under their functions. For example, Department of Overseas Labour inspects the matters on overseas labour, and General Directorate of Vocational Training inspects the area on vocational training.

“Master Plan” is a plan giving overall guidance (“Definition of Master Plan,” n.d.).

In this thesis, the “Master Plan” is used to mention to Decision No. 2155 signed by Prime Minister of Vietnam dated Nov 11, 2013 on “developing the capacity for inspection of labour, invalids and social affairs until 2020”. The Master Plan includes objectives, contents of activities and solutions.

“Policy” is “a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body” (“Definition of Policy,” n.d.), and “public policy” is government policies that affect the whole population a study of public policy” (“Definition of Public policy,” n.d.). From a somewhat different perspective, Jenkins saw the policy as “a set of interrelated decision... concerning the selection of goals and the means of achieving them within a specified situation...” (as cited in Hill, 2012, p. 15). The policy includes the course of action rather than the just single decision and is invariably changed over time (Hill, 2012, p. 16). Public policy, according to this author, is “only about policies delivered and/or enforced by governments” (p. 21). “Policy” (in the English language) also carries with it the connotation of prudent conduct or sagacity. It is part of, and an important instrument for, decision-making processes. However, any policy must be anchored in, and derive its authority from, formal legal powers, obligations and intentions (Richthofen, 2002, p. 85). These definitions of policy and public policy are suitable for the context of this research. The term of “Master Plan” used in this research can be understood as a public policy because the government issued it.

INVITATION LETTER FOR INTERVIEWING

Dear sir/madam,

My name is Pham Thi Thu, Hang, a student of the Master program on “Public policy and financial management” of National Academy of Public Administration, Vietnam associated with University of Tampere, Finland. I am undertaking a research on the development of capacity for labour inspection in Vietnam. I write this letter as an invitation with the expectation that you could accept to participate in the interview relating to my research. It should take you no longer than 30 minutes to complete the interview.

I will be grateful if you could arrange your time to answer the series of questions attached to this invitation letter for your consideration in advance. Please feel free to answer because there is no right or wrong answer. Participation in this study is voluntary. You may decline to answer any of the interview questions if you so wish. With your permission, the interview will be taken note in my notebook. Shortly after the interview, I will summary your answers in my notes for your confirmation. You can check the accuracy of our conversation and add or clarify any points that you wish. All your information is considered completely confidential. Your name will not appear in my research without your permission. There are no anticipated risks to you as a participant in this study. Please kindly note that your answers will be very valuable and help me complete my research.

I look forward to having an interview with you. Thank you in advance for your assistance in this research.

If you have concerns or questions about this research, please contact me via my email xxxxxxxxx@xxxxxxxxx.

Sincerely,

Pham Thi Thu, Hang

CONSENT FORM

I have read the information presented in the invitation letter about the study conducted by Pham Thi Thu Hang, is working in Inspection Department, Ministry of Labour, Invalids and Social Affairs (MOLISA), a student of National Academy of Public Administration, Vietnam associated with University of Tampere, Finland. I have read the lists of interviewing questions and agreed to answer all of them.

I am aware that my interview to be taken notes and used for the study of Pham Thi Thu, Hang, and I agree if the quotations of the interview will be anonymous.

With full knowledge of all foregoing, I agree to participate in this study and the interviewer should use anonymous quotations in any thesis or publication that comes from this research.

YES NO

I agree that my interview is taken notes.

YES NO

Signature of Participants _____ Date _____

Signature of Researcher _____ Date _____

Title of Researcher _____ Department _____

INTERVIEWING QUESTIONS

General questions for all interviewees

- 1 Do you know about the “Master Plan on developing the capacity for labour inspection of Vietnam until 2020”?
- 2 What were challenges of labour inspection of Vietnam when the Master Plan was enacted?
- 3 How is the Master Plan implemented in your organization?

Interviewee 01 (conducted on August 22, 2017)

Increasing number of labour inspectors

- 4 How many inspectors of labour inspection system in Vietnam before the Master Plan enacted?
- 5 How many labour inspectors are there in Vietnam currently?
- 6 How many inspectors directly work in labour inspection area currently?
- 7 How labour inspection agencies structure their organizations?
- 8 Does MOLISA’s Inspectorate have more inspection divisions than before the Master Plan built?
- 9 What are the reasons for not increasing the number of inspectors?

The ranks of inspectors

- 10 How many inspectors, principal inspectors and senior inspectors are there in MOLISA’s Inspectorate?
- 11 How many inspectors, principal inspectors and senior inspectors are there in DOLISAs’ Inspectorate?

Training for labour inspectors

- 12 What is the basic inspection training for inspectors of MOLISA and DOLISAs?
- 13 What about specialized inspection training for inspectors of MOLISA and DOLISAs based on the objective of the Master Plan?
- 14 Do you satisfy the result of specialized training for labour inspectors?
- 15 How many training courses were organized for labour inspectors?

Educational level of inspectors and inspection staff

16 Are all new recruits working for labour inspection agencies bachelors?

Increasing facilities and equipment

17 What types of equipment were purchased for labour inspectors?

18 Were labour inspectors of Vietnam equipped specialized equipment?

19 Were Inspectorates of MOLISA and DOLISAs being equipped vehicles to inspect?

Interviewee 02 (conducted on August 25, 2017)

Financial resource

20 How much budget was approved for the Master Plan?

21 Where does the financial resource of the Master Plan come from?

22 How were the financial resources allocated for labour inspection agencies in both the central and local levels?

23 Do you think the financial resource allocated is sufficient for all activities of the Master Plan?

24 Do you think the specific policy should be combined with the detailed plan of the budget?

25 Do Inspectorates of DOLISAs at the provincial level face the difficulties of financial resource for the activities of the Master Plan?

Discussions on the Master Plan

26 Which result of the Master Plan in the first four-year implementation did you find the best?

27 Can MOLISA achieve all six objectives of the Master Plan by 2020?

28 What are the advantages and disadvantages while implementing the Master Plan?

29 Can the Master Plan deal with the challenges of labour inspection in Vietnam?

30 What factors prevent increasing number staff of Inspectorates?

31 What should be changed in building and implementation to make the Master Plan more feasible?

Interviewee 03 (conducted on August 29, 2017)

32 How many people of MOLISA's Inspectorate and DOLISAs' Inspectorates get Master's degrees?

33 How many people of MOLISA's Inspectorate and DOLISAs' Inspectorates achieve PhD's Degree?

Interviewee 04 with ten interviewees of DOLISAs' Inspectorates in Quang Binh province (conducted on September 14, 2017)

34 Are you satisfied with this training course?

35 How much money did your agency receive from the government to implement the Master Plan?

36 Did the Master Plan provide the training courses on inspection for overseas workers, child labour, domestic workers or employees in agriculture area and skills to use specialized equipment to inspect at workplaces?

Thank you very much for participating in the interview!