



The growing trend of Vietnamese migrant domestic workers



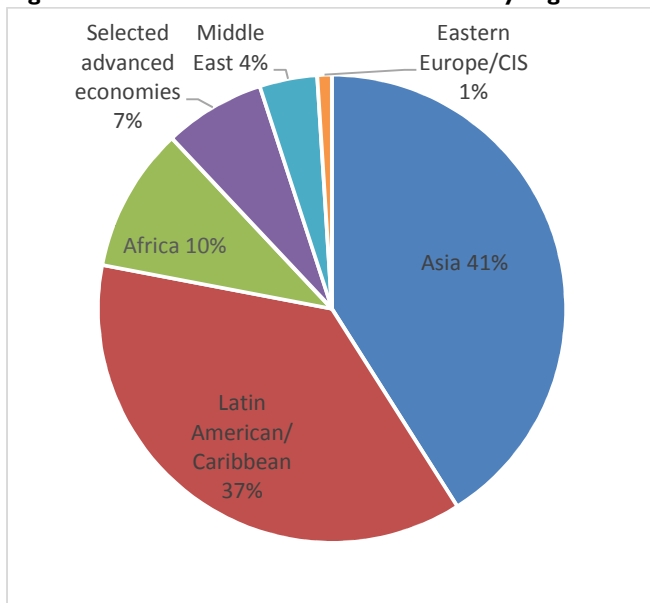
International
Labour
Organization

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There are approximately 53 million domestic workers worldwide, 83 per cent of whom are women. Although exact numbers are difficult to estimate, a significant number of domestic workers are also migrant workers.² The Asia and the Pacific region has the largest distribution of domestic workers and there continues to be a growing demand for domestic work in developed economies (see Figure 1).

Figure 1. Distribution of domestic workers by region



Source: ILO, Domestic workers across the world: Global and regional statistics and the extent of legal protection, 2013.

It is well documented that domestic workers, in particular migrants, are vulnerable to exploitation and abuse. Contributory factors include the highly gendered nature of domestic work, the widespread perception that domestic work is low-skilled, and the prevalence of live-in arrangements for migrant domestic workers. Live-in arrangements can create a range of issues including increasing vulnerability to isolation, dependence and abuse, employers charging or deducting inflated amounts for accommodation, denial of the right to privacy and limiting domestic

workers' access to family, support services and unions.

While Viet Nam currently sends a comparatively small number of domestic workers abroad, recent developments suggest there is potential for numbers to increase sharply and it is now vital to consider what challenges this may bring.

International labour standards

In a milestone step for domestic worker protections, in 2011 the ILO adopted the Domestic Workers Convention, 2011 (No. 189) and Domestic Workers Recommendation, 2011 (No. 201). These were the first international standards applying specifically to domestic workers, including migrant domestic workers.

Convention No. 189 provides for a number of protections, including minimum age requirements, measures against all forms of abuse, harassment and violence, and measures to ensure that domestic workers enjoy fair terms of employment and decent living conditions.

Other relevant international standards

The Convention on the Elimination of Discrimination Against Women (CEDAW)³ codifies equal rights for women across a range of subject matter areas. In 2008, the CEDAW Committee⁴ adopted General Recommendation No. 26 that sets out a number of specific recommendations covering the promotion of gender-sensitive and rights-based migration policies; the active involvement of women migrant workers and non-governmental organizations in policy formulation, implementation, monitoring and evaluation; and research data collection and analysis.

¹ This policy brief was prepared by Kristin Letts and Nguyen Thi Mai Thuy, ILO Country Office, Viet Nam.

² Domestic workers across the world: Global and regional statistics and the extent of legal protection (Geneva, ILO, 2013)

³ Viet Nam has ratified CEDAW but made a reservation to Article 29(1) concerning the ability of parties to arbitrate.

⁴ The Committee consists of 23 independent experts on women's rights who consider the implementation of CEDAW.

Regional trends

Domestic migrant workers are often excluded from the operation of national labour laws, serving to reinforce their often perceived status as a working underclass and increasing their vulnerability to exploitation. The ILO found in 2013⁵ that in Asia and the Pacific, 61 per cent of domestic workers were excluded from labour law coverage, rising to 99 per cent in the Middle East.

Countries of origin

In response to evidence of maltreatment, the Philippines, Indonesia, Myanmar and Cambodia have all, at various times, suspended domestic workers from travelling to destinations abroad.

The Philippine Overseas Employment Administration has set minimum standards for the employment of Filipino domestic workers abroad and workers must have their employment contracts approved by the relevant Philippine Overseas Labor Office. Protections include a minimum monthly wage of US\$400, free food, accommodation and transport to and from the host country, minimum rest periods, vacation leave, and insurance coverage.

Countries of destination

Several good practices have recently emerged in destination economies, although protections remain often inadequate across the region.

Hong Kong (China)

While there are few Vietnamese migrant domestic workers in Hong Kong (China),⁶ it nevertheless provides a useful regional example of legislative protections enacted in a destination jurisdiction. Migrant domestic workers are covered by the Employment Ordinance, 1968 (Chapter 57) that also applies to local workers, legislating for equality of treatment. It provides a range of employment protections including the right to form and join a union.

In addition, employers are required to enter into a standard employment contract with migrant domestic workers which mandates protections such as a minimum allowable wage, and free food, accommodation and medical treatment. However, the

minimum wage for domestic migrant workers is lower than the statutory minimum for other employees and workers are required to reside with their employer.

Thailand

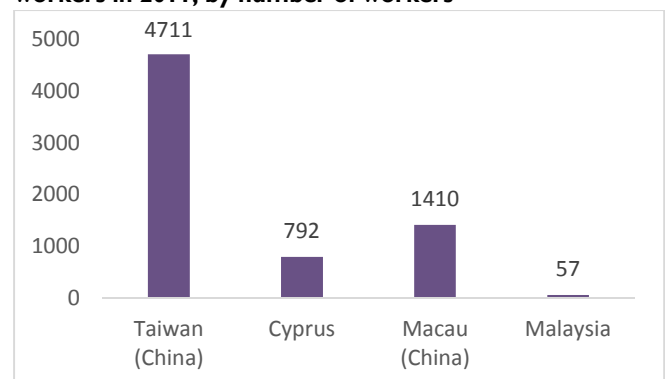
In 2012, Thailand enacted Ministerial Regulation No. 14 (B.E. 2555) providing that all domestic workers are entitled to certain conditions - one day off each week, paid sick leave and paid overtime for working on holidays. It also prohibits the employment of domestic workers under 15 years of age. Domestic workers remain excluded from working hours' limitations, overtime compensation, minimum wage coverage, and social security protection.

Viet Nam: The national context

The growing Vietnamese middle-class has seen a corresponding rise in demand for domestic work within Viet Nam. Today there are approximately 13 million Vietnamese middle-class workers, a significant increase from the one million middle-class workers in 2000. With continued economic growth, this number is likely to further rise as more agricultural workers seek to move into positions in the service sector.

The growing interest in the domestic work sector in Viet Nam has also resulted in increased awareness of opportunities for migrants to perform domestic work abroad. In recent years women have made up approximately 30 per cent of all Vietnamese overseas migrant workers, although Department of Overseas Labour (DOLAB) figures indicate an increase to 37.5 per cent in 2014.

Figure 2: Popular destinations for Vietnamese domestic workers in 2011, by number of workers



Source: Bowen, R.; Duong, V.H; Women in International Labour Migration from Vietnam: A Situation Analysis, 2012.

While current data on domestic migrant workers is not widely available, a report released by UN Women and DOLAB in 2012⁷ highlight that there were

⁵ See Domestic workers across the world: Global and regional statistics and the extent of legal protection, op. cit.

⁶ There is a currently a ban on the recruitment of Vietnamese domestic migrant workers in Hong Kong (China).

⁷ Women in International Labour Migration from Vietnam: A Situation Analysis (Hanoi, Bowen, R.; Duong, V. H., 2012)

significant numbers of Vietnamese domestic workers in Cyprus, Macau (China) and Taiwan (China) (see Figure 2).

ILO analysis of two household surveys⁸ conducted by the Department of Labour, Invalids and Social Affairs in Thanh Hoa and Ha Tinh provinces in 2013 also confirms the popularity of domestic work. Approximately 30 per cent of the 23,047 migrants for whom details of gender and age were recorded were women and domestic work was nominated as their most popular occupation. The survey results also indicated that domestic work is commonly performed in Macau (China), Taiwan (China), Thailand and China.

National legislative developments

Recent Decree 27/2014/ND-CP⁹ (Decree No. 27) and its accompanying Circular 19/2014/TT-BLDTBXH (Circular No. 19) govern employment conditions applying to domestic workers employed in Viet Nam. Decree No. 27 requires employment contracts to be signed by the domestic worker and their employer and mandates certain conditions (see Table 1).

Table 1. Sample of conditions under Decree No. 27

Article	Condition covered
Article 15	Accommodation expenses
Article 15	Wage not lower than minimum regional wage
Article 18	Bonuses
Article 19	Insurance payments
Article 21	Minimum rest periods
Article 23	12 days' annual leave for 12 months' service
Article 23	Public holiday payments
Article 24	Occupational, health and safety

Source: Decree No. 27

In accordance with Circular No. 19, the employer is required to notify the worker's local People's Committee of their engagement as a domestic worker, or if their employment is terminated. People's Committees are required to manage and report on the use of domestic workers.

While the new laws are still in early stages of implementation and there are areas where entitlements could be strengthened in line with international standards, they demonstrate a commitment to improved standards for domestic workers nationally. This commitment should be extended to Vietnamese migrant domestic workers, recognizing that as new opportunities arise abroad, suspensions on migrant domestic workers travelling

abroad have been introduced by neighbouring countries.

Bilateral developments

To address internal labour shortages, Taiwan (China) has recently agreed to lift a suspension on the recruitment of new Vietnamese migrant domestic workers. This ban had been in place since 2005 in response to workers absconding from their workplaces. Coupled with the popularity of Taiwan (China) as a destination for the broader Vietnamese migrant worker cohort, this suggests a significant number of new Vietnamese workers may become employed in this sector from the second half of 2015.

In Thailand, the Government has agreed to allow certain irregular Vietnamese workers, including domestic workers, to register for one-year work permits.¹⁰ In addition to increasing the number of domestic workers officially recognized in Thailand, there is scope for such discussions to lead to new domestic workers being sent to Thailand.

Another significant recent development is the signing of an MOU on domestic workers between the Government of Viet Nam and the Kingdom of Saudi Arabia. The MOU provides for the development of a model contract to detail the basic conditions applying to domestic workers.

It should be noted that there are minimal legal protections in place in Saudi Arabia which protect migrant domestic workers, and they remain excluded from the application of general labour laws.¹¹ Under laws enacted in 2013,¹² migrant domestic workers are entitled to one day off each week and one month's annual leave every two years. However, their minimum rest period is only 9 hours per day and regulations require domestic workers to follow their employer's orders.

Of the 16,000 Vietnamese workers currently employed in Saudi Arabia, 5,000 are domestic workers, according to DOLAB figures. DOLAB figures also indicate that Vietnamese workers in Saudi Arabia made 60 complaints in 2014. This number has since risen sharply, with 50 complaints made in the first four months of 2015. 80 per cent of cases relate to domestic workers. These figures are consistent with numerous reports of poor working conditions

⁸ Profile of regular and irregular migrant workers in North Central Viet Nam: Findings from household surveys (ILO, forthcoming)

⁹ Decree No. 27/2014/ND-CP details the implementation of a number of Articles of the Labour Code on domestic employees.

¹⁰ Thailand Cabinet Resolution of 10 February 2015.

¹¹ Royal Decree No. M/51, 23 Sha'ban 1426/ 27 September 2005.

¹² Resolution No. 310 of 2013 on the Household Regulation on Service Workers and Similar Categories.

and abuse of domestic migrant workers in Saudi Arabia and suggest that particular consideration needs to be given to managing recruitment under the MOU.

Conclusion

Present indications are that there will be a significant, and potentially rapid, increase in the number of Vietnamese migrant workers in domestic work. Recent bilateral developments will facilitate increased access to labour markets where there is a high demand for domestic workers.

Important recent national developments have increased legislative protections for domestic workers working within Viet Nam. Leveraging this national experience, and considering the experiences of other countries of origin, offers clear points of advocacy for improving rights protection for Vietnamese domestic migrant workers, particularly strengthened minimum entitlements.

It will also be increasingly important that both domestic workers and recruitment agencies are equipped to engage with emerging labour markets and address specific sectoral challenges. To inform future policy developments, the particular vulnerability of migrant domestic workers to exploitation necessitates ongoing analysis of their needs and experiences, as well as close monitoring of relevant bilateral agreements, ensuring the involvement of social partners.

It is critical that the contribution of migrant domestic workers is recognized in Viet Nam as the sector continues to expand. It is even more critical that this recognition brings with it a call for strengthened rights and entitlements.

Recommendations

- 1) Draw on national experiences and those of other countries of origin to advocate for adequate protections for Vietnamese domestic workers abroad, particularly in developing bilateral agreements with destination economies.
- 2) Research the experiences of migrant domestic workers at all stages of the migration cycle to inform future policies and bilateral negotiations.
- 3) Develop sector specific training material for migrant domestic workers, as well as recruitment agencies, with a particular emphasis on current labour market information.

- 4) In negotiating the model contract on domestic work with Saudi Arabia, and future like agreements, give particular consideration to ensuring strong and enforceable minimum entitlements having regard to international standards, This should include clarity around complaint mechanisms and access to justice, and a positive right to join a trade union, ensuring the involvement of social partners.
- 5) Conduct further research into the size, demographic profile and issues faced by domestic workers working in Viet Nam, particular in light of new Decree No. 27.



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