



International  
Labour  
Organization

# Media-Friendly Glossary on Migration

Fair Recruitment and Forced Labour

Viet Nam Edition



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## ▶ Acknowledgements

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The Media-Friendly Glossary on Migration Fair Recruitment and Forced Labour – Viet Nam Edition, is part of an International Labour Organization (ILO) series of media-friendly glossaries on migration, and draws from the Media-Friendly Glossary on Migration – Middle East Edition developed by the ILO and the United Nations Alliance of Civilizations (UNAOC), a Fair recruitment and forced labour edition (forthcoming), and a Women migrant workers and ending violence against women (EVAW) edition (ILO and UN Women, forthcoming).

This glossary was drafted by Alan Hewson, and reviewed by ILO staff Anna Olsen, Nguyen Thi Mai Thuy, Nguyen Kim Phuong, Jane Hodge and Nilim Baruah.

This glossary was developed under the framework of the Fair Recruitment Initiative of the ILO, a specialised agency of the United Nations, and its partners, and aims to support the following three main objectives of the initiative:

- ▶ contributing to the prevention of forced labour;
- ▶ protecting the rights of workers against abusive recruitment practices; and
- ▶ reducing the cost of labour migration.

This glossary also contributes to the Alliance 8.7 global partnership committed to achieving Sustainable Development Goal 8.7 to “eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour” worldwide. It further contributes to the realisation of the Sustainable Development Goals 8.8 and 10.7 with regard to the protection of labour rights and promotion of safe and secure working environments of all workers, including migrant workers, as well as to the facilitation of orderly, safe, and responsible migration and mobility of people, respectively.

The authors of the glossary and the authors of the various sources mentioned are solely responsible for the content of this glossary and the opinions expressed in this publication do not reflect the official position of the ILO.

## ▶ Foreword

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Patterns of international migration continue to grow, diversify and evolve. Questions of migration, citizenship and border control feature heavily in political debates across the world and, at the international level, the United Nations has adopted the Global Compacts on Migration and Refugees in December 2018 to improve the governance of migration, to address the challenges associated with migration, and to strengthen the contribution of migrants and migration to sustainable development.

Labour migration – the movement of persons from one country to another for the purpose of employment – when well-managed and organized has the potential to benefit Governments, communities, migrants and their families, employers and other stakeholders. However, for many migrant workers, there remain challenges to leaving their homeland and commencing work in another country.

With increasing debate on the subject, the terminology used to discuss labour migration matters more than ever. As history has shown, the words that we use have consequences and can give rise to a climate of prejudice, discrimination and violence. Using rights-based and human-centred language when speaking about migrant workers can affirm identities, make workers feel valued and respected, challenge discriminatory attitudes, and promote social inclusion.

Balanced and accurate reporting on migration has the potential to contribute to broad social development goals. Media have the ability and the power to challenge pre-conceived perceptions and to become a channel for new ideas and perspectives. When media are informed and report on a broad range of migration issues in an accurate and sensitive manner, they play an important role in informing and educating the public and policy-makers, and help to confront and counter negative attitudes and behaviours towards migrant workers. Informed public debate, in turn, supports sound policy-making in line with international standards and human rights principles. However, the glossary is not just for media: it has utilization among a broad network of actors who regularly communicate on migration – including civil society, international organisations, government, workers' and employers' organisations.

The Media-Friendly Glossary on Migration Fair Recruitment and Forced Labour - Viet Nam Edition details technical terminology relating to Vietnamese labour migration and human trafficking including forced labour, and proposes accurate, neutral and respectful alternatives to inflammatory and discriminatory terms commonly used. The glossary also provides a more complete and nuanced understanding of migration.

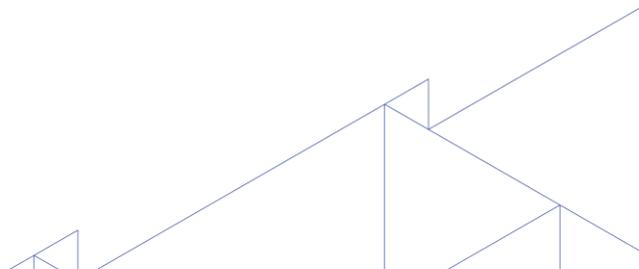
The glossary is produced in English and Vietnamese, allowing journalists to cover the issues accurately in both languages. It also includes guides on photojournalism, gender-sensitive reporting, and working with victims of trauma.

Published in 2021, this version of the Media-Friendly Glossary on Migration Fair Recruitment and Forced Labour - Viet Nam Edition represents the ILO's collective understanding of the terms to date. However, the evolving nature of the migration debate reflects the dynamism of the phenomenon itself. Continued assessment and revision of migration terminology is an ongoing process.

When we speak with one voice – guided by principles of human rights and respect and dignity for all migrant workers – we can work towards changing the labour migration narrative.

A handwritten signature in black ink, appearing to be 'CH' followed by a stylized flourish.

Chang-Hee Lee  
Country Office Director  
ILO Viet Nam



## ▶ Introduction

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Welcome to the Media-Friendly Glossary on Migration Fair Recruitment and Forced Labour - Viet Nam Edition. This glossary serves as a guide for journalists, researchers, trainers and other actors in Viet Nam who write about labour migration, especially in the context of recruitment and forced labour. In a world where negative public perceptions of migrant workers predominate,<sup>1</sup> it is important to be able to define common ground and avoid confusion and misunderstanding that can arise in using migration-related terminology.

This version of the glossary has been specifically adapted for the Vietnamese context and contains both general terminology relating to labour migration and also specific terminology that may be relevant only when describing labour migration in Viet Nam. The revised *Law on Contract-Based Vietnamese Overseas Workers 2020 (69/2020/QH14)* passed by the 14<sup>th</sup> National Assembly's 10<sup>th</sup> meeting, will come into force on 1 January 2022, and is the legislative basis for the definitions in this glossary. Media should be aware of this when utilising legislative definitions, and always utilise in force legislation.

The definitions contained in this glossary have been organised in alphabetical order according to the English language version of the terminology. Definitions in the Vietnamese version of the glossary appear in the same order as the English version to facilitate the reader's ability to compare the definitions between English and Vietnamese.

It is important to have a consensus around the use of words or terms in Vietnamese language to accurately describe labour migration and to ensure that these terms do not:

- ▶ discriminate against migrant workers;
- ▶ devalue their work or contribution to society;
- ▶ imply that migrant workers are engaged in criminal behaviour by leaving employment or having an irregular migration status;
- ▶ stigmatize workers on the basis of their work, social or economic background, gender, ethnicity or status as a survivor of abuse.

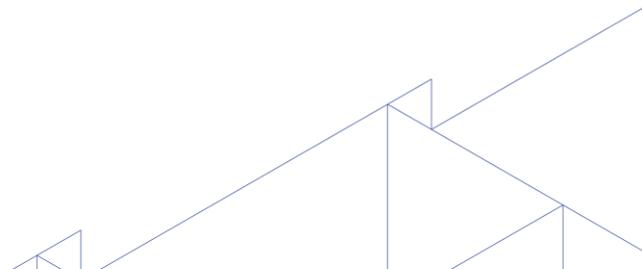
With respect to forced labour and fair recruitment, it is important to understand that not all terms explained in this glossary have a legal definition rooted in national or international law. During the research phase for any article, it is important to understand the definitions of the terms used and, more importantly, be aware of how these terms might be interpreted in public in the absence of a shared terminological understanding. Overall, the debate on migration has become increasingly negative. Our words count more than ever. Use this glossary to make sure that remarks are not discriminatory or inflammatory, that accounts are accurate and that they examine all the issues relevant

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<sup>1</sup> ILO and UN Women, [Public Attitudes towards Migrant Workers in Japan, Malaysia, Singapore, and Thailand](#), 2019.

for the various aspects of migration on which you are writing about. Words have power over public opinion, so it is our responsibility to choose them carefully.

Noting that terminology is dynamic, particularly on the subject of labour migration, this glossary should be considered a living document and will be updated periodically. Please send any comments or questions to [hanoi@ilo.org](mailto:hanoi@ilo.org).



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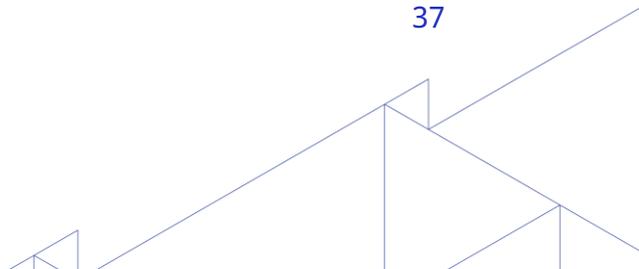
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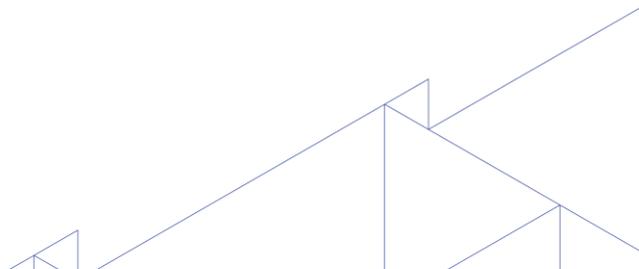
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## A

### Abscond

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Preferred term: “leave employment”

The term “abscond” criminalizes the act of resigning or escaping abuse. It is preferable to use another term entirely – such as leaving or resigning from employment. If the term is used – it is suggested that it is placed in quotation marks (“abscond”) and to always analyse the situation in which the worker left the [employer](#).

To “abscond” is to run away or escape secretly, typically to avoid detection or arrest. In the context of Vietnamese [migrant workers](#), “absconding” is a term often used by authorities to refer to migrant workers who leave their employer prior to completion of their employment contract or without permission.

Vietnamese workers in Japan working on technical intern visas, and under some visa types in the Republic of Korea, Taiwan, China, or the Arab States, may be unable to leave their employer as a condition of their visa, or without obtaining permission from their employer. Conditions like this fail to take into account the reasons that migrant workers may leave their employer – including to escape situations of [exploitation](#), abuse, because the workers’ pay is insufficient to cover their debt from [recruitment fees and related costs](#), or in situations of [forced labour](#). If migrant workers’ visas are tied to employers and the worker is forced to leave, they may be pushed into a situation of [irregular migration](#), subject to arrest, detention or return to the employer or [country of origin](#) by authorities or recruitment agencies.

See [complaints mechanism](#) and [recruitment fees and related costs](#)

### Abuse of authority

---

(Source: UN Secretariat, 2008. *Secretary-General Bulletin: Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority*, ST/SGB/2008/5 (2008).)

Abuse of authority is the improper use of a position of influence, power or authority against another person. This is particularly serious when a person uses his or her influence, power, or authority to improperly influence the career or employment conditions of another, including, but not limited to, appointment, assignment, contract renewal, performance evaluation or promotion. Abuse of authority may also include conduct that creates a hostile or offensive work environment which includes, but is not limited to, the use of intimidation, threats, blackmail or coercion. Discrimination and harassment, including sexual harassment, are particularly serious when accompanied by abuse of authority.

See [discrimination](#), [violence and harassment](#), and [sexual harassment](#)

## Abuse of vulnerability (in situations leading to forced labour)

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(Source: ILO, 2012. *Indicators of forced labour*.)

Anyone can be a victim of forced labour. However, people who lack knowledge of the local language or laws, have few livelihood options, belong to a minority religious or ethnic group, have a disability or have other characteristics that set them apart from the majority of the population are especially vulnerable to abuse and more often found in forced labour.

The mere fact of being in a vulnerable position, for example lacking alternative livelihood options, does not necessarily lead a person into forced labour. It is when an [employer](#) takes advantage of a worker's vulnerable position, for example by imposing [excessive working hours](#) or [withholding wages](#) under the menace of penalty, that a forced labour situation may arise. Forced labour is also more likely in cases of multiple dependencies on the employer, such as when the worker depends on the employer not only for their job but also for housing, food and work for their relatives.

See [forced labour](#)

## Abusive working and living conditions (in situations leading to forced labour)

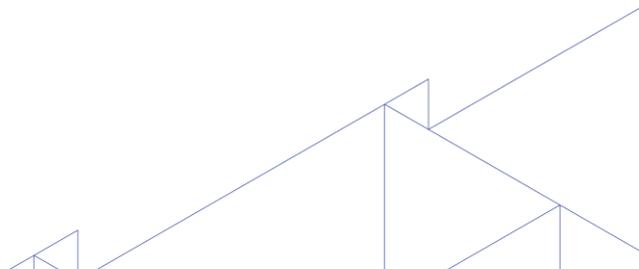
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(Source: ILO, 2012. *Indicators of forced labour*.)

Forced labour victims/survivors are likely to endure living and working conditions that workers would never freely accept. Work may be performed under conditions that are degrading (humiliating or dirty) or hazardous (difficult or dangerous without adequate protective gear), and in severe breach of labour law. Workers may also be subjected to substandard living conditions, made to live in overcrowded and unhealthy conditions without any privacy, which can be an [indicator of forced labour](#).

Abusive working and living conditions alone do not prove the existence of forced labour; unfortunately, people may sometimes "voluntarily" accept abusive conditions because of the lack of any alternative jobs or decent work opportunities in their [country of origin](#). However, abusive conditions should represent an "alert" to the possible existence of coercion that is preventing the exploited workers from leaving the job.

See [forced labour](#)



## Access to justice

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Access to justice within the context of labour migration refers to the ability of [migrant workers](#) to obtain legal support or services to seek information, prevent, report or resolve issues they experience. Access to justice may entail:

- ▶ obtaining information about the law and how it applies to the migrant worker;
- ▶ being able to identify that a legal problem exists and what avenues are available for its resolution;
- ▶ obtaining appropriate support for the legal problem – from someone qualified to assist who does not have conflicting interests that might limit the assistance they can provide (such as assistance provided by a recruitment agency, when the recruitment agency may be involved in the legal problem); and
- ▶ being able to advocate for changes to laws and having migrant workers' voices heard when laws are changed that affect them.

In the context of labour migration in Viet Nam, access to justice is particularly relevant to the ability of migrant workers to: challenge decisions of recruitment agencies to retain part or all of the worker's [deposit](#); to make complaints about and seek remedies for violations of their rights – including abuse, discrimination, exploitation or harassment that they may have encountered during their labour migration experience.

Vietnamese law provides migrant workers with administrative and civil law mechanisms to make complaints about violations of their rights and challenge decisions by recruitment agencies to retain their deposit. Vietnamese law also provides opportunities for migrant workers to make [criminal law complaints](#) about violations of some of their rights. However, migrant workers may face barriers to accessing legal information such as available support to pursue these mechanisms, and affordable legal support. This impairs Vietnamese migrant workers' access to justice. [Migrant Worker Resource Centres](#), established within a small number of [Employment Service Centres](#) in Viet Nam, provide free assistance to migrant workers seeking to access these administrative mechanisms and can provide information on law and support to migrant workers.

See [determination of fault](#) and [complaints mechanism](#)

## Advance preparation of labour resources

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14)

“Advance preparation of labour resources” is a term defined in the *Law on Contract-Based Overseas Vietnamese Workers 2020* and refers to the preliminary selection of [migrant workers](#) and the provision of vocational skills and/or language training for workers. This preliminary selection and training occurs prior to the signing of a [labour supply contract](#) between the private or public recruitment agency and the [employer](#). To conduct “advance preparation of labour resources”, a [service enterprise](#) must apply to the Ministry of Labour, War Invalids and Social Affairs requesting to conduct the preparation.

Service enterprises are authorised to charge workers a fee for the training that they undertake as part of the “advance preparation”. As a measure to prevent unscrupulous service enterprises from using “advance preparation” to collect fees from workers, with no intention of then recruiting them for employment abroad, service enterprises who fail to prioritise the recruitment of workers who have participated in “advance preparation” are liable to pay these workers compensation.

The term “advance preparation of labour resources” is contained in Vietnamese law and its use may be unavoidable when reporting on this “preparation”. However, referring to migrant workers as “labour resources” should be avoided as it implies that workers are goods or commodities rather than persons with their own agency. If the term “advance preparation of labour resources” is used, it is recommended that the term is placed in quotation marks and an explanation be provided that the term refers to the selection and training of workers.

See [private employment agency](#) and [public employment service](#)

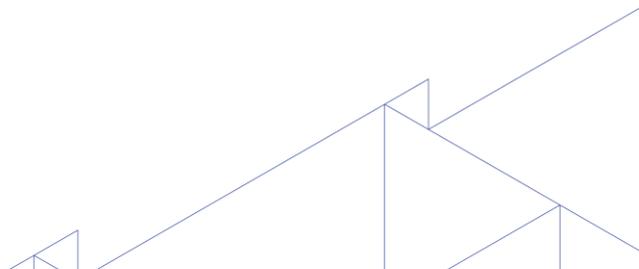
## B

### Bilateral agreements

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(Source: ILO, 2015. *Bilateral agreements and memoranda of understanding on migration of low skilled workers: A review.*)

Bilateral agreements are treaties as described under the [1969 Vienna Convention on the Law of Treaties](#): “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation”.



Within the context of labour migration, bilateral agreements are treaties which create legally-binding rights and obligations between a country of origin and a country of destination and which outline the responsibilities, agreed terms, principles, and procedures governing labour migration between the two states. For [destination countries](#), bilateral agreements help achieve an orderly flow of [migrant workers](#) that meets the needs of employers and industry. For the [countries of origin](#), bilateral agreements ensure continued access to overseas labour markets and opportunities to promote the protection and welfare of their workers.

See [Memorandum of Understanding](#)

## Bonded labour (-> Debt bondage)

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(Source: ILO, 2012. *Indicators of forced labour; Victims of Trafficking and Violence Protection Act of 2000*, (United States of America). 22 USC 7101.)

Forced labour may entail working in an attempt to pay off an incurred or sometimes even inherited debt. The debt can arise from wage advances or loans to cover recruitment or transport costs or from daily living or emergency expenses, such as medical costs. Debts can be compounded as a result of manipulation of accounts, especially when workers are illiterate. Debt bondage may also arise when children are recruited in exchange for a loan given to their parents or relatives. [Employers](#) or recruiters make it difficult for workers to escape from the debt, by undervaluing the work performed or inflating interest rates or charges for food and housing.

Debt bondage – or bonded labour – reflects an imbalance in power between the worker-debtor and the employer-creditor. It has the effect of binding the worker to the employer for an unspecified period of time, anything from a single season, to years, or even successive generations. It bears no resemblance to taking a “normal” loan from a bank or other independent lender for repayment on mutually agreed and acceptable terms.

See [forced labour](#) and [trafficking in persons](#)

## Border pass

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(Source: Mekong Migration Network, 2011. [Speaking of Migration: Mekong Vocabulary on Migration](#).)

A border pass is a document granting permission to a person to cross the border to another country, usually for a temporary period in order to work, visit or study and is often issued by local authorities. The border pass may or may not confer the same rights to [migrant workers](#) as regular migration or a Memorandum of Understanding.

See [Memorandum of Understanding](#)

## Brain drain

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Emigration of skilled individuals from their [country of origin](#) to another country, typically for higher wages or better working conditions.

## Brain gain

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Immigration of skilled individuals into the destination country. Also called “reverse [brain drain](#)”.

## Broker

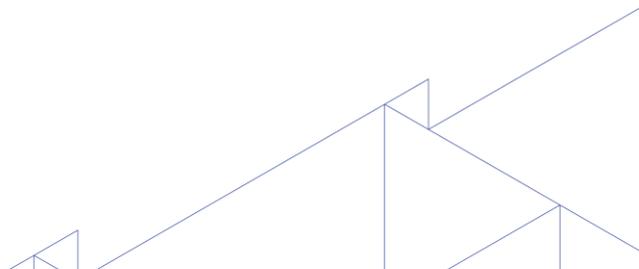
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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. (69/2020/QH14).)

A broker or agent is a person who enters into an agreement (written or oral) with another person to provide a set of services for a fee. In regards to migration, brokers may provide transportation services, recruitment services, and/or arrange documentation. Brokers and agents may be regulated by law or may work outside the law without any specific regulations on their services. Some brokers and agents exploit the difficulties [migrant workers](#) may face in moving, finding work or becoming documented, to charge exorbitant fees and/or breach contracts with workers regarding the services promised.

A broker can be an unofficial term or may be defined in legislation in different national contexts. In the *Law on Contract-Based Overseas Vietnamese Workers 2020*, a broker is defined as an “intermediary organization” or “individual” who introduces [service enterprises](#) to [employers](#) seeking to recruit migrant workers, for the consideration of a sum of money paid by the service enterprise agency and called a [brokerage commission](#). The brokerage commission is recorded in a brokerage contract between the two parties and must not exceed the legislated maximum brokerage commission set by the Ministry of Labour, War Invalids and Social Affairs for the destination and industry sector.

See [intermediary](#)



## Brokerage commission

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Brokerage commission is a term describing the fee paid by a Vietnamese [service enterprise](#) to a broker for the purpose of the broker introducing the agency to an employer that wishes to recruit [migrant workers](#). The Vietnamese government sets the ceiling for the maximum amount of brokerage commission that may be paid by the service enterprise. This brokerage commission cannot be charged to migrant workers and doing so is prohibited by Vietnamese legislation and may result in the revocation of the service enterprises' government-issued licence to recruit migrant workers.

See [private employment agency](#) and [broker](#)

## C

### Care work

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(Source: ILO, 2018. *Care work and care jobs for the future of decent work*).

Care work is work broadly defined as consisting of activities and relations involved in meeting the physical, psychological and emotional needs of adults and children, old and young, frail and able-bodied. Babies and young people, older persons, the sick and those with disabilities, and even healthy adults, have physical, psychological, cognitive and emotional needs and require varying degrees of protection, care or support.

### Child labour and worst forms of child labour

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(Source: [ILO Worst Forms of Child Labour Convention](#), 1999 (No. 182).)

The term “child labour” is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- ▶ is mentally, physically, socially or morally dangerous and harmful to children; and
- ▶ interferes with their schooling by:
  - ▶ depriving them of the opportunity to attend school;
  - ▶ obliging them to leave school prematurely; or
  - ▶ requiring them to attempt to combine school attendance with excessively long and heavy work.

Not all work done by children should be classified as child labour and targeted for elimination. Children's or adolescents' participation in work that does not affect their health and personal development or interfere with their schooling, is generally regarded as something positive. This includes activities such as helping their parents around the home, assisting in a family business or earning pocket money outside school hours and during school holidays. These kinds of activities contribute to children's development and to the welfare of their families; they provide them with skills and experience and help to prepare them to be productive members of society during their adult life.

In its most extreme forms, child labour involves children in forced labour, separated from their families and/or exposed to serious hazards and illnesses often at a very early age. Whether or not particular forms of "work" can be called "child labour" depends on the child's age, the type and hours of work performed, the conditions under which it is performed, and the objectives pursued by individual countries. The answer varies from country to country, as well as among sectors within countries.

Forced labour is considered one of the worst forms of child labour in the Worst Forms of Child Labour Convention, 1999 (No. 182).

See [forced labour](#)

## Child trafficking

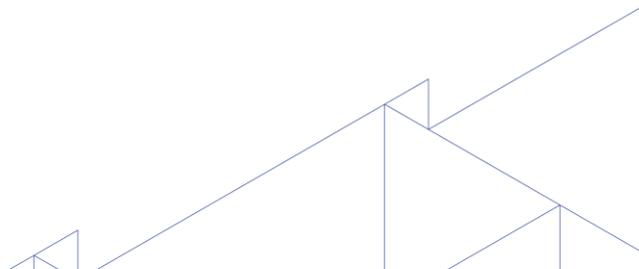
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(Source: [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), 2000.)

Child trafficking is defined in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children as the recruitment, transportation, transfer, harbouring or receipt of children for the purpose of [exploitation](#). Child trafficking is a violation of children's rights, their well-being and denies them the opportunity to reach their full potential (see: [UNICEF](#)). The Protocol defines a child as any person under the age of 18.

Child trafficking slightly differs from adult trafficking as only two components are required for a definition of trafficking in persons - act and purpose, as opposed to the definition of trafficking in persons for adults which includes; the act, the means, and the purpose.

See: [trafficking in persons](#)



## Circular migration

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Circular migration refers to temporary movements, of a repetitive character and either formally or informally, of persons across borders. Managed or regulated circular migration programmes have emerged as a migration policy tool to mitigate the effects of [brain drain](#) and promote development in [origin countries](#) through a steady flow of [remittances](#), return of skilled workers, and support for enterprise development.

## Collective bargaining

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Collective bargaining refers to all negotiations which take place between an [employer](#) (or a group of employers or an employers' organization) and one or more workers' organizations for the purpose of determining working conditions and terms of employment, or regulating relations between employers and workers or their respective organizations. See [Right to Organise and Collective Bargaining Convention](#), 1949 (No. 98).

See [freedom of association](#) and [trade union](#).

## Complaints mechanism

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs.*)

A complaint mechanism is a formalized mechanism to give survivors and witnesses of misconduct by an organization or individual a chance to report cases, and for organizations to deal with these complaints in a structured manner. Complaints are an expression of dissatisfaction or discontent about misconduct.

In the context of labour migration, a complaints mechanism commonly refers to the mechanism that [migrant workers](#) can use to make complaints about misconduct or violation of their legal or contractual rights in the migration process – whether by recruitment agencies, overseas [employers](#), [brokers](#), [intermediaries](#) or other persons. In Viet Nam, workers are able to make formal complaints regarding violations of their rights through an administrative complaints process overseen by the Ministry of Labour, War Invalids and Social Affairs. Workers may also be able to make complaints through informal complaints processes operated by their employer or another actor in the labour migration sector.

To be effective, migrant worker complaints mechanisms need to be accessible, conducted in a timely manner, affordable, and account for the power imbalance between workers and employment agencies. Practical difficulties that must be addressed by complaints mechanisms include:

- ▶ that the format to make the complaint is accessible and provides opportunities for migrant workers to make complaints, who are:
  - ▶ without literacy;
  - ▶ without Vietnamese language skills;
  - ▶ with disability;
  - ▶ currently abroad; or
  - ▶ in remote locations.
- ▶ that resolution of complaints is prompt enough to ensure migrant workers receive compensation in a timely manner, as delays in resolving migrant worker complaints may result in migrant workers accepting a lesser amount of compensation out of, or being unable to continue their complaint due to, financial hardship; and
- ▶ that independent parties – that is a party other than the migrant worker and the party who is the subject of their complaint – are involved in the complaints process to address power imbalances and ensure that migrant workers are not unduly influenced to accept an insufficient remedy by a party that may have the power to determine their financial security.

When writing about administrative complaints processes it is important to consider how outcomes for migrant workers may be impacted by the accessibility, timeliness, affordability of, and power imbalances within, the complaints process.

See [access to justice](#)

## Consular protection and assistance

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(Source: OHCHR, 1990. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.](#))

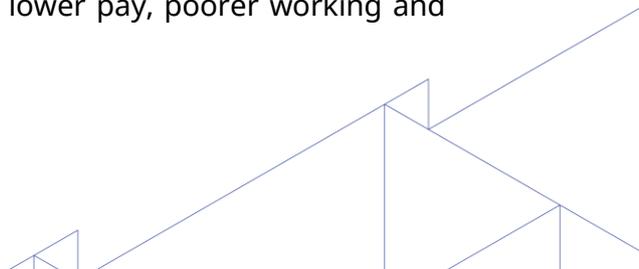
Adequate consular and other services that are necessary to meet the social, cultural and other needs of nationals abroad or to protect their rights against any infringements by the [country of destination/destination](#).

## Contract substitution

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(Source: Migrant Forum in Asia, 2017. [Zero Tolerance for Contract Substitution.](#))

Contract substitution refers to the practice of changing the terms of employment to which a worker had originally agreed, either in practice, in writing or verbally. This change of working conditions typically affects [migrant workers](#) and occurs after their arrival in the [Country of destination/destination](#). Usually, contracts are substituted with another contract with less favourable terms – such as lower pay, poorer working and living conditions, and even a different worksite or job.



Contract substitution can take a number of different forms, including:

- ▶ workers signing a contract in the [country of origin](#) as well as a new contract with different conditions in the country of destination;
- ▶ workers agreeing verbally on a contract in the country of origin and signing a written contract with different conditions in the country of destination;
- ▶ workers signing a written contract in the country of origin with conditions that do not correspond to the terms of their [work permit](#) or [visa](#).

See [deception](#)

## Country of destination/destination

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Either “country of destination”, “destination country” or “destination” is the most neutral and accurate term to refer to the country in which a [migrant worker](#) intends to live and work.

These are preferable to “host country” or “receiving country” which connotes that migrants are merely guests and that their stay is dependent on the invitation and at the expense of hosts. “Host country” also feeds the perception that migrants take advantage of benefits and services, but do not make contributions. To ensure that discussion of migration is consistent with [human rights](#), it is essential to recognize that benefits, like social security, and services, like education, health care or shelter, are a right, and not simply a gesture of good-will. Migrants are not merely recipients of hospitality, their stay contributes to the economy and society of the country of destination/destination. Moreover, in many destinations the response of the destination country may not be hospitable but instead may impose conditions on the migrant worker that are restrictive and deny them equal rights to nationals.

## Country of origin

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“Country of origin” is a neutral and accurate term to refer to the country from where a [migrant worker](#) originated. It is preferable to “sending country” or “home country”.

“Sending country” carries the connotation that the state takes an active part in making workers leave the country to find employment and residence abroad. “Home” carries certain connotations: it is a place where one lives and a place that creates a feeling of belonging. For many migrants, home is their place of residence in the [destination country](#); they may no longer have a physical residence, family or social unit in their country of origin. The term “home country” may discount the experience of migrants who migrated when they were very young and have little or no memory of their country of origin, its language, etc. It is also based on the idea that all migrant workers could eventually go “home” regardless of how long they have stayed or conditions in the country of origin.

The term in some cases, undermines efforts to promote equal labour rights for migrants and implies the highly damaging assertion that migrants could not, or should not, feel a sense of belonging in the country to which they have migrated. Consequently, caution should be exercised in using the term to ensure that it does not fuel racist and anti-migrant sentiment.

## Criminal law complaints

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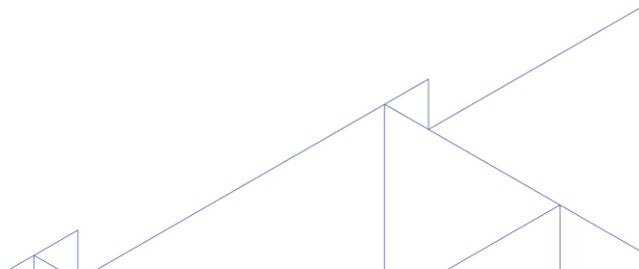
(Source: ILO, forthcoming. *Guidance Note for Migrant Worker Resource Centres: Supporting migrant workers' access to justice in Viet Nam; Criminal Code 2015*, (Viet Nam). No. 100/2015/QH13.)

Migrant workers may experience abuse, [violence and harassment](#) or [exploitation](#) that amounts to a crime during their recruitment or period of migration. Workers who have been the victim/survivor of a crime can make a complaint to police or other Vietnamese authorities to initiate an investigation. In some cases, migrant workers who are victims/survivors of crimes may receive additional Government-funded support. Migrant workers who are identified as victims/survivors of [human trafficking](#) by investigative authorities in Viet Nam may be entitled to a variety of support services, including: emergency health care, psychological services, a social worker, shelter and legal support.

The following crimes from the *Criminal Code 2015* (Viet Nam) may be relevant in the context of labour migration:

- ▶ Trafficking in persons (Article 150)
- ▶ Trafficking in persons under 16 (Article 151)
- ▶ Forced labour (Article 297)
- ▶ Theft (Article 173)
- ▶ Obtaining property by fraud (Article 174)
- ▶ Abuse of trust to appropriate property (Article 175)
- ▶ False advertising (Article 197)
- ▶ Deceiving customers (Article 198)
- ▶ Offences against regulations of law on immigration; illegal stay in Viet Nam (Article 347)
- ▶ Brokering illegal entry, exit, or stay in Viet Nam (Article 348)
- ▶ Organizing, brokering illegal emigration (Article 349)
- ▶ Offence of abuse of position or power to obstruct the lodging or settlement of complaints or denunciations (inclusive of refusals to abide by the decisions of agencies in relation to complaints or denunciations, or for taking revenge on those who submit a complaint or denunciation) (Article 132)

See [access to justice](#)



## D

### Debt bondage

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See [bonded labour](#) and [trafficking in persons](#)

### Decent work

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(Source: ILO, 2020. [Decent work](#).)

Decent work sums up the aspirations of people in their working lives. Decent work is work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives. It involves [equality of opportunity](#) and treatment for all women and men. Decent work is a key element to achieving fair globalisation and poverty reduction. To achieve decent work requires job creation, rights at work, social protection and social dialogue, with gender equality as a crosscutting objective.

### Deception

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(Source: ILO, 2012. *Indicators of forced labour; Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Deception relates to a failure to deliver what has been promised. In the context of labour migration, it often refers to misrepresentation of work or condition to the worker, either verbally or in writing. Victims and survivors of forced labour may be recruited with promises of decent, well-paid jobs. But once they begin working, the promised conditions of work do not materialize, and workers find themselves trapped in abusive conditions without the ability to escape. In these cases, workers have not given free and informed consent. Had they known the reality; they would never have accepted the job offer.

Deceptive recruitment practices can include false promises or advertising regarding working conditions and wages (see [contract substitution](#)), but also regarding the type of work, housing and living conditions, acquisition of regular migration status, job location or the identity of the [employer](#). Children may also be recruited through false promises, made to them or their parents, concerning school attendance or the frequency of visits by or to their parents.

In Vietnamese legislation all parties are prohibited from “deceitfully advertising, providing deceitful information or using other tricks to deceive workers; taking advantage of the placement of workers abroad for the purpose of organizing illegal exit, human trafficking, exploitation, forced labour, or to conduct other illegal acts.” A breach of this prohibition by a [service enterprise](#) may result in their licence to recruit migrant workers being revoked.

## Deposit

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

The term deposit is defined within Vietnamese legislation and refers to a sum of money that [migrant workers](#) may be required to pay to a recruitment agency – including [public, non-profit entities](#) and [service enterprises](#) – as surety to perform the obligations contained in the contract between the recruitment agency and the migrant worker. If unable to pay a deposit to a [service enterprise](#), or if an agreement is made with a [public, non-profit entity](#), migrant workers may alternately introduce a [guarantor](#) as surety. If the migrant worker breaches any of the terms of the contract – including by remaining in [destination](#) after the conclusion of the contract or by leaving their employment – the deposit is used to compensate the recruitment agency for any loss they suffer. If the recruitment agency’s loss exceeds the value of the deposit – the worker is also liable for the additional amount of the loss.

The deposit, if not paid to the recruitment agency as compensation, and any interest accrued are to be returned to the migrant worker at the conclusion of the contract. The legally allowable ceiling amounts for worker’s deposits are set by the Vietnamese government and are dependent on the migrant workers’ country of destination and the industry to which they are being recruited.

High recruitment fees and related costs, including deposits, can increase migrant workers’ vulnerability to [debt bondage](#). The risk of forfeiture of deposits may impair a worker’s ability to leave working conditions that are [exploitative](#) or abusive. Workers’ vulnerability to debt bondage is compounded if they do not have sufficient capital to cover the cost of the deposit and need to take out a loan to pay the deposit and/or other [recruitment fees and related costs](#). The need to repay this loan, coupled with the risk of forfeiture of the deposit, may impair the ability of the worker to leave abusive or exploitative working conditions for fear of financial consequences.

See [determination of fault/compensation for breach of contract](#)

## Deportation

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(Source: OHCHR, 1990. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.](#))

Deportation is the act of expelling or removing an individual from a country, either to the [country of origin](#) or to a third country. While [migrant workers](#) should always have access to legal representation and opportunities to appeal their deportation, these procedural safeguards are not always guaranteed. In some cases, migrant workers are deported by force, or other forms of coercion. Migrant workers and their families should not be subject to collective deportation, instead the decision to deport a migrant worker should be decided on an individual basis.

## Discrimination

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(Source: [ILO Discrimination \(Employment and Occupation\) Convention](#), 1958 (No. 111); *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

The *Law on Vietnamese Contract-Based Overseas Workers 2020* defines discrimination as: “any distinction, exclusion or preference made on the basis of workers’ [race](#), colour, national extraction or social origin, ethnicity, gender, age, pregnancy and maternity, marital status, religion, beliefs, political opinions, disability, family responsibilities, HIV status, membership or participation in activities of trade unions or workers’ enterprise-based organizations which have the effect of impairing equality of opportunity in employment or occupation.” Under this Law, engaging in discrimination against Vietnamese migrant workers is a prohibited act.

Additional grounds of discrimination can include sexual orientation, gender identity or expression and association with, or relation to, a person identified on the basis of any of the preceding attributes.

Discrimination in employment can be direct or indirect. Indirect discrimination occurs where rules or practices appear to be neutral but in practice lead to exclusions. For example, training courses organized outside normal working hours are likely to exclude workers with caregiving responsibilities. Workers who receive less training are then likely to be disadvantaged in subsequent job assignments or promotion prospects.

See [equal opportunity](#).

## Determination of fault/compensation for breach of contract

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Determination of fault, in the context of the *Law on Vietnamese Contract-Based Overseas Workers 2020*, is the process by which the various actors in the recruitment process decide who is responsible for a breach of contract and is liable to pay compensation to another actor. Of particular relevance to [migrant workers](#) is the process for determination of fault regarding the forfeiture of their deposit or liability to pay compensation to a recruitment agency.

Migrant workers are liable to forfeit their deposit or pay compensation if they breach the contract between themselves and a recruitment agency. This may occur if migrant workers leave their employment or if they do not return to Viet Nam at the conclusion of their contract. The *Law on Vietnamese Contract-Based Overseas Workers 2020* permits migrant workers to terminate their contract without forfeiting their deposit or being liable for compensation in two circumstances:

- ▶ when the worker is “being maltreated, forced to work by employers or where there are evident risks of direct threat to their life and health or being sexually harassed while working abroad”; and
- ▶ when [private employment agencies](#) “fail to comply with the commitments in the contract on placing contract-based Vietnamese workers abroad”.

The process of determining fault impacts the ability of migrant workers to leave employment when they are being [exploited](#), subjected to [violence and harassment](#) and forced to work. Migrant workers in these situations may be unable to provide evidence of the abuse that they are experiencing and may require prompt determination of fault, to secure the return of their deposit and recover from unemployment or from financial outlays they have made. If overly onerous evidence requirements or lengthy processes for determining fault are required, this may discourage workers from leaving situations of exploitation, violence and harassment or forced labour.

See [deposit](#)

## Domestic work and domestic worker

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(Source: [ILO Domestic Workers Convention](#), 2011 (No. 189).)

Preferred term: “Domestic worker”

The terms “domestic work” and “domestic worker” are both defined in the Domestic Workers Convention, 2011 (No. 189), Article 1:

- ▶ the term domestic work means work performed in or for a household or households;
- ▶ the term domestic worker means any person engaged in domestic work within an employment relationship;
- ▶ a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

A domestic worker is an individual who is paid to perform domestic duties such as cleaning, cooking and looking after children or elderly people in the home. This individual often lives and works at the employer's residence. The gender neutral term "domestic worker" is preferred to "domestic helper" or "maid" because it underscores that this individual is a worker with labour rights.

## Due diligence

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.*)

Due diligence refers to an enterprise's ongoing process which aims to identify, prevent, mitigate, and account for how it addresses the adverse human rights impacts of its own activities or which may be directly linked to its operations, products or services by its business relationships. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed.

## E

### Economic abuse

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Causing or attempting to cause an individual to become financially dependent on another person, by obstructing their access to or control over resources and/or independent economic activity.

### Economic migrant

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Preferred term: "[\*migrant worker\*](#)"

"Economic migrant" is not a legal classification, but rather an umbrella term for a wide array of people that move from one country to another to advance their economic and professional prospects. It most often refers to low-wage workers from less developed or conflict affected countries. It might at times have a generally negative connotation or

impact in migration governance – aiming to distinguish “deserving” and “undeserving” people within mixed migration flows. The more neutral term “migrant worker” is preferred to the term “economic migrant” because it underscores that the person is an individual, with labour rights, who is contributing to the economy of the [country of destination](#).

## Employer

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*; *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

The term employer refers to a person or an entity that engages employees or workers, either directly or indirectly. In Vietnamese legislation, the term “overseas employer recruiting workers” is used and defined as enterprises, organizations and individuals who directly engage workers under employment contracts. An alternate term: “overseas worker-receiving parties” is used and defined as “overseas employers and employment service agencies” and refers to employers who engage workers both directly and indirectly. The term “employer”, as used in this glossary, is defined as an “overseas worker-receiving party” in Vietnamese legislation.

## Employment Service Centre

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(Source: *Law on Employment 2013*, (Viet Nam). No. 38/2013/QH13; *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Employment service centres are public employment services within Viet Nam, which:

- ▶ provide job counselling, recommendations for workers and information about Viet Nam’s labour market;
- ▶ recruit workers at the request of employers;
- ▶ collect information about, analyse and provide forecasts on Viet Nam’s labour market;
- ▶ implement employment programs and projects; and
- ▶ provide occupational and vocational skills training.

Employment Service Centres in Viet Nam provide recruitment services for workers seeking to work domestically and are not generally authorised to recruit workers for employment opportunities abroad. However, these centres do provide support to returned migrant workers – by providing information about employment opportunities in Viet Nam to assist with [return and reintegration](#). At the time of writing, some Employment Service Centres within Viet Nam are piloting the recruitment of workers for overseas employment to implement international agreements.

See [public employment services/public recruitment agency](#) and [public, non-profit entities](#)

## Entertainment work/entertainment worker

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Entertainment workers perform a broad range of work within the hospitality and service sector. Hospitality work alone (taking orders, serving food and drinks and clearing tables) is not generally considered as entertainment work unless there is an element of diversion or amusement present. Entertainment workers may provide company to clients (while they drink and/or play games or gamble), give massages, sing or dance. Men and women can be entertainment workers.

Sex work may be a factor in the entertainment industry in many forms and to varying degrees. Sexual services may be provided within or outside of entertainment establishments (nightclubs or bars), which can heighten the confusion and conflation between entertainment work and sex work, resulting in the work and workers being erroneously treated interchangeably – not all entertainment workers are sex workers.

See [sex work/sex worker](#)

## Equal opportunity

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Equal opportunity in the world of work refers to equal entitlements to pay, working conditions, employment security and social security. Millions of women and men around the world are denied access to jobs and training, receive low wages, or are restricted to certain occupations simply on the basis of their gender, disability, skin colour, ethnicity or beliefs, without regard to their capabilities and skills.

See [discrimination](#).

## Excessive overtime

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(Source: ILO, 2012. *Indicators of forced labour*.)

Workers in forced labour conditions may be obliged to work excessive hours or days beyond the limits prescribed by national laws or collective agreements. They can be denied breaks and days off, having to take over the shifts and working hours of colleagues who are absent, or by being on call 24 hours a day, 7 days a week. The determination of whether overtime constitutes a forced labour offence can be complex. As a general rule, if employees must work more overtime than is allowed under national law, under some form of threat (such as the threat of dismissal) or to earn at least the minimum wage, this amounts to forced labour.

See: [forced labour](#)

## Ethical recruitment

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The terms “ethical recruitment” or “responsible recruitment” are sometimes used alongside or instead of the term “[fair recruitment](#)”. Where the term ethical recruitment is used – particular attention should be paid to what recruitment practice or practices are being described. Recruitment practices that are described as “ethical”, may not equate to the same standards that “fair recruitment” entails.

See [fair recruitment](#)

## Exploitation

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(Source: [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime](#), 2000.)

There is no definition of the term “exploitation” in any legal instrument. Exploitation can be understood as being the act of taking advantage of another for one’s own benefit (such as: sexual exploitation, labour exploitation or the removal of organs).

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000 notes that the term “exploitation” as used in the Protocol: “shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

See [forced labour](#), [trafficking in persons](#), [slavery](#) and [labour exploitation](#)

## F

### Fair recruitment

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*.)

Fair recruitment refers to processes of recruitment and placement of workers, both nationally and internationally, in a way that protects their human and labour rights while meeting labour market and employers’ needs. Generally, a fair recruitment process



exhibits a number of elements that differentiate it from a recruitment process that does not fully respect the human and labour rights of the worker. These include – among others – the principles that: workers should not be charged any [recruitment fees or related costs](#); workers should understand and voluntarily agree to the terms and conditions of their employment; workers should be [free to move](#) within a country or leave a country; and workers should have access to remedies in case of alleged abuse of their rights. If recruitment is fair for all those involved, workers are less vulnerable to [exploitation](#) and abuse, including [forced labour](#), and [labour market](#) needs are more likely to be met.

The term fair recruitment has been defined in the [ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs](#) adopted in 2019 by the government, workers and employers' representatives of the ILO's Governing Body.

## Forced and voluntary migration

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Forced migration describes an involuntary type of migration where an element of coercion exists. Examples of this type of coercion could include environmental or natural disasters, chemical or nuclear disasters, famine, trafficking, war, armed conflict, serious disturbances of public order or the inability or unwillingness of a State to protect the [human rights](#) of its citizens.

Voluntary migration describes when people move of their own free will. However, as human mobility becomes more global and frequent, the traditional distinction between forced and voluntary migration has become less clear. This leads to an increasingly compelling argument to address the rights of [migrant workers](#) in a holistic way regardless of their motives for leaving their [country of origin](#) or their legal status.

At the same time, it is important to acknowledge the distinctions between refugees – who cannot return to their place of origin for fear of persecution and accordingly are owed specific protections under international law – and [migrants](#). Migrants are also protected by international human rights law. This protection derives from their fundamental dignity as human beings. Promoting the human rights of migrants is compatible with upholding the existing framework for refugee protection.

## Forced labour

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(Source: [ILO Forced Labour Convention](#), 1930 (No. 29); [Victims of Trafficking and Violence Protection Act of 2000](#), (United States of America). 22 USC 7101; [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime](#), 2000.)

Forced labour is defined by the ILO Forced Labour Convention, 1930 (No. 29) as "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily." This definition includes three important elements:

- ▶ Work or service: refers to all types of work occurring in any activity, industry or sector including in the informal economy.
- ▶ Menace of any penalty: refers to a wide range of penalties used to compel someone to work – such as: through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.
- ▶ Offered voluntarily: refers to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted.

In Viet Nam, forced labour is crime. The *Criminal Code 2015* makes "coercive labour", defined as using "violence or threat of violence or other methods to force a person to work against his/her will", a criminal offence punishable by fine, disqualification from holding certain positions and/or jail sentence. A prohibition against forced labour in the labour migration sector is also contained in the *Law on Contract-Based Vietnamese Overseas Workers 2020* and individuals convicted of "coercive labour" may be unable to obtain employment in the labour migration sector.

See [indicators of forced labour](#) and [trafficking in persons](#)

## Free movement

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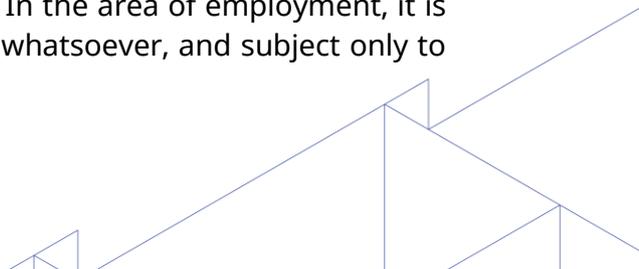
Freedom of movement is a fundamental human right encompassing the right to leave any country; the right to enter and remain in your [country of origin](#); and the right to freedom of movement within the territory of your state of residence or employment. The right encompasses both international and internal movement.

The right to freedom of movement is particularly challenging under some migration sponsorship systems. In certain legal frameworks, the sponsor/employer may be able to control the mobility of the worker by withholding their identity and travel documentation, and/or by controlling their ability to move to another [employer](#) or to exit the country. [Domestic workers](#), for example, may be restricted from leaving the premises of the workplace (the employers' home), even on their day off.

## Freedom of association

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Freedom of association is a fundamental human right. In the area of employment, it is the right of workers and [employers](#) without distinction whatsoever, and subject only to



the rules of the organizations concerned, to form and join organizations of their own choosing without previous authorization. Organizations that work to further and defend workers' interests are known as trade unions. In some countries, certain categories of workers, such as public servants, workers in Special Economic Zone (also known as export processing zones or qualified industrial zones), [domestic workers](#) or [migrant workers](#), are denied the right to freedom of association; workers' and employers' organizations are illegally suspended or interfered with; and in some extreme cases, trade unionists are arrested or killed. Workers should be protected from anti-union discrimination, and in particular against refusal to employ them because of their union membership or participation in trade union activities. At the international level, the right for workers and employers to establish and join organizations is enshrined in the [Freedom of Association and Protection of the Right to Organise Convention](#), 1948 (No. 87).

See [collective bargaining](#), [trade union](#) and [Special Economic Zones](#)

## Frontier workers

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(Source: OHCHR, 1990. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.](#))

The term "frontier worker" refers to a [migrant worker](#) who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week.

See [border pass](#)

## G

### Gender

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(Source: UN Women, 2010. [Glossary of Terms from Programming Essentials and Monitoring and Evaluation Sections.](#))

The economic, social and cultural attributes and opportunities associated with being men or women at a particular point in time. Also refers to the socially constructed relationship between women and men and the attributes, behaviour and activities to which each is expected to adhere. Gender differences are determined and reinforced by cultural, historical, ethnic, religious and economic factors. Gender roles differ over time and between cultures, but may be changed. Gender is often wrongly conflated with "sex", which refers to biological differences.

## Gender-based violence and harassment

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Violence and harassment directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately and includes sexual harassment. Gender-based violence refers to any act against a person on the basis of gender or perceived gender that results in, or is likely to result in, physical, sexual or psychological harm including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life. [Migrant workers](#) are particularly vulnerable to sexual- and gender-based violence at the hands of employers, recruitment agencies, spouses and family members, law enforcement authorities, including policy and customs officials and judicial officers, and human traffickers.

See [sexual harassment](#) and [violence and harassment](#)

## Gender-blind

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The failure to recognize that gender is an essential determinant of social outcomes impacting on projects and policies. A gender-blind approach assumes gender is not an influencing factor in projects, programs, or policy.

## Gender mainstreaming

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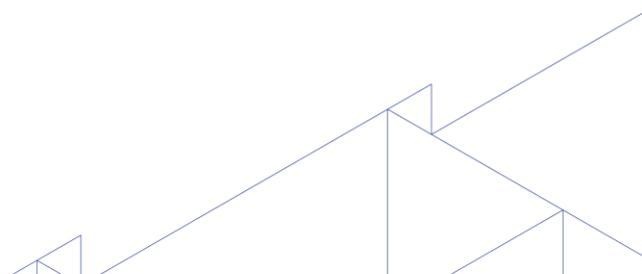
The process of assessing the implications of any planned action, including legislation, policies or programs, in any area and at all levels, for individuals of all genders. It is a strategy for making gender concerns and experiences an integral part of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres, so that individuals of all genders benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.

See [equal opportunity](#)

## Gender responsive

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Gender responsive refers to consistent and systematic attention given to the gendered differences among individuals in society with a view to addressing status quo and structural constraints to gender equality.



## Gender-sensitive

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Taking into account particularities pertaining to the lives of both women and men with an aim to eliminate inequalities and promote gender equality, including an equal distribution of resources.

See [equal opportunity](#)

## Global supply chains

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(Source: ILO, 2020. *Achieving decent work in global supply chains, Report for discussion at the technical meeting on achieving decent work in global supply chains*; ILO, 2019. *Ending Child Labour, Forced Labour and Human Trafficking in Global Supply Chains*; ILO, 2016. *Decent Work in Global Supply Chains, Report for the 105<sup>th</sup> Session of the International Labour Conference*.)

Broadly, global supply chains refer to all cross-border organization of activities required to produce goods and services and bring them to consumers. What is inherent to all global supply chains is their fragmentation both within and across national borders. Fragmentation, taken together with the limited legal liability of separate corporate entities, can pose significant challenges to ensure accountability for employment-related rights. It is unclear exactly how many people are in situations of [forced labour](#) or [child labour](#) in production work linked to global supply chains, but estimates as well as surveys of workers working in global supply chains indicate that the number is non-negligible.

Global supply chains include the increasingly predominant model of international sourcing where large corporations contract to a lead firm or principal contractor, who then engages – via contract or sometimes tacit arrangements – with their suppliers and subcontracted firms for the production of specific goods, inputs and services.

## Guarantee/Guarantor

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

A guarantor, within the *Law on Contract-Based Overseas Vietnamese Workers 2020*, is a term describing an individual who promises to pay a [migrant worker's](#) debt in the event that the migrant worker does not fulfil their contractual obligations to the recruitment agency and is liable to pay damages to the recruitment agency. Guarantors may pledge their own assets as collateral to cover any potential damages. Migrant workers may introduce a guarantor, in accordance with Vietnamese legislation, to a [service enterprise](#)

when they are unable to pay a deposit, or by making an agreement to introduce a guarantor to a [public, non-profit entity](#).

A guarantee is the formal undertaking that the guarantor agrees to. The purpose of a guarantee is to secure the performance of a migrant worker's obligations in the contract between the worker and a service enterprise or public, non-profit entity. The requirement to introduce a [guarantor](#) who provides the guarantee can lead to negative outcomes for migrant workers and their guarantors, including:

- ▶ the payment of compensation by the guarantor in circumstances where the migrant worker was not at fault for the losses of the recruitment agency as a result of difficulty in [determining fault](#) – particularly where the migrant worker has had to breach the terms of the contract as a result of [exploitation, physical or sexual violence, harassment](#) or abuse at work; and
- ▶ increased vulnerability to [debt bondage](#) as the migrant worker is responsible for the potential loss of the guarantee, which may impair the worker's ability to leave working conditions that are exploitative or abusive.

See [deposit](#)

## H

### Harassment (-> Violence and harassment)

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See [gender-based violence and harassment](#) and [violence and harassment](#)

### Human rights

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(Source: OHCHR, 2020. [What are human rights?](#))

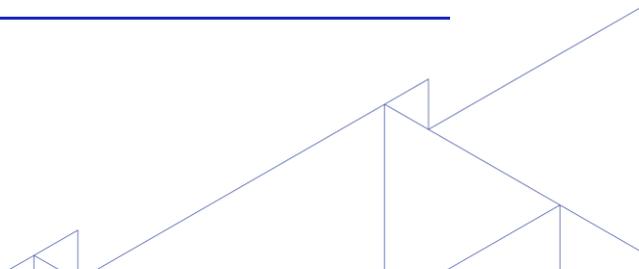
Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, migration status or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

### Human trafficking (-> Trafficking in Persons)

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See [trafficking in Persons](#)



# I

## Identity, travel and work documents

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Identity, travel and work documents, such as a passport, national or “foreign national” identity card, and [work or residency permits](#) are migrants’ proof of identity, nationality, legal status and right to remain and work in the [country of destination/destination](#). These documents are important in the context of mobility and safety of [migrant workers](#) throughout all stages of the migration and employment process. Identity and travel documents should facilitate migrants’ travel and access to health, legal, consular and education services; and are essential for practical processes such as opening a bank account. All individuals, including migrant workers, maintain the right to hold their personal documents, and in some countries, migrants must carry their identity documents or copies with them at all times.

Throughout all stages of the migration process however, a variety of private actors – including [recruiters](#), [brokers](#) and [employers](#) – systematically violate migrant workers’ rights by seizing and holding their identity and travel documents as a means of control. Confiscation of personal documents is illegal under national legislation in some countries. It leaves migrants vulnerable to harassment, arrest and [deportation by authorities](#), and restricts their mobility and freedom of movement. Retention of identity documents is an indicator of forced labour, as withholding of personal documents is often used as a means to prevent workers from escaping or seeking help.

See [forced labour](#) and [free movement](#)

## Illegal migrant (-> Undocumented migrant, migrant with irregular status)

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See [undocumented migrant, migrant with irregular status](#)

## Immigration detention

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Immigration detention is the confinement of individuals without regular migration status in prisons or detention centres, temporarily or for indefinite periods of time, while their cases are being processed by the authorities or the courts. According to international human rights standards, immigration detention should be prescribed by law, a measure of last resort, only for the shortest period of time and when no other less restrictive measure is available. States should take steps to implement alternative

measures to immigration detention. Children should not be detained based on their migratory status or irregular entry into the country. Under refugee law, refugees and asylum seekers should not be subject to penalties such as fines or imprisonment on account of their illegal entry or presence.

## Informal economy

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(Source: Hussmanns, R, 2003. *Statistical definition of informal employment: Guidelines endorsed by the Seventeenth International Conference of Labour Statisticians.*)

Employment and production that takes place in small and/or unregistered enterprises, often outside of labour protections and standards. It includes self-employment in informal enterprises (small and unregistered enterprises) and wage employment in informal jobs (unregulated and unprotected jobs) for informal enterprises, formal enterprises, households or for no fixed [employer](#).

## Illegal profits

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(Source: ILO, 2014. *Profits and poverty: the economics of forced labour.*)

Profits generated by forced labour are, by definition, illegal. In order to estimate the illegal profits arising from forced labour, the profits are defined as the difference between the average economic value added and the sum of expenditures on wage payments and intermediate consumption.

See [forced labour](#)

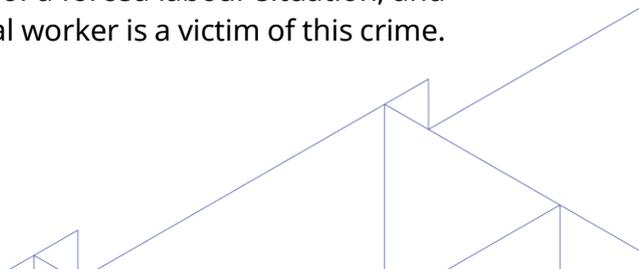
## Indicators of forced labour

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(Source: ILO, 2012. *Indicators of forced labour.*)

Indicators represent the most common signs or “clues” that point to the possible existence of a forced labour case. The indicators are derived from theoretical and practical experience of the ILO’s Special Action Programme to Combat Forced Labour (SAP-FL).

The presence of a single indicator in a given situation may in some cases imply the existence of forced labour. However, in other cases, it may be necessary to look for several indicators which, taken together, point to a forced labour case. Overall, the set of eleven indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether an individual worker is a victim of this crime.



The indicators are:

- ▶ [Abuse of vulnerability](#)
- ▶ [Deception](#)
- ▶ [Restriction of movement](#)
- ▶ [Isolation](#)
- ▶ [Physical and sexual violence](#)
- ▶ [Intimidation and threats](#)
- ▶ [Retention of identity documents](#)
- ▶ [Withholding of wages](#)
- ▶ [Debt bondage](#)
- ▶ [Abusive working and living conditions](#)
- ▶ [Excessive overtime](#)

See [forced labour](#)

## Intermediary

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(Source: ILO, 2018. *Conceptualising the role of intermediaries in formalizing domestic work.*)

The term “intermediary” refers to any person or organization involved in the individual labour migration process of a [migrant worker](#), who is neither the migrant worker or the direct employer of the migrant worker. In this sense, intermediaries can be seen as an additional layer of regulation, cost, bureaucracy and support for migrant workers and employers. The role of intermediaries and the functions that they perform can be both negative and positive for migrant workers.

The role of intermediaries within the migration process, when positive, may encompass the following functions:

- ▶ work to improve the efficiency of the job matching process between prospective migrant workers and employers;
- ▶ work to improve the capabilities of migrant worker recruitment-side workforce development institutions to meet employer needs; and;
- ▶ work that encompasses personnel and human resource services.

However, intermediaries can also have negative impacts on migrant workers, such as: significantly increasing the costs of migration by increasing the number of actors involved in [recruitment](#), placing additional administrative burdens on workers and employers, or in the case of digital labour platforms in the gig economy, these intermediaries may remove employment protections that migrant workers are entitled to with recruitment agencies.

Some examples of intermediaries include:

- ▶ private employment and recruitment agencies and brokers – both within Viet Nam and [country of destination/destination](#) – such as [service enterprises](#);
- ▶ public employment and recruitment agencies – such as [public, non-profit entities](#);
- ▶ private enterprises – such as training organizations or labour-hire companies that may set the employment terms of individual workers but who are not the end-consumer of the migrant worker’s services and which includes supervising agencies in Japan who operate as part of the [Technical Intern Training Program](#); and
- ▶ digital platforms – including platforms that match migrant workers and employers.

See [broker](#)

## International Labour Standards

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(Source: ILO, 2020. [Introduction to International Labour Standards.](#))

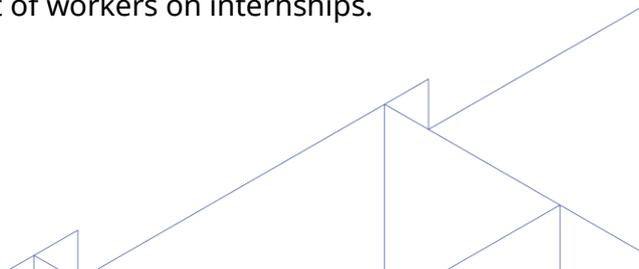
Since 1919, the International Labour Organization has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. International labour standards are an essential component of the international framework for ensuring that the growth of the global economy provides benefits to all.

## Intern-accepting contract

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

An intern-accepting contract is a written agreement between an enterprise in Viet Nam and employers in [country of destination/destination](#) regarding the conditions, rights and obligations of each party in the recruitment of Vietnamese workers undertaking an [internship](#). Each intern-accepting contract signed by an enterprise must be registered with the Ministry of Labour, War Invalids and Social Affairs and receive written approval before the contract can be performed. Vietnamese enterprises that wish to recruit and place workers on internships are also required to meet legislated requirements, including:

- ▶ making a minimum deposit;
  - ▶ reporting on the placement of interns to the Ministry of Labour, War Invalids and Social Affairs;
  - ▶ organising [pre-departure orientation training](#) for interns; and
  - ▶ managing and protecting the rights and interest of workers on internships.
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See [labour supply contract](#)

## Internship

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(Source: ILO, 2018. *The regulation of internships: a comparative study, Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

There is no universally accepted legal definition of the term “internship”. The term in the Law on Contract-Based Overseas Vietnamese Workers encompasses any overseas employment arrangement for the performance of work within a business or organization that has the primary purpose to undertake training, gain skills and/or enhance professional qualifications. Internships can be distinguished from other types of employment, which have a primary purpose of skill acquisition for the migrant worker, including:

- ▶ apprenticeships – where the apprenticeship is regulated by the [country of destination/destination](#) in a way that provides entitlements to wages and basic working conditions that are distinct to this category of employment; and
- ▶ volunteering – which involves an additional primary purpose of altruism and which is frequently undertaken for no remuneration or for remuneration intended to cover the costs of the volunteer.

See [Technical Intern Training Program](#)

## Intimidation and threats

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(Source: ILO, 2012. *Indicators of forced labour*.)

Victims of forced labour may suffer intimidation and threats when they complain about their conditions or wish to quit their jobs.

In addition to threats of physical violence, other common threats used against workers include denunciation to immigration authorities, loss of wages or access to housing or land, sacking of family members, further worsening of working conditions or withdrawal of “privileges” such as the right to leave the workplace. Constantly insulting and undermining workers also constitutes a form of psychological coercion, designed to increase their sense of vulnerability.

The credibility and impact of the threats must be evaluated from the worker’s perspective, considering his or her individual beliefs, age, cultural background and social and economic status.

See [forced labour](#)

## Isolation

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(Source: ILO, 2012. *Indicators of forced labour*.)

Victims of forced labour are often isolated in remote locations, denied contact with the outside world.

Workers may not know where they are, the worksite may be far from habitation and there may be no means of transportation available. But equally, workers may be isolated even within populated areas, by being kept behind closed doors or having their mobile phones or other means of communication confiscated, to prevent them from having contact with their families and seeking help.

Isolation can also be linked to the fact that the business or employment premises are informal and not registered, making it very difficult for law enforcement or other agencies to locate the business and monitor what is happening to the workers.

See [forced labour](#)

## Irregular migration

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(Source: UNAOC, 2014. *Media-Friendly Glossary on Migration*.)

Irregular migration is a cross-border movement that takes place outside the regulatory norms of the countries of origin and destination. From the perspective of the [country of destination/destination](#), it is entry, stay or employment in a country without the necessary authorization or documents required under the laws of that state.

From the perspective of the [country of origin](#), the irregularity is, for example, seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country.

[Migrant workers](#) can be considered to be in an irregular situation from the time of unauthorized entry into a transit or destination country, or they can acquire irregular status after lawful entry. A migrant worker with regular status in a country may stay in the country after expiration of their [work or other permit](#), or may leave the employment of an unscrupulous employer to whom the work permit was tied. In other situations, migrants whose entry is subject to restrictions not to work or only to work in a specific occupation may later engage in unauthorized remunerative activity. Migrants who are smuggled or trafficked across an international border have, in most cases, effected an unauthorized entry and thus are in irregular situations.

## J

### Joint and several liability

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(Source: Migrant Forum in Asia, 2014. *Policy Brief No. 11: Joint and Several Liability of Recruitment/Placement Agencies with the Principal/Employer under Philippine Laws.*)

Joint and several liability is a legal term referring to instances where two or more parties are wholly liable with respect to the same liability. In the labour migration sector, this may refer to instances where a recruitment agency and employer are both liable for the actions of each other with respect to a [migrant worker](#). This liability may arise as a result of a contractual relationship between two or more parties, which specifies that all parties are joint and severally liable for certain liabilities, or may be effected through legislation that makes two or more parties joint and severally liable. Joint and several liability allows a claimant – such as a migrant worker – to pursue a legal action against any one jointly and severally liable party and it becomes the responsibility of these parties to determine their respective proportions of liability and payment.

In the labour migration context, this means that if a migrant worker initiates a lawsuit against a recruitment agency for a violation of their rights, they will receive the entire amount of the compensation for the violation of their rights from the recruitment agency, even if their employer (or other parties who are jointly and severally liable – such as an [intermediary](#)) was wholly or partially responsible for the violation of their rights. It then becomes the responsibility of the recruitment agency to pursue the employer (or other party who is jointly and severally liable) to contribute to the compensation amount based upon the amount of their actual fault in causing the liability.

Viet Nam does not have a joint and several liability scheme in Law.

The benefits of a joint and several liability scheme include:

- ▶ improved access to redress mechanisms for migrant workers, as the country of origin legal system can be utilised to seek compensation – rather than a potentially inaccessible and unfamiliar legal system in migrant workers' [country of destination/destination](#);
- ▶ increased accountability of recruitment agencies to the migrant workers that they recruit by making recruitment agencies financially liable for the actions of the [employer](#) in the country of destination/destination;
- ▶ increased protection of migrant workers' rights through the use of a financial incentive to encourage recruitment agencies to thoroughly scrutinize employers and workplaces prior to recruiting workers.

While a joint and several liability scheme may improve migrant workers access to redress, it can be difficult to implement and requires further changes to [complaints mechanisms](#) to be effective. One significant gap with the establishment of a joint and several liability scheme is that employers and intermediaries are rarely held accountable

for breaches of their legal obligations. By enabling migrant workers to take legal action against recruitment agencies in their country of origin for violations of their rights by employers and intermediaries, a joint and several liability scheme may discourage migrant workers from seeking redress from employers and intermediaries. Similarly, the Philippines experience with a legislative joint and several liability scheme suggests that legal actions brought by recruitment agencies against employers or intermediaries are limited. Several factors may influence recruitment agency's decisions to do this, including:

- ▶ the cost of bringing legal action – especially legal action in a foreign jurisdiction or against a foreign party; and
- ▶ the commercial incentive to remain on good terms with employers.

The introduction of a joint and several liability scheme may not effectively hold employers or intermediaries to account for their violations of a migrant worker's rights.

The introduction of a joint and several liability scheme is also unable to resolve some of the systemic issues that migrant workers face in accessing the complaints mechanisms available to them. Further changes to complaints mechanisms that may need to be considered are:

- ▶ clarification of the evidentiary documents that migrant workers are required to produce to substantiate their complaints and a relaxation of these requirements for migrant workers who are unable to acquire the necessary documents;
- ▶ assistance for migrant workers to make complaints and to initiate civil lawsuits – especially where specific technical knowledge may be required to pursue the complaint/lawsuit; and
- ▶ consideration for stream-lined court processes and complaints mechanisms – to prevent migrant workers claims from being frustrated by the passage of time and encourage fair settlement of migrant worker complaints.

## K

### Kafala/Kafeel

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Kafala is commonly interpreted in English as “sponsorship”, although in classical Arabic the meaning is closer to connotations of “guarantee” (daman) and to “take care of” (kafl). Kafala is described in the Arab States as having stemmed from a tradition of hospitality, where strangers were considered guests of a local who took legal and economic responsibility for their welfare, as well as for the consequences of their actions. Today, kafala sponsorship is used as a means to regulate migrant labour in many Arab countries. Under kafala, a [migrant worker's](#) immigration and legal residency status is tied to an individual sponsor (kafeel) throughout his or her contract period in such a way that the migrant worker cannot typically enter the country, resign from a job, transfer employment, nor leave the country without first obtaining explicit permission from his

or her employer. Kafala has been criticized as being both an indicator of and creating situations akin to [forced labour](#).

## L

### Labour exploitation

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The term covers a broad spectrum of working conditions and practices that are short of [decent work](#) and thus unacceptable. They range from extreme exploitation including [forced labour](#) and [trafficking in persons](#) at one end, to other unacceptable working conditions such as delayed or non-payment of wages. There is no definition of exploitation in international law.

See [exploitation](#), [forced labour](#) and [trafficking in persons](#)

### Labour market

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(Source: ILO, 2016. [Key Indicators of the Labour Market - 9<sup>th</sup> Edition](#).)

A labour market concerns the activities of hiring and placing workers to perform specific jobs, and the process of determining how much shall be paid to whom in performing what tasks. In addition, the labour market concerns the mobility of workers between different jobs and employers. Rather than a physical place, the labour market is a “place” in economic theory where labour demand and supply interact. The labour market as a whole is divided into a number of submarkets, including regional and sectorial markets, as well as markets for specific trades, skills and categories of persons.

### Labour migration

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(Source: ILO, 2018. *Global Estimates on International Migrant Workers – Results and Methodology*.)

Labour migration is defined as the movement of persons from one geographical location to another, in order to find gainful employment. International labour migration involves the crossing of a border for the same purposes. In terms of economic theory there is no difference between internal (such as: rural to urban) and international labour migration. Differences stem from legal issues that arise if someone wishes to take up employment in a country other than their [country of origin](#) or when an employer recruits a worker across a border.

In 2017, [migrant workers](#) accounted for 164 million of the estimated 258 million international migrants in the world (defined as persons outside their country of origin for 12 months or more). Migration today is largely linked, directly or indirectly, to the world of work. Besides individuals crossing borders in search of employment, there are also accompanying family members who may end up in the labour market of the [destination country](#); and training and education opportunities abroad may lead to employment.

## Labour recruiter

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.*)

The term refers to both [public employment services](#) and to [private employment agencies](#) and all other intermediaries or subagents that offer labour recruitment and placement services. Labour recruiters can take many forms, whether for profit or non-profit, or operating within or outside legal and regulatory frameworks.

## Labour supply contract

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

A labour supply contract is a written agreement between [service enterprises](#) in Viet Nam with employers in [country of destination/destination](#) regarding the conditions, rights and obligations of each party in the recruitment of Vietnamese [migrant workers](#). Each labour supply contract signed by a service enterprise must be registered with the Ministry of Labour, War Invalids and Social Affairs and receive written approval before the contract can be performed.

See [intern-accepting contract](#)

## Living wage

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(Source: ILO, 2011. *Estimating a living wage: A methodological review.*)

The term “living wage” refers to a wage that is sufficient to support a basic standard of living, that is considered decent for a specific time and place and which increases with economic development. The living standard supported by a living wage should provide for more than just the necessities of life (such as: food, shelter and clothing) but also provide for health care, education, transportation and recreation; as well as for savings



or discretionary income and must be able to be supported on take-home pay earned in normal working hours – taking into account taxation and/or mandatory deductions from a workers' pay. A living wage is a family concept and a worker should be able to support a family on a living wage.

## Low-wage versus low-skilled work

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(Source: ILO, 2011. [What do we know about low-wage work and low-wage workers](#); ILO, 2010. [Report IV\(1\): Decent work for domestic workers](#), International Labour Conference 99<sup>th</sup> Session; International Standard Classification of Occupations, 2008. [ISCO-08](#).)

Preferred term: “low-wage work” or “undervalued work” rather than “low-skilled work” or “unskilled work”.

The term “low-wage work” or “low-wage labour” is sometimes used to define work in certain employment sectors by the amount workers are paid. Low-wage sectors include [domestic work](#), construction, agriculture, parts of the service sector and other forms of manual labour that are often not attractive to national workers in destination countries.<sup>2</sup>

The term “unskilled work” should be avoided although it is a term used in economics. “Low-skilled work” should be avoided as it implies a negative value judgment of workers' experience, proficiency and capacity for growth. It also does not take into account that there are a variety of skill levels within the general rubric of “low-skilled labour”, that workers have training as well as knowledge, competency and efficiency in their work. Caution is also required when using this term in relation to [migrant workers](#). Many of them are confined by law or social norms to particular sectors regardless of their skills. Women, in particular, are subject to discrimination that confines them to low-wage sectors. “Low-wage work” should be used with caution as it may imply that the economic decision to pay low-wages in this sector is justified by factors other than the operation of market economics.

The term “undervalued work” is especially relevant in the context of domestic work which is poorly regulated, and where domestic workers may be overworked, underpaid and unprotected. Domestic work remains virtually invisible as a form of employment in many countries as it is performed overwhelmingly by women in isolation in private homes. Domestic work typically entails the otherwise unpaid labour traditionally

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<sup>2</sup> In terms of statistical categories, the term “elementary occupations” is used and defined as occupations that typically involve the performance of simple and routine physical or manual tasks. These occupations may require the use of hand-held tools, such as shovels, or of simple electrical equipment, such as vacuum cleaners. These occupations involve tasks such as cleaning; digging; lifting and carrying materials by hand; sorting, storing, or assembling goods by hand (sometimes in the context of mechanized operations); operating a non-motorized vehicle; and picking fruit or vegetables. ISCO-08 and ISCO-88 category 9, The International Standard Classification of Occupations, 2012.

performed in the household by women, which explains why domestic work is undervalued in monetary terms and is often informal and undocumented. It tends to be perceived as something other than regular employment, and as a result, domestic work is often not addressed in many legislative enactments, thus rendering domestic workers vulnerable to unequal, unfair and often abusive treatment.

See [low-wage versus low-skilled worker](#)

## Low-wage versus low-skilled worker

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(Source: ILO, 2011. [What do we know about low-wage work and low-wage workers.](#))

Preferred term: “low-wage worker” rather than “low-skilled worker” or “unskilled worker”.

The term “low-wage worker” is sometimes used to define workers in certain employment sectors – where they perform [low-wage work](#) – by the amount they are paid. “Unskilled or low-skilled worker” should be avoided because it implies a negative value judgment regarding a workers’ experience, proficiency and capacity for growth. It also does not take into account that there are a variety of skill levels within the general rubric of “low-skilled worker”, that workers have training as well as knowledge, competency and efficiency in their work. Caution is also required when using this term in relation to [migrant workers](#). Many migrant workers are confined to particular sectors regardless of their skills due to the lack of recognition of their skills or prior learning by the employer in the countries in which they work. Women, in particular, are subject to discrimination that confines them to low-wage sectors.

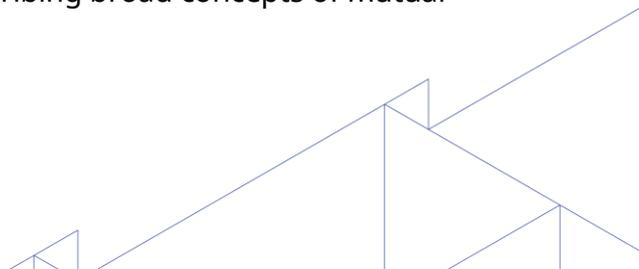
## M

### Memorandum of Understanding (MOU)

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(Source: ILO, 2015. *Bilateral agreements and memoranda of understanding on migration of low skilled workers: A review.*)

Memoranda of Understanding (MOU) governing labour migration are international instruments of a less formal kind than bilateral agreements. They often set out operational arrangements under a framework international agreement and are also used for the regulation of technical or detailed matters. MOUs are typically in the form of a single instrument and do not require ratification. MOUs are usually non-binding agreements outlining terms and conditions governing labour migration between two states and entail general principles of cooperation describing broad concepts of mutual understanding, goals and plans shared by the parties.



See [bilateral agreements](#)

## Migrant

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(Source: United Nations Department of Economic and Social Affairs, 2012. *Toolkit on International Migration*.)

While there is no formal legal definition of an international migrant, most experts agree that an international migrant is someone who changes his or her country of usual residence, irrespective of the reason for migration or legal status. Generally, a distinction is made between short-term or temporary migration, covering movements with a duration between three and 12 months, and long-term or permanent migration, referring to a change of country of residence for a duration of one year or more.

## Migrant worker

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs*.)

Preferred term: “migrant worker” rather than “alien worker”, “economic migrant”, “guest worker” or “foreign worker”.

Migrant worker means a person who migrates or has migrated to a country of which he or she is not a national with a view to being employed. According to ILO estimates there were about [164 million migrant workers worldwide in 2017](#). However, this number does not take into account such migrant workers, who are not usual residents in a destination country, e.g. seasonal workers. To generate more comprehensive insights, a new definition of international migrant worker was adopted in 2018 by the International Conference of Labour Statisticians, which includes all persons of working age in the country who are either usual residents or not usual residents, but are presently in the country and are either in employment or seeking employment.

## Migrant Worker Resource Centres (MRCs)

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(Source: ILO, 2014. *Migrant Worker Resource Centre operations manual*.)

Migrant Worker Resource Centres (MRCs) deliver services directly to [migrant workers](#) and their communities in [countries of origin](#) and [destination](#) through partnerships with government institutions, [trade unions](#), or civil society organizations. MRCs provide information on migrating for work and provide a space to ask questions and to lodge

complaints and get legal aid. Counselling is provided at MRCs and in communities through outreach activities and meetings, in addition to online and over the phone. At the time of writing there were Vietnamese MRCs in the following provinces: Hanoi, Quang Ngai, Thanh Hoa, Ha Tinh, Bac Ninh, Nghe An and Phu Tho provinces.

## Migration corridor

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A migration corridor is the migratory pathway between two countries in which there is established migration links.

## Minimum wage

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(Source: [ILO Minimum Wage Fixing Convention, 1970 \(No. 131\)](#).)

Minimum wages are defined as the minimum amount of remuneration that an employer is required to pay wage earners for the work performed during a given period, which cannot be reduced by collective agreement or an individual contract. When determining the level of minimum wages, governments should have regard to:

- ▶ the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;
- ▶ economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment.

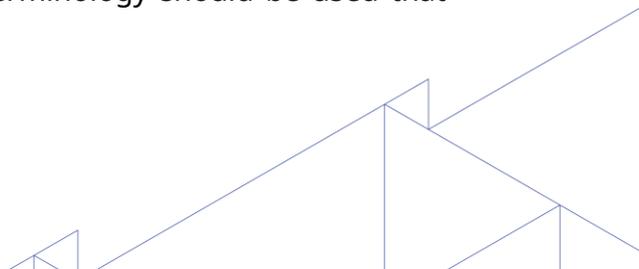
See [living wage](#)

## Modern slavery (-> Slavery)

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Preferred term: “forced labour”, “labour exploitation”, “human trafficking”, “debt bondage”, or “forced marriage” depending on the circumstances.

Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on human trafficking and elements of trafficking: often including coercive or forced labour, debt bondage, and forced marriage. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power. Where possible, the term “modern slavery” should not be used when writing about [labour exploitation](#). Instead, the particular circumstances of the exploitation should be closely examined and terminology should be used that accurately reflects the exploitation occurring.



See [forced labour](#), [exploitation](#), [trafficking in persons](#) and [slavery](#)

## Money lender

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(Further reading: IOM, 2019. *Debt and the Migration Experience*.)

Money lenders can be both third party informal lenders, as well as the agency or company along their recruitment journey, which enforces loan repayments through wage deductions.

Borrowing money is, for many [migrant workers](#), a typical way to finance part or all of their migration costs. While under a fair recruitment regime, workers should not be charged any fees or related costs for their recruitment. However, in practice many migrant workers have to pay sums amounting to several months of their prospective salaries to pay recruitment agents, [intermediaries](#), or other actors for recruitment related services. As such, many migrant workers and their families resort to taking out loans. Some workers can rely on relatives and friends to receive interest-free loans; others take out high-interest loans from informal money lenders in both the [country of origin](#) and [country of destination/destination](#), making these workers particularly vulnerable to labour exploitation.

## O

### Occupational Safety and Health (OSH)

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(Source: Alli, B, 2008. *Fundamental principles of occupational health and safety. Second edition*.)

Occupational safety and health (OSH) is generally defined as the science of the anticipation, recognition, evaluation and control of hazards arising in or from the workplace that could impair the health and well-being of workers, taking into account the possible impact on the surrounding communities and the general environment.

The ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice (see [International Labour Standards on Occupational Health and Safety](#)).

## Outsourcing agency (-> Temporary work agency)

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See [temporary work agency](#)

## Overseas Employment Support Fund

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

The Overseas Employment Support Fund is a not-for-profit fund managed by the Ministry of Labour, War Invalids and Social Affairs, which provides funding to support the labour migration sector in Viet Nam. Some of the key areas that the Overseas Employment Support Fund provides financial assistance for are:

- ▶ workers who can no longer work as a result of accident, illness, injury or other risk;
- ▶ relatives of migrant workers who die or go missing whilst abroad; and
- ▶ the establishment and development of labour markets for the placement of migrant workers.

The Overseas Employment Support Fund is financed through contributions from [migrant workers](#), [service enterprises](#) and from other sources – which may include ad hoc contributions by the Vietnamese government.

See [recruitment fees and related costs](#)

## P

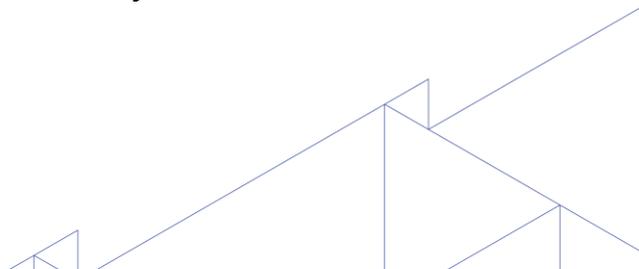
### Physical and sexual violence

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(Source: ILO, 2012. *Indicators of forced labour*.)

Workers in forced labour situations, their family members and close associates may be subjected to actual physical or sexual violence. Violence can include forcing workers to take drugs or alcohol so as to have greater control over them. Violence can also be used to force a worker to undertake tasks that were not part of the initial agreement, such as to have sex with the employer or a family member or to undertake obligatory domestic work in addition to their “normal” tasks. Physical abduction or kidnapping is an extreme form of violence which can be used to take a person captive and then force them to work.

As violence is not acceptable as a disciplinary measure under any circumstances, it is a very strong indicator of forced labour.



See [forced labour](#)

## Pre-departure orientation training

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Pre-departure orientation training is mandatory training undertaken by Vietnamese [migrant workers](#) prior to arrival in [country of destination/destination](#) regarding what to expect when living and working abroad. Well delivered training allows migrant workers to personalise learnings to anticipate and plan for challenges they and/or their family may face when they move abroad. Pre-departure training is organised by Vietnamese recruitment agencies – including [service enterprises](#) and [public, non-profit entities](#) – with the curriculum determined by the Ministry of Labour, War Invalids and Social Affairs.

Vietnamese legislation mandates that pre-departure training includes a variety of contents, including:

- ▶ basic knowledge of Vietnamese and destination laws;
- ▶ basic knowledge of contracts in the Vietnamese labour migration sector;
- ▶ “basic knowledge of forced labour, prevention of trafficking in persons, gender equality, sexual abuse, gender-based violence and prevention skills”;
- ▶ access to employment opportunities upon return to Viet Nam; and
- ▶ information regarding hotlines and addresses where migrant workers can seek support whilst working.

See [training costs](#)

## Private compliance initiatives

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(Source: ILO, 2013. *Labour inspection and private compliance initiatives: Trends and issues.*)

A variety of initiatives undertaken voluntarily and autonomously and governed by parties other than governments or public institutions, such as companies, trade unions and/or non-governmental organizations (NGOs), with or without the involvement of other parties. Built by private organizations to integrate systematic procedures to ensure that standards, including labour standards, are being met in the global value chain.

## Private employment agency/private recruitment agency

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(Source: [ILO Private Employment Agencies Convention](#), 1997 (No. 181).)

Private employment agencies are defined in the ILO Convention on Private Employment Agencies, 1997 (No. 181) as any natural or legal person, independent of public authorities, which provide one or more of the following market services:

- ▶ Matching offers of and applications for employment
- ▶ Employing workers for the purpose of the worker performing work in and as part of a third party's business or undertaking ("user enterprise")
- ▶ Other services related to job-seeking, for example the provision of information

Private employment agencies who match offers and applications for employment, for example recruit workers on behalf of [employers](#), are often referred to as private recruitment agencies. Whereas, agencies that recruit workers to perform work in and as part of a third party's business or undertaking are often referred to also as [temporary work agencies](#).

Private recruitment agencies that recruit migrant workers in Viet Nam are – under Viet Nam's legal framework – predominately "service enterprises". Service enterprises are required to hold a licence from the Ministry of Labour, War Invalids and Social Affairs and have legislated rights and obligations that they perform.

See [service enterprise](#)

## Prostitution/prostitute (-> Sex work/sex worker)

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Preferred term: "sex work" or "sex worker"

See [sex work/sex worker](#)

## Public employment services/public recruitment agency

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(Source: [ILO Employment Service Convention](#), 1948 (No. 88).)

The role of Public Employment Services is defined in the ILO Employment Service Convention, 1948 (No. 88) as ensuring the best possible organization of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources. As part of this role, public employment services are tasked with assisting workers to find suitable employment through job-matching services, which may include placing workers in employment overseas. Public employment agencies who match offers and



applications for employment, for example recruit workers on behalf of [employers](#), are often referred to as public recruitment agencies.

See [Employment Service Centre](#) and [public, non-profit entities](#)

## Public, non-profit entities

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Public, non-profit entities is the term used in Vietnamese legislation to describe a public employment service that is affiliated to a Vietnamese ministry, ministerial level agency or government agency and which recruits [migrant workers](#) in accordance with international agreements. Public, non-profit entities are established with the consent of the Ministry of Labour, War Invalids and Social Affairs, operate on a not-for-profit basis and are not authorised to collect [service charge](#) from migrant workers.

Public, non-profit entities have many of the same rights and obligations as [service enterprises](#) and are obligated under Vietnamese legislation to perform the following tasks:

- ▶ report to the Ministry of Labour, War Invalids and Social Affairs and their affiliated ministry or government agency on the placement of migrant workers; and
- ▶ coordinate with Vietnamese [consulates and diplomatic missions](#) to manage migrant workers whilst they are abroad and protect their rights and interests.

See [public employment services/public recruitment agencies](#) and [Employment Service Centres](#)

## R

### Racism (-> Xenophobia)

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Racism is [discrimination](#) directed against someone of a different “race” based on the belief that one’s own “race” is superior. In this sense, the term “race” is used to describe a group of people based on a perceived set of shared physical or social characteristics that they possess. “Race” is a social construct and its meaning is tied to and reinforced by an individual’s cultural, historical, ethnic, religious and economic background.

See [xenophobia](#)

## Receiving country (-> Country of destination/destination)

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Preferred term: “country of destination”, “destination country” or “destination”.

See [country of destination/destination](#)

## Recruitment

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.*)

Recruitment includes the advertising, information dissemination, selection, transport, placement into employment and – for [migrant workers](#) – return to the [country of origin](#), where applicable. This applies to both jobseekers and those in an employment relationship.

Recruitment of migrant workers happens through informal and formal networks that seek to match labour supply and demand. Often, [private employment agencies](#) play this role and negotiate the terms of employment with employers on behalf of the migrant worker. The [ILO Private Employment Agencies Convention](#), 1997 (No. 181), Article 8 establishes that “where workers are recruited in one country for work in another, the members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.” [Public employment services](#) may also provide recruitment services for migrant workers and are required to meet a number of minimum standards to operate – including those specified in the [ILO Migration for Employment Convention \(Revised\)](#), 1949 (No. 97).

Private and public employment agencies play a legitimate role in the labour market. However, there are concerns about the proliferation of informal labour brokers, which at times can exacerbate the risk of abuse and exploitation of migrant workers.

In a fair recruitment arrangement, private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers. Similarly, public employment agencies should also offer their services to migrant workers without cost in accordance with Article 1 of the [ILO Employment Service Convention](#), 1948 (No. 88).

## Recruitment fees and related costs

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(Source: ILO, 2019. *General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs.*)

The terms “recruitment fees” and “related costs” refer to any fees or costs incurred in the recruitment process for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection. International labour standards – including the [ILO Private Employment Agencies Convention](#), 1997 (No. 181) and the [ILO Employment Service Convention](#), 1948 (No. 88) – stipulates that recruitment actors should not charge “directly or indirectly, in whole or in part, any fees or costs to workers”. These fees and costs should be paid by other parties – such as [employers](#), [labour recruiters](#) or government actors. The ILO Private Employment Agencies Convention, 1997 (No. 181) also states that exceptions to the non-payment of fees or costs by workers may be made “in the interest of the workers concerned, and after consulting the most representative organizations of employers and workers.” These exceptions should be considered subject, but not limited, to the following conditions:

- i. they are in the interest of the workers concerned; and
- ii. they are limited to certain categories of workers and specified types of services; and
- iii. the corresponding related costs are disclosed to the worker before the job is accepted.

Recruitment fees and related costs are defined as follows:

### Recruitment fees:

- ▶ payments for recruitment services offered by [labour recruiters](#), whether public or private, in matching offers of and applications for employment;
- ▶ payments made in the case of recruitment of workers with a view to employing them to perform work for a third party;
- ▶ payments made in the case of direct recruitment by the employer; or
- ▶ payments required to recover recruitment fees from workers.

These fees may be one-time or recurring and cover recruiting, referral and placement services which could include advertising, disseminating information, arranging interviews and submitting documents for government clearance.

### Related costs:

Related costs are expenses integral to recruitment and placement within or across national borders, taking into account that the widest set of related costs are incurred for international recruitment. These include the following cost categories:

- ▶ medical costs;
- ▶ insurance costs;
- ▶ costs for skills and qualification tests;
- ▶ costs for training and orientation;

- ▶ equipment costs;
- ▶ travel and lodging costs; and
- ▶ administrative costs.

In Vietnamese legislation, the recruitment fees and related costs that can be collected from migrant workers depend on a number of factors, including the recruitment agency used by the worker and the [migration corridor](#) that the worker takes. These fees and costs may include:

- ▶ [service charges](#);
- ▶ a [deposit](#) (or introduction of a [guarantor](#));
- ▶ fees and charges paid to [intermediaries](#) in destination – such as service fees paid to [brokers](#) in Taiwan, China;
- ▶ training costs;
- ▶ contribution to the [Overseas Employment Support Fund](#);
- ▶ medical examination costs;
- ▶ travel to and from [destination](#);
- ▶ passport costs;
- ▶ [visa](#) costs and/or [work permit](#) costs;
- ▶ [damages for breach of contract](#);
- ▶ other documents required by employers or government agencies; and
- ▶ double taxation and social insurance costs (where no [bilateral agreement](#) on double taxation or social insurance is in effect) in Viet Nam and destination country.

## Regulation

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(Source: ILO, n.d. [Thesaurus - regulation](#).)

A governmental order having the force of law.

## Remittances

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Remittances are monies earned or acquired by [migrant workers](#) that are transferred back to their [country of origin](#). Remittances may be sent through formal bank or quasi-bank transfer systems, often at considerable expense, or through informal money transfer systems, including hand carry or mobile money systems. The opportunity to earn higher wages and send remittances home is often the primary motivation of migrant workers from poor countries.

## Restriction of movement

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(Source: ILO, 2012. *Indicators of forced labour*.)

Restriction of movement is an indicator of forced labour. Those in forced labour may be locked up and guarded to prevent them from escaping, at work or while being transported.

If workers are not free to enter and exit the work premises, subject to certain restrictions which are considered reasonable, this represents a strong indicator of forced labour. Legitimate restrictions might include those relating to protection of the safety and security of workers in hazardous work sites, or the need to request prior permission of the supervisor to attend a medical appointment.

Workers in conditions of forced labour may have their movements controlled inside the workplace, using surveillance cameras or guards, and outside the workplace by agents of their employer who accompany them when they leave the site.

See [forced labour](#)

## Retention of identity documents

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(Source: ILO, 2012. *Indicators of forced labour*.)

The retention by the employer of identity documents or other valuable personal possessions is an element of forced labour if workers are unable to access these items on demand and if they feel that they cannot leave the job without risking their loss. In many cases, without identity documents, the worker will not be able to obtain other jobs or access essential services and may be afraid to ask for help from authorities or NGOs.

See [identity, travel and work documents](#) and [forced labour](#)

## Return and reintegration

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(Source: ILO, 2006. *ILO Multilateral Framework on Labour Migration*.)

Return and reintegration of [migrant workers](#) refers to the process whereby migrants return to their [country of origin](#) and reintegrate economically and socially. It can be temporary or permanent, as many migrants may return home for a period (sometimes dictated by the terms of their employment contracts) before migrating abroad again. Return and reintegration policies may include measures to capitalize on the new skills and experience workers have developed abroad; to assist returning workers in setting

up small enterprises; or to encourage productive investment of savings. Migrant workers who have faced [exploitation](#), abuse and other traumatic experiences will require psychosocial, health and legal services.

## S

### Seasonal worker

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(Source: OHCHR, 1990. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.](#))

Preferred term: “seasonal worker” rather than “guest worker”

A seasonal worker is a worker whose timing and duration of work is significantly influenced by seasonal factors such as climatic cycle, public holidays, and/or agricultural harvests. Seasonal workers are common in the agriculture, hospitality and tourism industries. The term “seasonal worker” is preferred to terms like “guest worker”, which imply a guest-host relationship that is not based on equal labour rights.

See [frontier workers](#) and [border pass](#)

### Service charge

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Service charge refers to the amount of money that Vietnamese [service enterprises](#) receive from workers and [employers](#) for their recruitment services. The *Law on Contract-Based Overseas Vietnamese Workers 2020* regulates the collection of service charge and requires that:

- ▶ the maximum ceiling of service charge that may be collected from workers is:
  - ▶ one month of contracted salary per 12 months of employment;
  - ▶ one and a half months of contracted salary per 12 months of employment for officers and crew members of maritime transport vessels;
  - ▶ a maximum service charge of three months of contracted salary for an employment period exceeding 36 months;
  - ▶ if agreement is made for the collection of service charge for extension of migrant worker’s contract – a half month’s salary per 12 months of contract extension.
- ▶ service charge is collected from workers in line with agreements between the workers and the enterprise;

- ▶ service charge can only be collected from a worker after a contract has been signed between the worker and the enterprise and the [labour supply contract](#) has been approved by the Ministry of Labour, War Invalids and Social Affairs;
- ▶ if the employer pays part or the whole of the agreed service charge, the service enterprise is only permitted to collect the remaining amount of the agreed service charge from workers;
- ▶ if the worker pays the service charge for the entire working period of the contract and then returns to Viet Nam prematurely, for reasons that are [determined not to be the fault](#) of the worker, the service enterprise must refund the worker an amount equivalent to the service charge and interest for the remaining duration of the contract.

At the time of writing, the Government is still to develop subordinate legislation outlining lower service charge ceilings for specific [countries of destination/destination](#) and industry sectors.

In accordance with International Labour Standards, particularly the ILO Private Employment Agencies Convention, 1997 (No. 181) and the *General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs*, workers should not be charged, directly or indirectly, in whole or in part, any recruitment fees or related costs for their recruitment.

See [recruitment fees or related costs](#)

## Service enterprise

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

A service enterprise is the term used in the *Law on Contract-Based Overseas Vietnamese Workers 2020* for a private recruitment agency in Viet Nam that performs the role of matching workers with job offers from overseas [employers](#). To perform the service of recruiting migrant workers, service enterprises are required to apply to the Ministry of Labour, War Invalids and Social Affairs for a licence and both initially meet and then maintain the licence's requirements. Some of these licensing requirements include:

- ▶ maintaining a deposit, which is used to satisfy claims for compensation by workers and other parties in the recruitment process; and
- ▶ having appropriately qualified staff to undertake recruitment activities – such as appropriately qualified trainers to deliver [pre-departure orientation training](#) or staff with the language skills necessary to work in specific [migration corridors](#).

Service enterprises are also obligated under Vietnamese legislation to perform a variety of tasks, notably:

- ▶ reporting to the Ministry of Labour, War Invalids and Social Affairs on the placement of migrant workers;
- ▶ committing to place migrant workers within 180 days of their selection and paying compensation to workers if unable to do so;
- ▶ managing migrant workers whilst they are abroad and protecting their rights and interests; and
- ▶ assisting in the [return and reintegration](#) of workers through supporting job placement for returned migrant workers.

See [private employment agency](#)

## Sex

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The physical and biological characteristics that distinguish men, women and persons of indeterminate sex (versus, socially constructed roles, or gender).

See [gender](#)

## Sex work/sex worker

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(Source: ILO, 2017. *Promoting a Rights-based Approach to Migration, Health, and HIV and AIDS: A Framework for Action.*)

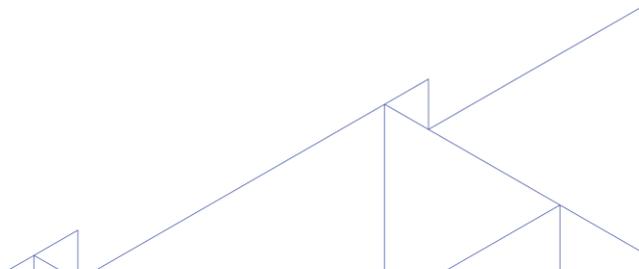
Sex work is the provision of sexual services in exchange for money or goods, either regularly or occasionally. Sex workers can be women, men and transgender people. Use of the term sex work rather than prostitution recognizes that sex work is work. Many people who sell sexual services prefer the term sex worker and find prostitute demeaning and stigmatizing, which contributes to their exclusion from health, legal, and social services. Sex work is different to entertainment work, although the two are often conflated. Sex workers should always be asked how they would like their occupation to be referred to, when writing their story.

## Sexual abuse

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(Source: UN, 2017. *Glossary on Sexual Exploitation and Abuse.*)

Actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.



## Sexual exploitation

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(Source: UN, 2017. *Glossary on Sexual Exploitation and Abuse*.)

Actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Sexual exploitation and abuse constitute acts of serious misconduct and are therefore grounds for disciplinary action including summary dismissal, and criminal proceedings.

## Sexual harassment

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(Source: UN, 2017. *Glossary on sexual exploitation and abuse*.)

Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, including at work. While typically involving a pattern of behaviour, it can take the form of a single incident. Sexual harassment may occur between persons of the opposite or same sex. Men and women can be either the victims or the offenders.

Sexual harassment can be physical (physical touching, unnecessary close proximity), verbal (comments and questions about appearance, lifestyle or sexual orientation), or non-verbal (whistling, sexually-suggestive gestures, display of sexual materials).

Sexual harassment in the workplace may manifest in situations where a job benefit – such as pay rise, promotion, or even continued employment – is made conditional on the victim acceding to demands to engage in some form of sexual behaviour. A hostile working environment in which the conduct creates conditions that are intimidating or humiliating to the victim is another form of sexual harassment in the workplace. The latter often reflects the power dynamics between the employer/manager and the employee, or between different employees.

See [gender-based violence and harassment](#) and [violence and harassment](#)

## Slavery (-> Modern slavery)

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Preferred term: “forced labour”, “labour exploitation”, “human trafficking”, “debt bondage”, or “forced marriage” depending on the circumstances.

The use of the terms “slavery” or “slave” should be avoided where possible, as these terms imply that workers have no agency. The terms are often used to describe situations of and people in exploitation, forced labour, or trafficking.

See [modern slavery](#), [forced labour](#), [exploitation](#) and [trafficking in persons](#)

## Smuggling

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(Source: UN, 2000. [Protocol against the Smuggling of Migrants by Land, Sea and Air.](#))

Smuggling is defined as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a country of which the person is not a national or permanent resident. In contrast to trafficking in persons, a person is smuggled if there is no force, fraud or coercion, with the aim of exploiting the person.

See [trafficking in persons](#)

## Social security

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(Source: ILO, 2020. [International Labour Standards on Social Security.](#))

Social security, or social protection, is defined as the set of policies and programmes designed to reduce and prevent poverty and vulnerability. Social protection includes nine main areas: child and family benefits, maternity protection, unemployment support, employment injury benefits, sickness benefits, health protection, old-age benefits, disability benefits and survivors’ benefits. Social protection systems address all these policy areas by a mix of contributory schemes (social insurance) and non-contributory social assistance financed through taxation.

## Special Economic Zones (also known as export processing zones or qualified industrial zones)

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A Special Economic Zone (SEC) is an industrial estate that specializes in manufacturing for export. These zones are established with special incentives to support free trade and attract foreign investors. Working conditions and industrial relations in these zones often do not meet [international labour standards](#).

## Survivor

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A survivor is a person who has experienced violence or other trauma. The term “survivor” is generally used in the psychological and social support sectors because it implies resilience of the person who experienced violence and may be the preferred term for the survivor. “Victim” is a term often used in the legal and medical sectors, recognizing that many forms of [gender-based violence](#), [human trafficking](#) and [forced labour](#) are crimes.

See [victim](#)

## T

### Technical Intern Training Program

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(Source: Japan International Trainee & Skilled Worker Cooperation Organization, n.d. [What is the Technical Intern Training Program?](#); *Official correspondence on continuing to implement corrective measures to bring Vietnamese trainees to Japan 2016*, (Viet Nam). No. 1123/LĐT BXH-QLLĐNN.)

The Technical Intern Training Program is a short-term immigration program that operates in Japan. The stated objective of the program is to transfer skills from Japan to developing and other regions of the world, through the training of [migrant workers](#) in Japan who then return to their [country of origin](#) and play a role in its development. A significant number of Vietnamese migrant workers take part in the Technical Intern Training Program. In October 2019, approximately 189,000 Vietnamese technical interns were resident in Japan.

A technical internship undertaken as part of the program can take up to five years to complete and can be conducted in a number of industry sectors – such as construction or manufacturing. During the period of the internship technical interns are paid in accordance with the [minimum wage](#) law of Japan and are, as a condition of their visa, generally unable to change employer. The training of interns is overseen by a Japanese intermediary organization – called a supervising organization – who operate on a not-for-profit basis and are paid by the [employer](#) for their services.

See [internship](#) and [intern-accepting contract](#)

## Trade union

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A trade or labour union is an organization that is established and managed by workers to represent workers' interests. Trade unions may be sectoral, national or exist within enterprises. One of the main purposes of a trade union is to engage in collective bargaining with employers.

See [freedom of association](#) and [collective bargaining](#).

## Training costs

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

Training costs are the costs that migrant workers are charged for training that is necessary to undertake for their employment. These costs may be charged for [pre-departure orientation training](#) and [advance preparation of labour resources](#). Training costs form part of the [recruitment fees and related costs](#) that migrant workers are required to pay. Training costs are a [related cost](#) of recruitment and should not be borne by migrant workers.

See [recruitment fees and related costs](#)

## Trafficking in persons (-> Human trafficking)

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(Source: [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime](#), 2000; *Victims of Trafficking and Violence Protection Act of 2000*, (United States of America). 22 USC 7101.)

Trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of [deception](#), of the [abuse of power or of a position of vulnerability](#) or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of [exploitation](#). Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, [forced labour](#) or services, [slavery](#) or practices similar to slavery, servitude or the removal of organs.

## Temporary work agency

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(Source: [ILO Private Employment Agencies Convention](#), 1997 (No. 181))

Preferred term: “Temporary work agency” rather than “Manpower agency”

Temporary work agencies are private employment agencies who employ workers for the purpose of performing work in and as part of a third party’s business or undertaking (“user enterprise”).

Temporary agency employment is where a worker is employed by a private recruitment agency (sometimes referred to as temporary work agency), and then hired out to perform work at and under the supervision of a user enterprise or company. There is considered to be no employment relationship between the temporary agency worker and the user company/enterprise, although there could be legal obligations of the user company/enterprise towards the temporary agency worker, especially with respect to health and safety. The temporary agency worker’s labour contract is of limited or unspecified duration with no guarantee of continuation. The user company pays fees to the agency, and the agency pays the worker’s wages (even if the hiring company has not yet paid the agency). Flexibility for both worker and employer is a key feature of agency work.

[Private employment agencies](#) carrying out temporary agency work may be referred to as temporary work agencies, outsourcing agencies or manpower agencies. It is recommended to avoid using the term “manpower agency” and rather use the former more gender-neutral terms.

## U

### Undocumented migrant, migrant with irregular status

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Preferred terms: “undocumented migrant”, “irregular-status migrant” or “migrant with an irregular status” rather than “illegal migrant” or “irregular migrant”.

A migrant with an irregular status or undocumented migrant is someone who is not authorized to enter, to stay or to work in the [country of destination/destination](#). Migrants often have little control over the complex factors that determine their status as these frequently come down to administrative circumstances, not necessarily the actions of migrants. Migrants can slip easily from regular to irregular status, often through no fault of their own. For example in some Arab States, [migrant workers’](#) residency and work rights are tied to their individual sponsor under the kafala system. If their employer fails to renew their permits, they will fall into an irregular situation. If a migrant worker works for anyone other than the employer stated on their work permit or leaves employment

prior to the end of contract, they lose their legal right to remain in the country. Other migrants in an irregular situation include people who were trafficked or [smuggled](#) into the country. In countries of origin where there are restrictions on women's migration, such as sectoral bans or age limits, women are often pushed into irregular migration – increasing their vulnerability to exploitation and trafficking. Migrants may also move from irregular to regular status, including through amnesty programs.

Migrants in an irregular situation are frequently subject to harassment, arrest, detention and deportation and are at risk of [forced labour](#) and [trafficking](#). Without legal status in their country of employment they have no or very few avenues for seeking legal redress if their rights are violated. There is international consensus on the need to prevent and reduce irregular migration by improving migration governance to facilitate and ensure safe, orderly and regular migration for the benefit of all.<sup>3</sup>

The term 'irregular-status migrant' is preferable to:

- ▶ "illegal migrant": as this carries a criminal connotation, will often be legally incorrect and is seen as denying migrants' humanity; or
- ▶ "irregular migrant": as it is not the migrant but their migration status which is irregular.

## Unskilled worker (-> Low-wage worker versus low-skilled worker)

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See [low-wage versus low-skilled worker](#)

## V

### Victim blaming

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"Victim blaming" exists to a certain degree with all forms of violence. In order not to question the safety of the world around us when we hear of a violent or exploitative incident, we may examine the behaviour of the survivor and assure ourselves that if we avoid such risks and behaviour (for example, being out late alone, venturing into certain areas, leaving our door unlocked, dressing in a "provocative" way) we will avoid similar situations. This natural act of psychological self-defence, however, focuses our attention on the perceived responsibility of the survivor, and may neglect to fully question the conduct of the perpetrator. By shifting the blame to the [survivor](#) in violence against

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<sup>3</sup> ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the UN General Assembly, resolution 73/195, Global Compact for Safe, Orderly and Regular Migration, 2018.

women, the focus is on the survivor and her behaviour, rather than on the structural causes and inequalities underlying the violence perpetrated against her.

## Victim

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Preferred term: “survivor” or “victim” – dependent on the preference of the survivor/victim.

A person harmed as a result of crime, accident, or another event or action, for example a victim of human trafficking or assault. Survivors of human trafficking should always be asked how they would like to be referred to, when writing about their experiences, as people may prefer to be referred to as survivors rather than victims.

See [survivor](#)

## Violence and harassment

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(Source: [ILO Violence and Harassment Convention](#), 2019 (No. 190).)

Violence and harassment in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes [gender-based violence and harassment](#) and [sexual harassment](#).

Harassment refers to any unwelcome conduct that might reasonably be expected or perceived to cause offence or humiliation to another person. Harassment may take the form of words, gestures or actions which intend to annoy, alarm, abuse, demean, intimidate, belittle, humiliate or embarrass another or which create an intimidating, hostile or offensive work environment.

See [gender-based violence and harassment](#) and [sexual harassment](#)

## Visa

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(Source: *Law on Contract-Based Overseas Vietnamese Workers 2020*, (Viet Nam). No. 69/2020/QH14.)

A visa is an endorsement made in a passport or similar document, issued by the authorities of a country (usually an embassy or consulate) permitting a non-citizen to enter that country. To emigrate for employment, migrant workers may be required to

obtain a visa. The cost of obtaining this visa is a [related cost](#) of recruitment and should not be borne by migrant workers.

## W

### Wage discrimination

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Wage discrimination describes the inequalities in wages between men and women, between national and [migrant workers](#), or between migrant workers of different nationalities performing the same work. At the international level, the problem of wage discrimination between men and women is specifically addressed by [ILO Equal Remuneration Convention](#), 1951 (No. 100).

See [discrimination](#)

### Withholding of wages

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(Sources: ILO, 2012. *Indicators of forced labour*.)

The withholding of wages is an indicator of forced labour. Workers may be obliged to remain with an abusive employer while waiting for the wages that are owed to them. The fact of irregular or delayed payment of wages does not automatically imply a forced labour situation. However, when wages are systematically and deliberately withheld as a means to compel the worker to remain and deny him or her of the opportunity to change employer, this points to forced labour.

See [forced labour](#)

### Work permit

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A work permit is a legal document issued by a government to non-citizens allowing them to work in the respective country under a set of prescribed conditions. To emigrate for employment, migrant workers may be required to obtain a work permit. The cost of obtaining this work permit is a [related cost](#) of recruitment and should not be borne by migrant workers.

# X

## Xenophobia

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Xenophobia is a fear or hatred of people from other countries/others that are foreign or originate from outside the community or nation.

See [racism](#)

## ▶ Migration photojournalism guideline

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Like the choice of terminology, images used alongside news stories have a powerful impact on the tone and the framing of the reporting. Frequently migration is expressed through the frame of crime and security concerns. The following is a guideline on ethical photojournalism on migration:

- ▶ Utilize appropriate iconography when expressing stories about migrant workers and migration and think of the implications of the people portrayed. This includes images that remain respectful of migrant workers' right to privacy, and do not perpetuate harmful stereotypes about their work, lives or character.
- ▶ Operate in an ethically sound manner – seek informed consent for use of images covering migrants, protect identities and remain respectful of the right to privacy, anonymity and confidentiality.
- ▶ Always take particular care when interviewing or reporting on stories that concern children. Ensure that when interviewing or photographing a child, a parent or guardian is present and informed consent is granted.
- ▶ To protect identity, images can be broadcast out of focus; alternatively, visual illustrations other than photo and film footage of migrant workers can be used, such as data visualization or animation.
- ▶ Be aware of images that inspire pity, rather than empowerment and agency of migrants.
- ▶ Make sure that the photo is not a distortion of reality, but reflects the true situation accurately. The research of the story behind the images is as important as the picture itself. Support your story with well-sourced data and strong evidence.
- ▶ Do not cross the line between editing and manipulation. Cropping and photo editing could distort the picture, and these techniques should not exceed what is technically necessary.
- ▶ Make sure to frame your photojournalistic work in a structural manner rather than in an episodic or sensational one, by further contextualizing the photo and helping the readers to understand the complexities behind migration. Providing context helps the recipient to interpret what they see in the picture. One picture could generate different reactions depending on its contextual framing.

## ▶ Gender-sensitive reporting on migration issues

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A gender-sensitive story is stronger and more nuanced. It has depth and reflects different viewpoints and voices. It assesses relations, representations, social hierarchies, structures and power dynamics between men and women and other gender identities, and their different experiences in society.

- ▶ Aim to use words that remove sexist biases and frameworks. Avoid reference to a person's race, class, sexual orientation, nationality or marital status when irrelevant to the story.
- ▶ Consider gender-aware alternatives to terms such as 'manpower' (labour force or work force); "girl", when speaking about an adult (woman); "cleaning lady" (domestic worker), "prostitute" (sex worker) etc. Gender-aware language seeks to avoid assumptions about the nature and roles of women and men in society, and hence, to challenge discriminatory representations of men and women.
- ▶ When reporting, consider the migration and labour issues most saliently faced by women, including gender-based violence, marriage migration, pay inequity, discrimination, and maternal healthcare and rights.
- ▶ Avoid considering family, children, contraception and maternity the sole responsibility of the mother.
- ▶ Be aware of gender-based discrimination in migration policies, such as migration bans based on age, marital or maternal status; and how the jobs available abroad perpetuate gender roles.
- ▶ Although not always available, strive to include gender-disaggregated data in all reporting.
- ▶ Recognize the significant amount of unpaid care work that women perform, and how this affects their lives as workers and as migrants.
- ▶ Recognize that domestic violence, sexual assault, rape, and human trafficking can be experienced by men and boys too.
- ▶ When conducting interviews, try to gather different points of view from men and women to equally represent their different voices and perceptions.
- ▶ Gender concerns should also apply to the use of images and pictures which can reinforce social constructions of femininity and masculinity and gender roles.
- ▶ When quoting from sources using demeaning or sexist language, put their sexist words or phrases in quotation marks to draw attention to its offensive usage.

## ▶ Working with victims of trauma

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While shedding light on human consequences of traumatic events is a journalistic duty, you have an obligation to represent their trauma in a professional and non-exploitative manner.

- ▶ Acknowledge that people affected by traumatic events may not be reliable sources. Witnessing traumatic events, or fear of injury or death can significantly affect perceptions and judgments. Try to thoroughly double-check facts, names, times and places before exploring victims' and survivors' feelings.
- ▶ Never name a survivor without that person's explicit and informed consent. The use of a first name only or a pseudonym is not always enough to hide someone's identity. Consider obscuring certain identifiers that would indirectly reveal the person's identity.
- ▶ Trauma victims/survivors are often psychologically and emotionally vulnerable; approach them with care and respect. Take your time to introduce yourself and explain to them why you would like to interview them. Do not rush and begin your interview before making sure that they are ready and comfortable to receive your questions.
- ▶ If the trauma victims/survivors seem frozen and unable to talk, do not exert pressure to conduct the interview or to explore certain details they are not willing to share with you. Respect their privacy and consider the uneven power dynamics between the victims/survivors and journalists. If you force victims/survivors to speak about traumatic details, you might trigger symptoms that are very similar to the original assault or violation they have witnessed.
- ▶ Acknowledge and be aware of your own feelings when reporting traumatic events and experiences, keep a healthy distance with the victims and survivors. The inclination to "over-empathize" can be dangerous and can negatively affect both your interviewees and your reporting

The Media-Friendly Glossary on Migration Fair Recruitment and Forced Labour - Viet Nam Edition serves as a guide for journalists, researchers, trainers and other actors in Viet Nam who write about labour migration, especially in the context of recruitment of migrant workers and forced labour. This version of the glossary has been specifically adapted for the Vietnamese context and contains both general terminology relating to labour migration and also specific terminology that may be relevant only when describing labour migration in Viet Nam. The debate on migration has become increasingly negative and our words count more than ever. This glossary is intended to support writers to make sure that their remarks are not discriminatory or inflammatory and that they examine all the issues relevant for the various aspects of migration on which they are writing about. Words have power over public opinion, so it is our responsibility to choose them carefully.

