

**MONOGRAPH**  
**VIETNAMESE**  
**DOMESTIC WORKERS**





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*Research Centre for Gender, Family and Community Development (GFCD)*  
*Rosa Luxemburg Stiftung Southeast Asia*

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The opinions expressed in the publication are those of the authors and do not necessarily reflect the views of the Rosa-Luxemburg-Stiftung Southeast Asia (RLS SEA).

Rosa-Luxemburg-Stiftung Southeast Asia (RLS SEA) embraces the mission of supporting transformation countries, such as Cambodia, Laos, Myanmar and Vietnam to a socially just, sustainable, participatory and democratic society. The RLS SEA Regional Representative Office has been opened in April 2009 in Hanoi and is currently cooperating with approximately 15 partner organizations such as academic institutions and universities, non-government-organizations (NGOs) and government institutions and parliaments. RLS SEA's activities and partnerships focus on a variety of issues under three major themes, i.e. "components" such as "social justice", "socio-ecological transformation" and "participatory politics".

The Research Center for Gender, Family and Community Development (GFCD) is a non-governmental, non-profit organization established in August 2000 under Hanoi Department of Science and Technology. GFCD's vision is "Vietnamese migrant workers, particularly women workers are empowered to benefit from social protection policies toward social justice".

The monograph on "Vietnamese domestic workers" is published to meet the need of information on domestic workers for management, studies and policy making of government agencies, research institutions and readers at home and abroad.

## **Foreword**

Domestic work has long existed not only in Vietnam but also in almost all countries in the world. In the process of international integration, this type of work has increasingly developed. Domestic workers, most of them are women play an important role not only in the families employing them but also in the national economy and the labour market. This is because, when joining the labour market, domestic workers help other women to do well their work at offices, enterprises, hospitals and schools while they are at ease of their housework, the work which is supposed to be done by them, but not very well if they do both housework and office work at the same time. In addition, domestic work brings about rather stable income for many rural women workers who have low education, and no stable jobs. Although domestic work provides higher income than farm work and other freelance jobs, it does not meet the demand for basic living standards because informal work rarely accompanies good pay, good working conditions and social protection. Besides, prejudice on domestic work and domestic workers remains heavy in our society.

The Monograph “Vietnamese Domestic Workers”, compiled by the Research Centre for Gender, Family and Community Development (GFCD) has 5 chapters: Chapter I. International and Vietnamese legal framework on domestic workers; Chapter II. Overview of Vietnamese Domestic Workers; Chapter III. Socio-economic values of domestic workers; Chapter IV. Competency Standards for domestic workers; and Chapter V. Recommendations and policy implications. It provides synthesis and analysis of research results and Vietnamese and international laws and regulations relating domestic workers.

It is expected that the monograph will be a useful book, basically meeting the need for information on domestic workers in service of management, research and development of policies and plans of government agencies, research institutions and readers at home and abroad. The book is completed with technical and financial assistance from Rosa Luxemburg Stiftung Southeast Asia and cooperation of the national consultant team.

Sincerely!

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**Deputy Chair of the Committee for Social Affairs, Vietnam National Assembly**

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Sincerely!

***Research Center for Gender, Family and Community Development***

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## LIST OF ABBREVIATIONS

Domestic workers	DWs
Domestic work	DW
Health Insurance	HI
International Labour Organization	ILO
Social Insurance	SI
Social Protection	SP
Research Centre for Gender, Family and Community Development	GFCD
Rosa Luxemburg Stiftung Southeast Asia	RLS SEA

## **CHAPTER I**

### **INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON DOMESTIC WORKERS**

Vietnam is one of the few countries in the world that have developed legal regulations for domestic workers. The amended Labor Code passed by the National Assembly on June 18th, 2012 and taken effect since May 1st 2013 has a separate section (Section 5) with five provisions for domestic workers (Article 179 to Article 183). This is a positive step for further development of the legal framework for domestic workers, moving them out of the homes where they work, and enabling them to enter the labor market more effectively with their own voices spoken out. However, the current legal frameworks for domestic workers in Vietnam and in the world have not been specified in terms of the type of domestic work, the rights and responsibilities of the domestic workers and employers. *This Chapter introduces the definition of a domestic worker, the type and scope of domestic work; analyzes national and international legal frameworks for domestic workers; studies bilateral developments on sending and receiving domestic workers between Vietnam and Taiwan, Vietnam and Saudi Arabia as well as Taiwan's and Arabia Saudi's local provisions on protecting the rights and interests of migrant domestic workers; analyzes and evaluates related laws and policies to identify legal progresses and gaps for domestic workers. The results of this policy review and analysis would be the base for proposing amendments and enhancing the enforcement of laws and policies of Vietnamese domestic workers.*

## 1.1. Definition of a domestic worker

Domestic work is a type of historical job that has been named with different titles such as slaves, maids (in foreign countries), male and female “live-in” workers (*con ở, thằng ở*), *con sen, ô-sin*, domestic workers, etc. (in Vietnam). Historically, domestic work has been prejudiced as a type of inferior job in society. They are often employed by households to do domestic chores and family care such as cooking, cleaning, gardening, child care, elderly care, sick care, driving, guarding or taking dogs for walks, etc. Only when the international organizations and some governments care about this type of labour, definitions have been introduced to them.

In 2011, the International Labor Organization (ILO) introduced the definition of a domestic worker in the Convention No. 189 Concerning Decent Work for Domestic Workers (the Convention has taken effect since September 5th 2013). In the Article 1 of the Convention No. 189, domestic work is a term used to refer to:

*(a) The term **domestic work** means work performed in or for a household or households;*

*(b) The term **domestic worker** means any person engaged in domestic work within an employment relationship;*

*(c) A person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker. (Article 1, ILO Convention No. 189 on Domestic Workers, 2011)*

Women in Informal Employment: Globalizing and Organizing (WIEGO) - an international organization working on the protection of women working in the informal sector through globalizing and organizing defines a domestic worker and the types of domestic work as: “a person who is employed for remuneration whether in cash or kind, in any household through any agency or directly,

*either on a temporary or permanent, part time or full time basis to do the household work, but does not include any member of the family of an employer”.*

Based on the number of working hours and relations with employers, domestic workers are defined by three types:

*(1) Part-time worker i.e. worker who works for one or more employers for a specified number of hours per day or performs specific tasks for each of the multiple employers every day.*

*(2) Full-time worker i.e. worker who works for a single employer every day for a specified number of hours (normal full day work) and who returns back to her/his home every day after work.*

*(3) Live-in worker i.e. worker who works full time for a single employer and also stays on the premises of the employer or in a dwelling provided by the employer (which is close or next to the house of the employer) and does not return back to her/his home every day after work. (WIEGO (2018). Domestic workers in India)*

U.S Immigration, in its website, also introduces a definition of domestic worker as follow: *“Domestic workers are individuals who work for private households. Their tasks may include taking care of children, elderly or sick family members, cleaning, cooking, laundry and ironing, gardening, shopping for food and any errands related to the upkeep of a household. While domestic workers may live in their own houses, some are live-in domestics; this means they live in their employer(s) residence. They have their own accommodations and receive room and board as part of their salaries. Some domestic workers may also be required to wear an uniform”.*

In Vietnam, definition of domestic worker is firstly introduced in the Labour Code 2012. The Article No. 179 of the Law defines:

*1. A domestic worker is a worker who regularly carries out domestic work for one or more than one households.*

*Domestic work includes cooking, housekeeping, babysitting, nursing, caring for elders, driving, gardening, and other work for a household which is not related to commercial activities.*

*2. This Code does not apply to persons who perform domestic work in the form of piecework. (Article 179, Labour Code, 2012)*

Going through the above-mentioned definitions, it can be seen that the definition of labor in the world and in Vietnam is rather consistent in terms of content, scope of work and type. The definitions indicate that domestic worker is the person: (i) works within the household, either for one household or more than one household; (ii) does the work such as caring for household members and doing housework to maintain it; (iii) is paid; (iv) is not a member of the household; and (v) can or do not need to live with the household of his/her employer. As the scope of domestic work is more and more diversified, depending on the characteristics and needs of each household, a domestic worker can do one or more than one tasks such as child care, caring for the elderly and the sick, doing housework (cleaning), shopping for food and necessities, cooking, gardening, taking dogs for walks, driving, etc. Because the type of domestic work is so diverse, it is essential to regulate the working time and type of work performed between domestic workers and employers to ensure that the rights and interests of domestic worker are guaranteed, and their responsibilities are fulfilled.

In this Monograph, the used definition of domestic worker is consistent with the definition introduced in the Labour Code of Vietnam 2012 (Article 179) with reference to the Article 1 of the ILO Convention No. 189 on domestic workers.

## **1.2. International legal framework for domestic workers**

Domestic work is a very particular type of labour (workplace is within household(s); a wide range of tasks in the work, requirement of different skills from human care, to animal and plant care, cleaning, maintenance of household(s) and doing a number of other tasks within the household(s)); hence, over the past time, international organizations and nations have begun to pay attention to protecting the rights and interests of this labour group. In 2011, the 100th ILC Session on 16 June 2011 adopted the Convention No. 189 on Domestic Workers (concerning decent work for them). The Convention entered into force since September 5th, 2013. As of the end of 2018, 26 countries have ratified the Convention, of which, the Convention have come into force in 24 countries. The Convention will come into force in other two countries including Brazil and Peru in 2019. Vietnam has not ratified Convention No. 189, but the Government of Vietnam is planning to ratify it by 2020.

Convention No. 189 has 27 articles, including important contents such as the introduction of the definitions to domestic work and domestic workers (Article 1); assurance of minimum age and continuous educational opportunities for domestic workers (Article 4); protection domestic workers from all forms of abuses, harassment or violence (Article 5); working hours, rest time and days off, signing and terminating labour contract, assurance of working, living conditions and social welfare (Article 7).

In general, the Convention provides general provisions on human rights, labor rights, the right to protection and the prevention of discrimination, the right to equal working conditions, the right to life, professional development and participation in representative organizations (Article 3). The Convention emphasizes the

elimination of all forms of child labor and the worst forms of child labor in domestic work (Articles 3 and 4), as well as employers' respect to domestic workers' privacy if they live with employers (Article 6).

In terms of working time, rest time, overtime work, days off of domestic workers, Convention No. 189 is explicitly stated them in Article 10. The Convention also states that Member States shall take essential measures to ensure that domestic workers are entitled to the minimum wage, social and health insurance similarly to other types of employees in society (Article 11, Article 14); to ensure a safe and healthy working environment for domestic workers (Article 13); and to be paid in cash or in kind converted into salaries or through bank transfer (Article 12).

In particular, Convention No. 189 clearly regulates the management, inspection and supervision of brokerage companies recruiting domestic workers to work domestically and internationally to ensure that there are no violations related to safety, rights and interests of domestic workers (Article 15); and the establishment of a mechanism for monitoring and evaluation, making complaints and denunciations as well as periodical reporting by States related to domestic workers (Articles 16 and 17).

ILO's ratification of Convention No. 189 is important in creating an international legal framework that protects this very specific but very vulnerable labour group. The Convention has shown the interest and recognition of domestic workers' role and importance among the international community and identified the need to take concrete actions to protect their rights and interests when participating in the international and national labor markets.

Convention No. 189 clearly and sufficiently stipulates that States Parties must take appropriate and timely measures to ensure that the rights and interests of domestic workers are equal to other labour groups in the society. This is an important legal framework as domestic workers' current position and role in the domestic and international labor market is very low, mainly due to: (i) historical prejudices in both Eastern and Western societies against this type of labour (servants and maids in households, belonging to the low class in society, uneducated, and unskilled); (ii) domestic work has been mainly done by women and girls; meanwhile, they also have low social status in society; (iii) domestic work is a free and informal type of labour in the market, and has not been recognized by governments for their economic and social contributions to national GDP.

The ratification of Convention No. 189 shows ILO's commitments to "*promote decent work for domestic workers*". The Convention "*recognizes the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries...*". (Preamble, ILO Convention No. 189 on Domestic Workers, 2011)

In addition to Convention No. 189, ILO Recommendations No. 201 and other international conventions ratified by United Nations concerning human rights and labour standards, labour inspection, wage/salaries, social protection, labour safety and hygiene plays an important role in protecting the rights of domestic workers. Table 1 below presents fundamental international human right conventions that directly or indirectly protect the rights and interests of domestic workers

working in the home or host countries. Several conventions have been either ratified or non-ratified by Vietnam.

**Table 1. International conventions and treaties relevant to domestic workers and Vietnam’s ratification status**

<b>Name of international treaties and conventions</b>	<b>Status of ratification</b>	<b>Year of ratification</b>
International Covenant on Civil and Political Rights	Yes	1982
International Covenant on Economic, Social and Cultural Rights	Yes	1982
International Convention on the Elimination of All Forms of Racial Discrimination	Yes	1982
Convention on the Elimination of All Forms of Discrimination against Women	Yes	1982
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	No	
ILO Convention No. 29 on Forced Labour	Yes	2007
ILO Convention No. 105 on Abolition of Forced Labour	No	
ILO Convention No. 87 Freedom of Association and Protection of the Right to Organize	No	
ILO Convention No. 98 on Right to Organize and Collective Bargaining	No	
ILO Convention No. 100 on Equal Remuneration	Yes	1997
ILO Convention No. 111 on Discrimination in Employment and Occupation	Yes	1997
ILO Convention No. 97 on Migration for Employment	No	
ILO Convention No. 143 on Migrant Workers	No	
ILO Convention No. 189 on Domestic Workers	No	

Table 1 above indicates that domestic workers are protected by the international legal framework. In addition to the fundamental international conventions on human rights and women's rights (the Convention on Civil and Political Rights, the Convention on Social, Economic and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, etc.), the Conventions concerning the Rights of Migrants and their family members are important legal frameworks. As domestic workers working domestically or internationally are mainly female migrant workers, they are the informal ones and have limited knowledge of the local and international laws and policies. Hence, there must have available legal regulations and mechanism to protect them.

Vietnam is planning to ratify Convention No. 189 on Domestic Workers, which aims at creating a legal framework to protect this labour group, especially those who work overseas under labour contracts.

### **1.3. Vietnam's laws and policies for domestic workers**

In Vietnam, domestic work and domestic workers were first mentioned in the Labor Code 1994. Article 28 of the Code regulates that domestic workers and employers have the rights to choose the labour contracts in either written or oral form. Article 139 of the Code is only for domestic workers (employers respect domestic workers' dignity and virtue; caring for domestic workers when they are sick or get labour accidents; negotiating with domestic workers about wage level, working time, rest time).

Nonetheless, Article 139 does not provide a definition for domestic workers. It also does not have specific guidelines on the rights and interests of domestic workers and employers such as signing written labor contracts, wage level, number of working

hours, rest time, and other types of allowances; labour contract termination provisions; rights and obligations of the employers to pay a part of (health, social) insurance premiums to the wages/salaries of domestic workers every month, so domestic workers can participate in the voluntary insurance schemes.

In 2012, when the Labour Code was amended and approved, the Government of Vietnam allocates 5 Articles in the Code (Article 179 to 183) in the Section 5 of the Chapter XI to regulate about domestic workers. The Section 5 sets out the provisions such as the definition of domestic workers, signing written labour contracts, the obligations of domestic workers and employers; prohibited acts. The progresses of the Labour Code 2012 in protecting the rights and benefits of domestic workers include:

- ❖ Regulating domestic workers in a separate section;
- ❖ Introducing the definition of domestic work and domestic workers.
- ❖ Regulating the signing of labour contracts;
- ❖ Regulating the responsibilities of employers for paying a part of the contributions to health and social insurance according to the law so the domestic workers can participate in the insurance schemes by themselves.
- ❖ Regulating the obligations of domestic workers and employers.
- ❖ Specifying the prohibited behaviors of employers to employees.

The legalization of domestic work in the Labour Code with many specific provisions related to a vital field of personal and social life

refers that this type of occupation is gradually formalized, forcing domestic workers and employers to behave in line with legal regulations in the signed labour contracts.

The regulations on domestic workers in the Labor Code 2012 are more clearly for implementation when the Prime Minister issues the Decree No. 27/2014/ND-CP dated 7 April 2014 detailing the implementation of the 5 articles on domestic workers in the Labour Code and the Ministry of Labor, Invalids and Social Affairs issued the Circular No. 19/2014/TT-BLDTBXH dated 15 August 2014 Guiding the implementation of the Decree No. 27/2014/ND-CP. The next section of this Chapter will make a deep analysis of the legal provisions related to domestic workers: (i) labor contracts; (ii) working and living conditions; (iii) access to social protection (participation in voluntary social and health insurance); (iv) professional development and participation in representative organization; (v) sending Vietnamese workers to work overseas; and (iv) state management of domestic workers.

### ***1.3.1. Legal regulations on labour contracts***

**Article 180 of the Labour Code 2012 regulates:**

1. An employer shall enter into a written employment contract with a domestic worker.
2. The duration of the employment contract for the domestic worker is negotiated by both parties. Either party has the right to terminate the employment contract at any time provided that an advance notice of 15 days is given.
3. The employment contract must be agreed on by both parties and clearly specify the form of wage payment and the terms of payment, daily working hours and accommodation.

*(National Assembly, 2012, Labour Code)*

In order to implement Article 180, Decree No. 27/2014/ND-CP, Chapter 2 (from Article 4 - Article 14) stipulates in detail the

signing of the labor contracts between the domestic workers and the employers. In particular:

**Article 4** stipulates that the person in the household signing the labour contract with domestic workers must be: (i) the head of household; (ii) the person legally authorized by the head(s) of household(s); (iii) the person duly authorized by the member(s) of the household(s). The domestic worker who signs the labour contract with employer(s) must be 18 years of age or older or from full 15 to under 18 years of age and have a written consent of the guardian(s) as stipulated in the Labour Code.

Article 5 stipulates the signing of the labour contract to ensure that both domestic workers and employers fully understand the contents of the contract, each party keeps one copy and the employer must inform People's Committee of the commune, ward or town where the domestic workers are working within 10 days from the date of signing the labor contract.

**Article 6** stipulates that the domestic workers and employers must provide information to each other before signing the labor contract. Specifically, the employer must provide information to the domestic workers about the *work scope, workplace, working conditions, working time, rest time, occupational safety and hygiene, wage level, form of payment, social insurance, health insurance, and other matters directly related to the signing of the labor contract that domestic worker requests; living conditions, characteristics of household members, daily routine of the household(s)*. The domestic worker must provide the employer with necessary information about *his/her name, age, sex, place of residence, educational level, occupational skill, health status and other matters directly related to the signing of the labor contract requested by the employer; number, place, date of*

*issuance of national identity card, permanent residence address, family circumstances; emergency contact.*

**Article 7** stipulates the content of the labor contract, including *the name and address of the employer or his/her legal representative; name, date of birth, sex, residence address, national identity card number or other lawful documents; work scope and place of work; duration of the labor contract; wage level, form of payment, time for payment, allowances and other supplement articles; regime for salary increase; working time, rest time; labor protection equipment; social insurance and health insurance; further training and retraining for skill development; living conditions of workers (if any); allowances for travelling fee for domestic workers to return their living places upon the termination of the labor contract as regulated; the time and support cost for domestic workers to pursue general education and vocational training (if any); the responsibility for compensation for damage caused to the equipment or tools or other acts causing property damage of the employer; and prohibited acts for each party."*

**Articles from 8 to 14** stipulate probationary time (not exceed 6 working days); postponing the implementation of the labor contract; cases of termination of labor contract; Noticed period before unilateral termination of the labor contract of the domestic worker and the employer; the responsibilities of both parties; general education and vocational training of domestic workers.

In order to implement Decree 27/2014/TT-BLDTBXH, Section 2 (Article 3 - Article 11) of Circular No. 19/2004/TT-BLDTBXH provides details on signing labor contracts, specific contents which should be written in the labor contracts, rights, interests

and obligations of employers and domestic workers in the labor contract. Particularly, the Circular also introduces the labor contract template that domestic workers and employers can refer and use.

In assessing the legal regulations related to domestic workers, it can be said that Article 180 of the Labour Code, Decree 27 and Circular No. 19 have detailed and fully regulated the provisions on the signing of labor contracts, contents of the labor contract, the probation time, the termination of the labor contracts, obligations of the parties to the labor contracts. Nonetheless, the concerning issue is how to implement, monitor and evaluate the contract implementation between employers and domestic workers.

### ***1.3.2. Legal regulations on working and living conditions***

Article 181 of the Labor Code 2012 clearly stipulates the employer's obligations to fully implement the regulations in the *labor contracts, including arranging clean and hygienic accommodations* for domestic workers (if any) (Item 4, Article 181).

Article 7 of Decree No. 27/2014/ND-CP stipulates that the labor contract must contain the information about *work scope and working conditions, accommodations and living conditions of domestic workers (if any)*.

In more detail, Circular No. 19/2014/TT-BLDTBXH specifies the work scope and workplace in Clause 2, Article 6: *the work scope that domestic worker must work regularly, hourly, daily, weekly or monthly; work location: address of the household(s) where the domestic worker works*. In addition, the Circular also details the wage level, bonuses, number of working hours, rest time, labor protection equipment. Regarding the living conditions, Item 9,

Article 6 of the Circular clearly states that *expenses for accommodations and food of domestic workers are paid by employers or by themselves: The costs of living and accommodation shall be in Vietnamese dong; payment period (daily, weekly or monthly); form of payment form (in cash or through bank transfer to the domestic workers); employers and domestic workers have the responsibility to ensure that domestic workers' accommodations are clean and hygienic.*"

Looking at the above-mentioned regulations, it can be seen that the legal provisions on working and living conditions for Vietnamese domestic workers are detailed and clear so that both workers and employers must comply and follow; however, the current regulations on living conditions and accommodation of domestic workers in the labor contracts are not compulsory (may or may not be included). That is a policy gap that may have certain impact on executing the rights of domestic workers if they are living in the same houses with the employers.

### ***1.3.3. Legal regulations on access to social protection***

Access to social protection is often a persistent problem for workers, especially the informal and migrant ones. This becomes even more urgent when most of the domestic workers are both informal workers and rural-to-urban migrants.

The right to access to social protection refers that employees are covered by the social safety net of the Government. According to Resolution No. 15-NQ/TW of the 5th Session of the 10<sup>th</sup> Central Committee of the Communist Party on *Main Social Policy Issues 2012-2020*, 4 main pillars of Vietnam's social protection include: (i) employment, income and poverty reduction; (ii) social insurance; (iii) social assistance; and (iv) most basic social services (education, health, housing, clean water and access to

information). The policy on social protection is for all people, including domestic workers. The Article 181 of the Labor Code 2012 clearly states *the obligation of the employer to pay a part of the premiums for social and health insurance participation to domestic workers in accordance with legal regulations so that domestic workers can self-insure.*

For detailing this Article, Decree No. 27/2014/ND-CP stipulates that *"the employer is responsible for paying an additional amount equivalent to the compulsory social and health insurance that the employer is responsible for paying domestic workers under the provisions of the Law on Social and Health Insurance to cover them"*(Article 19).

Item 8, Article 6 of Circular No. 19/2014/TT-BLĐTBXH also clearly stipulates the responsibility for domestic workers' self-participation in social and health insurance but the employers must pay the insurance amount equivalent to the level compulsory social and health insurance monthly (in line with the paying period for salaries); payment can be made in cash or through bank transfer.

In general, compared with other legal regulations on domestic workers, the regulations on the right to access to social protection of domestic workers have not really facilitated their access to the social protection system of the Government. In particular, since most of the domestic workers are migrants and working in the informal sector, their access to social services (health, education, housing, clean water, access to information), social assistance and social insurance are limited, mainly due to the regulations on access to some services such as social assistance and social services are mainly based on the family book (i.e., only the permanent residents can access these services).

Domestic workers' participation in social and health insurance, although, is not restricted by the permanent residence regulation; the regulation that domestic workers themselves participate in voluntary social and health insurance is not feasible and practical as: (i) domestic workers do not know information about these types of insurance; (ii) their salaries are low which is even not enough to cover their essential expenses for their daily life and their family members let alone participation into voluntary insurance schemes; (iii) the employers will not pay domestic workers a part of the premiums to participate in voluntary health and social insurance if there are no sanctions and inspection for the signing and implementation of the labor contracts.

#### ***1.3.4. Legal regulations on professional development and representative organizations***

*Legal regulations on professional development.* Item 5 of Article 181 of the Labor Code 2012 stipulates that the employer is obliged to *create opportunities for domestic workers to participate in general education and vocational training.* Article 7 of Decree No. 27/2014/ND-CP stipulates the duration and level of support for domestic workers to pursue general education and vocational training (if any) in the contents of the labor contract. Item 11, Article 6 of Circular No. 19/2014/TT-BLDTBXH also stipulates that employers provide support for domestic workers' pursuing of general education and vocational training (time for schooling, level of support, support period, form of support). Nonetheless, the above-mentioned regulations are not compulsory; the employer can choose to include them into the labor contract or not.

*Legal regulations on representative organizations,* currently the Vietnamese legislations for domestic workers does not have specific provisions on their right to organizing and participating in

representative organizations; whereas ILO Convention No. 189 on Domestic Workers stipulates this right in Item 3 of Article 3:

*“...taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing”.* (Article 3, ILO Convention No. 189 on Domestic Workers, 2011)

The lack of regulations related to the organizing and participation in representative organizations of domestic workers and employers is a policy gap that needs to be filled in because this provision is crucial to create a legal framework for domestic workers to raise their voices through representative organizations, to exercise their fundamental labour and employment rights, as well as to participate in social dialogues. It should be noted again that domestic workers is an informal labour group who are working in a very specific workplace – households; hence, legalizing and creating conditions for them to form their own representative organizations is essential.

### ***1.3.5. Legislation on sending Vietnamese domestic workers to work overseas***

Since the implementation of the Renewal (Doi Moi) Policy, sending Vietnamese people to work abroad under defined-term contract is Vietnam’s development strategy is aimed at reducing poverty, addressing unemployment, improving the quality of human resources, and increasing foreign-exchange reserves for acceleration of the national goal for industrialization, modernization and international integration (Politburo-of-

Vietnam, 1998). In recent years, this policy has been strengthened by the Government as it becomes a national sustainable poverty reduction goal for the people living in rural, remote, isolated areas and ethnic minorities who are unemployed or underemployed, poor, technically untrained, and low-educated. Decision No. 71/2009/QĐ-TT of the Prime Minister approving the Master Plan on Supporting poor districts in Boosting Labour Dispatch to Foreign Countries for Sustainable Poverty Reduction 2009-2020 sets out the overall objective of "*Improving the quality and quantity of labourers in poor districts to send them overseas to work, contributing to job creation, income generation and sustainable poverty reduction*" (Prime-Minister-of-Vietnam, 2009).

Currently, the legal framework for sending Vietnamese domestic workers to work overseas is stipulated in the Law on Sending Vietnamese workers to work abroad under labour contract (2006). Domestic workers are a type of unskilled labour which has been sent to many countries and territories such as Taiwan, Saudi Arabia, Macau, Malaysia. For the implementation of the Law, since 2007, Vietnam has issued a number of by-law documents, such as Decree No. 126/2007/ND-CP dated 1 August 2007 detailing and guiding the implementation of the Law on Sending Vietnamese Workers to work abroad under labour contract; Decree No. 144/2007/ND-CP stipulates the sanctioning of administrative violations in sending Vietnamese laborers to work overseas; Decree No. 24/2018/ND-CP dated 27<sup>th</sup> February 2018 on the settlement of complaints and denunciations in the field of labor, vocational education and activities of sending Vietnamese laborers to work overseas under labour contracts, employment, occupational safety and health; and some related Circulars to guide state management agencies (DoLAB, MOLISA) and labor sending

enterprises on the management and protection of migrant workers abroad. These specific regulations include: (i) signing of labor supply contracts and labor contracts on sending Vietnamese workers abroad in line with the template (Circular No. 22/2013/TT-LDTBXH); the number of training courses (74 training lessons, including foreign languages, necessary knowledge, technical expertise) (Decision No. 18/2007/QD-LDTBXH); and compulsory certificates for essential knowledge required for migrant workers before going abroad to work (Decision No. 20/2007/QD-LDTBXH). The above-mentioned provisions, from the legal point of view, are the legal grounds for supporting the management and protection of Vietnamese laborers working abroad, including domestic workers.

In addition, in the Decision approving the "National Target Program for Sustainable Poverty Reduction 2016 - 2020", the Prime Minister considers labour dispatch to foreign countries as a solution to reduce poverty in Vietnam. Under this program, the Prime Minister has approved the sub-project No. 4 on support for members of poor, near-poor and ethnic minority households to work abroad. The objective of this project is to *"increase the quantity and quality of labourers working abroad under definite terms in the poor districts, communes with disadvantaged economic backgrounds in coastal and island areas, contributing to job creation, income generation and sustainable poverty reduction"* (Prime Minister of Vietnam, 2016). Under this program, rural women, poor women, unemployed, unskilled, and ethnic minority women are the beneficiaries to be supported to work abroad.

### **1.3.6. Legal regulations on state management of domestic workers**

Under the Labor Code (1994, 2002, 2006, 2007 and 2012), the Government assigns the Ministry of Labour, Invalids and Social Affairs (MoLISA) to be responsible for the management of domestic workers and other groups working domestically and internationally. The Department of Overseas Labour Management (DoLAB), under the Ministry of Labor, Invalids and Social Affairs (MoLISA) is responsible for managing migrant domestic workers overseas. Other Ministries, ministerial-level agencies and People's Committees at all levels shall, within their ambit of their tasks and powers, have to coordinate with the Ministry of Labor, Invalids and Social Affairs in performing the state management of domestic workers as assigned by the Government.

Particularly, one of the contents of the State management of domestic workers is to *“inspect, monitor, resolve complaints and denunciations, and handle violations of labour law, and resolve labour disputes in accordance with the law”*. (Item 5, Article 235, Labour Code 2012)

One of the most important aspects of labor inspection is the monitoring and supervision of the signing of the labor contract, as well as the implementation of the terms of the labor contract. Nonetheless, it is noted that the contents of the labor inspection do not contain the contents of the inspection on domestic workers working within households; inspection and have not yet been carried out although commune, ward and town People's Committees are in charge of supervising and inspecting that activity.

#### **1.4. Bilateral developments on receiving Vietnamese migrant domestic workers working abroad – case studies between Vietnam – Taiwan, Vietnam and Saudi Arabia.**

In order to promote cooperation in the management of Vietnamese workers working abroad and to facilitate the development of overseas labor markets, the Government of Vietnam has signed several bilateral labor cooperation agreements and memorandums of understanding (MOUs) with different receiving countries and territories (e.g., South Korea, Malaysia, Russia, UAE, Qatar, Oman, Canada, etc.) to protect Vietnamese migrant workers working abroad. Those agreements are a stepping stone in the management of Vietnamese migrant workers to work on a contractual basis and better protecting them in the cases that the legal frameworks of those receiving countries/ territories do not have specific regulations to protect Vietnamese migrant workers. The next parts of the Chapter analyze two Agreements and Memorandums between Vietnam and Taiwan, Vietnam and Saudi Arabia in the field of sending and receiving Vietnamese migrant domestic workers.

##### ***1.4.1. Bilateral development between Vietnam and Taiwan***

In 1999, Hanoi and Taipei Economic and Culture Offices signed a Bilateral Agreement on Sending and Receiving Vietnamese Laborers to Taiwan. That is an important legal document to regulate fundamental regulations related to Vietnamese migrant workers working in Taiwan. Nonetheless, in December 2005 Taiwan stopped to receive Vietnamese migrant workers in the field of fishery, care for elderly and housework because too many of them (especially domestic workers) violated the regulations in the signed labour contracts (fleeing from signed-labour contract workplaces and becoming illegal labourers in Taiwan or

overstaying their visas). Since July 2015, Taiwan has lifted the ban on Vietnamese migrant workers working in Taiwan because they are facing a shortage of unskilled labourers. Taiwan, then, continues receiving Vietnamese migrant workers to work in the fields of fishery and domestic care. The Decision on lifting the ban on Vietnamese migrant workers does not include the jobs related to housework, i.e., Taiwan continues the ban on Vietnamese migrant workers working as house workers. Currently, the group of Vietnamese migrant workers that are allowed to migrate to work in Taiwan are the domestic caregivers who have a nursing certificate (a kind of medical workers) (TWC2, 2015).

The continuous ban on Vietnamese domestic workers working in Taiwan have significantly affected job opportunities of Vietnamese female workers because most of them are women and a large number of them are poor people from rural, mountainous and remote areas. House work in Taiwan is still considered a very good employment opportunity for Vietnamese female workers because they do not require technical skills while domestic caregivers are required. In addition, salary paid for domestic workers is still higher than the payment for similar job in Vietnam or Saudi Arabia (NT\$17,000 or around US\$534).

Besides, according to Belanger and Giang (2013), that Taiwan's shift in its migration policy towards Vietnam is "likely to have fueled fake contracts for jobs other than domestic workers (to cover up the hiring of Vietnamese domestic workers) and to have increased human trafficking". Hence, in social affect, the ban on Vietnamese migrant domestic workers has increased their vulnerability and led to more illegal migrant domestic workers from Vietnam to Taiwan.

Another policy gap in the signed Bilateral Agreement on Sending and Receiving Vietnamese Laborers to Taiwan in 1999 between Vietnam and Taiwan is that there is no regulation on female migrant workers as well as rights, responsibilities and working conditions of Vietnamese female migrant workers. As a result, this has significantly affected the rights and benefits of Vietnamese migrant domestic workers in particular and other Vietnamese female migrants working in Taiwan in general (DoLAB, 2012).

#### ***1.4.2. Bilateral development between Vietnam and Saudi Arabia***

Saudi Arabia is a newly emerging foreign market for Vietnamese migrant domestic workers since 2014 although Vietnam started to send workers to that country since 2004. Saudi Arabia becomes a destination of Vietnamese domestic workers because of many reasons but the key ones related to (i) a sharp increase in demand of domestic workers in recent years in Saudi Arabia; and (ii) Vietnamese migrant workers do not have to pay any pre-departure costs to work in this country (GFCD & RLS, 2017). Meanwhile a number of poor women from rural, mountainous and remote areas in Vietnam are still looking for opportunities to work overseas in a hope of improving income and living standards for their families and themselves. Hence, the Government of Vietnam has promoted human resource cooperation with Saudi Arabia, particularly in sending domestic workers to that country.

However, because of differences in culture, customs, life styles, religions, etc. as well as rampant abuses against foreign domestic workers working in Saudi Arabia in recent years, the Government of Vietnam has worked in details with the Kingdom of Saudi Arabia for specific joint regulations to protect Vietnamese

migrant domestic workers once they are sent to work there. MoLISA of Vietnam and MoL of the Kingdom of Saudi Arabia signed an MOU on recruitment of Vietnamese domestic workers to work in Saudi Arabia in 2014; however the MOU has been ratified only by the King of Saudi Arabia in mid-2017 (GFCD & RLS, 2017). As, there are minimal legal protections for migrant domestic workers in place in Saudi Arabia because they are excluded from the general labour laws (HRW, 2015), that Memorandum serves as an important legal framework to protect Vietnamese migrant domestic workers working in Saudi Arabia.

The Memorandum emphasizes the joint efforts of the two Governments in (i) controlling recruitment (brokerage fees) in two countries; (ii) ensuring that recruitment of domestic workers is only performed through licensed labour sending enterprises located in two countries; (iii) ensuring that signed contracts by Vietnamese domestic workers with labour sending enterprises and Saudi Arabian employers are not contradictory to the current legal documents and regulations of Vietnam and Saudi Arabia; (iv) securing the rights of parties of contracts to make complaints to competent agencies when conflicts occur; (v) available measures to address the cases of labour sending enterprises which violate legal regulations of two countries; (vi) cooperation in addressing arising issues from the MOU; (vii) taking measures to ensure that Vietnamese domestic workers are respected and free from any form of abuses (Government of Vietnam & Kingdom of Saudi Arabia, 2014).

The MOU regulates the development of a labour contract template to detail fundamental rights, benefits and responsibilities applying to domestic workers, for instance, providing workers with hygienic, adequate and comfortable

shelter, food and water, workers' right to contact with their families and labour sending agencies in Saudi Arabia, full payment and other bonuses (if any) as well as assist the workers to remit their payment and personal belongings to Vietnam, right to rest every day and week; right to medical care insurance; right to terminate the labour contracts and be assisted to return to Vietnam in majeure situations (war, conflicts, natural disaster, sickness, conflicts with employers, etc.).

In order to better implement the MOU, on 18 June 2014, DoLAB issued Official Guidance No.2082/LDTBXH-QLLDNN detailing the sending of Vietnamese migrant domestic workers to Saudi Arabia. Notwithstanding, labour sending enterprises do not fully comply with regulations which led to a number of arising issues among domestic workers (DoLAB, 2015). Then, on 12 November 2015, DoLAB issued the second Official Guidance No.4644/LDTBXH-QLLDNN to strictly require labour sending enterprises to execute state regulations in protecting Vietnamese migrant domestic workers. Applausible points of that Guidance are the adoption of clear regulations on the enterprises that are entitled to sending domestic workers to Saudi Arabia and specific provisions on supply contracts which ensure the age of migrant workers from 21 to under 47 years old; duration of contract (2 years with possibility of extension); minimum wage of 1,300 SR/month; working time and rest time (rest time must be at least 9 consecutive hours/day and one day off/week). If the workers agree to work on weekends, they must be paid with an extra amount of 50 SR/day); working location (only within the households of the employers who employ the workers through the labour sending enterprises and have registration of address with competent agencies). In addition, the migrant domestic workers are free of any fees related to training, visa, return air-ticket, brokerage fee that must be covered by employers.

Moreover, employers have to provide sanitary, private shelter, three quality meals per day, medical care insurance and medical treatment (if any) for domestic workers during their working time in Saudi Arabia. Moreover, the Official Guidance also reserves the rights of domestic workers to terminate their labour contract if they no longer want to work in Saudi Arabia.

Although the MOU on sending and receiving Vietnamese migrant domestic workers between the Government of Vietnam and the Kingdom of Saudi Arabia has shown progresses in protecting the rights and interests of domestic workers, the MOU lacks a regulation on ensuring the principle of “non-discrimination” based on sex, race, religion, culture, politics, social classes, etc. That legal instrument is very important to Vietnamese migrant domestic workers because of the big difference between Vietnamese and Arabian cultures, lifestyles, religion and way of treatment. In addition, the *Document No. 4644 is only a guideline for Vietnam’s labour sending enterprises to comply with labour sending regulations of the Government of Vietnam. The enforcement of the Document is not strong enough to require the enterprises to implement it seriously.*

## **1.5. An analysis of legal regulations of several countries/ territories receiving Vietnamese migrant domestic workers**

### ***1.5.1. Policy review of migrant domestic workers in Taiwan***

With regard to the ratification of international human rights and labor commitments in relation to domestic workers, the policy review shows that both China and Taiwan have not yet ratified key conventions related to domestic workers (e.g., ILO Convention No. 189, No. 97, No. 143, No. 98, No. 87, No. 29, and the Convention on the Protection of the Rights of All Migrant Workers and their Family Members, Convention on Political and

Civil Rights). Taiwan and China have only ratified several international conventions on human rights, such as the Convention on Economic, Social and Cultural Rights, CEDAW, ILO Convention No. 105 on Abolition of Forced Labor, ILO Convention No. 100 on Equal Remunerations and ILO Convention No. 111 on Discrimination in Employment and Occupation.

Non-accession and non-ratification of the above-mentioned international conventions have made international observers (such as UN's human rights Committees and ILO) unable to observe the implementation of Taiwan's commitments to protecting the rights of migrant domestic workers in Taiwan. Moreover, a disagreement between Taiwan and the People's Republic of China on the independence of Taiwan from China resulted in Taiwan's loss of their seats in the United Nations in 1971, i.e., Taiwan's accession to and ratification of some international instruments such as CEDAW, CCPR, CESCRC were not recognized by United Nations Human Rights Committees since 1971.

At the central level, the main agency accountable for foreign workers (including migrant domestic workers) is the Ministry of Labour (previously the Council of Labour Affairs-CLA). Currently, Taiwan's labour laws related to migrant domestic workers include the Employment Service Act and the Labour Standard Act. The Labour Standard Act is applied for both Taiwan's employees and foreign workers in Taiwan (MOL: Taiwan, 2014). However, it is noted that Taiwan's labour laws have regulated all types of foreign workers and domestic ones, in which, migrant domestic workers' rights and interests are entitled to the protection of foreign workers (with no special consideration).

Article 57 of the Employment Services Act regulates the prohibition of employers in forcing both male and female

foreign workers to engage in work contrary to his/her free will (Item 7) and in illegally withholding the passport(s)/residence certificate(s) of foreign workers or embezzling belongings of foreign workers (Item 8) (MOL, 2016a). This is a very good regulation, especially for foreign domestic workers because this labour category is easily demanded and forced by employers to work against their (workers') free will or confiscated visa and passports.

Another progressive point of Taiwan's legal framework related to migrant domestic workers is that the Taiwanese authorities have started drafting the Domestic Worker Protection Act for several years but the adoption of the Act is unclear. Nonetheless, the effort taken in drafting the Domestic Worker Protection Act is a very positive effort of Taiwanese authorities after rampant complaints about abuses and exploitation of foreign migrant workers in Taiwan over the past years (Belanger & Giang, 2013; Hong, Yang, Chen, & Yang, 2005; Pan & Yang, 2012). In the draft Domestic Protection Act, it is regulated that wages of domestic workers "may not be lower than the minimum monthly wage announced by the Central competent authorities. The Act also regulates termination of labour contract, working hours, rest time, payment of wages, special leave, request for leave, insurance and filing of complaint (MOL of Taiwan, 2014).

Besides, Taiwan also has a formal documentation system named "Foreign Workers' Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment", which makes wages and all fees explicit, including services fees that labour brokers are allowed to collect every month from migrant workers. The document must be signed by employer, migrant domestic workers and all workers (from country of

origin and Taiwan) and provided to the Embassy when processing entry visa for migrant workers to Taiwan. This is considered a procedure to ensure transparency and help to protect migrant workers from cheating of brokers and employers (Dickinson, 2016).

Last but not least, to ensure the right to organize and to increase the willingness of labour and management to negotiate and establish a diversified labour-management dispute settlement mechanism, the Ministry of labour have removed restrictions placed on the nationality of union members, which allow foreign workers to organize, join and engage in union activities (MOL, Taiwan, 2014). That action of Taiwanese authorities has significantly contributed to improving the networking status and freedom to organize among migrant workers, including Vietnamese migrant domestic workers.

Despite above progresses, there are still a number of concerns about the policy gaps existing in Taiwan's labour laws related to foreign migrant domestic workers which need to be addressed. The first issue is that domestic workers are not covered under the Labour Standards Act of Taiwan, which has resulted in a fact that this worker group is not entitled to regularly amended minimum wages applicable to foreign workers from different industries, days off and other protective provisions (maximum hours of work) (Dickinson, 2016). As a result, for 18 years (from 1997 – 2015), the wage of foreign workers in Taiwan stayed at NT\$15,840 (Taipei Times, 2015). Only since 1 September 2015, after the Philippines, Indonesia, Vietnam and Thailand jointly asked Taiwan to raise the minimum monthly pay of their domestic helpers to NT\$17,500, the current monthly salary of domestic workers stands at NT\$17,000 (Taipei-Times, 2015).

The second one is that the Domestic Worker Protection Act has been drafted and submitted by a network of NGOs advocating and lobbying for migrant workers' rights to Ministry of Labour for nearly 8 years; however, so far, the proposals are still in the review of the Legislative Yuan for debate (Dickinson, 2016). Hence, rights of domestic workers in Taiwan are still excluded from the Labour Standard Law.

The third issue, according to Dickinson (2016), is related to the weak enforcement of Taiwan's national legal framework applied for foreign workers in general and domestic workers in particular. Specifically, the regulation on limited recruitment and brokerage fees paid by workers to brokers and recruitment agencies are still much higher than the regulated amount. The Taiwan's Foreign Workers' Affidavit seems not work effectively as migrant workers (including domestic ones) still have to pay for excessive fees. In addition, the shortage of labour inspectors has resulted in ineffective investigation and detection of violations of labour laws and rights of foreign migration workers (Lee, 2015).

### ***1.5.2. Saudi Arabia's national legal framework for migrant domestic workers***

In comparison with Vietnam and Taiwan, Saudi Arabia's ratification of international human right conventions and labour instruments is worse. Specifically, the country has recently joined the International Convention on Elimination of All Forms of Racial Discrimination in 1997 (but has not ratified it); signed and approved CEDAW in 2000. ILO's four conventions namely Convention No. 29 on Forced Labor, Convention No. 105 on Elimination of Forced Labor, Convention No. 100 on Equal Remunerations and Convention No. 111 on Discrimination in Employment and Occupation have been effective in this country

since 1978. Other conventions relating to human rights and the right to work of domestic workers have not yet been ratified by this country. That Saudi Arabia has not yet signed and fulfilled its national obligations to ensure labour rights, migrants' rights, human rights and gender equality, equality between migrant and domestic workers, equality among different groups of migrant workers has led to the rampant violations of migrant workers' rights, including the rights of domestic workers working in Saudi Arabia.

In recent years, Human Right Watch (HRW) has reported and warned serious human rights abuses that in some cases amount to "slavery" in Saudi Arabia (HRW, 2008a, 2015). Forms of abuses include unpaid wages, forced confinement, physical and sexual violence, employers' appeal to domestic workers for risks of imprisonment or lashings for spurious charges of theft, adultery, or "witchcraft" (HRW, 2008b). HRW observed and concluded that Saudi Arabia's justice system as a whole "fall well short of international standards (HRW, 2008a) and "the law with respect to migrant domestic workers is no exception" (ITUC, 2014).

Regarding the national legal framework for domestic workers, Saudi Arabia has not had a sound national legal framework to protect the rights of domestic workers except for Article No. 7(2) in the Labour Law (SALL) 2006 (Royal Decree No.M/51) (ITUC, 2014), which regulate "helpers and the like" are excluded from the provisions of the Law (wages, working time, occupational health and safety, social security, special considerations for women in the workforce and dispute resolution mechanisms through labour courts for resolving disagreements between employers and workers). (Article 7(2) of Labour Act (SALL), Saudi Arabia, 2006)

It is obvious that migrant domestic workers' rights to all forms of protection have been denied under the SALL. However, the Article 7 of SALL regulates that the Ministry of Labour "*shall draft regulations for domestic helpers and the like to govern their relations with their employers and specify the rights and duties of each party*". In order to implement the above-mentioned commitment, in 2013, Saudi Arabia's Ministry of Labour adopted a regulation pursuant to the Article 7 which guarantees migrant domestic workers with: 9 hours of daily rest; 1 day off per week; provision of appropriate accommodation; paid sick leave; one month of paid annual leave after two years of work; and service compensation equal to one month's salary after four years of work; monthly payment (MOL, 2013).

However, the regulation still restricts fundamental rights of migrant domestic workers to "reject work or level a job, without a valid reason" and the Regulation implies that employers have the right to ask migrant domestic workers to work up to 15 hours per day while other forms of workers in the country only have 8 hours worked per day (ITUC, 2014).

#### *Kalafa or visa sponsorship system*

Another serious legal gap in the Saudi Arabia's national legal framework to foreign migrant workers is the application of Kalafa or visa sponsorship system, which ties each migrant worker to a particular employer who exercises complete control over the domestic worker's movement and legal status (ITUC, 2014).

In the word of Saudi Arabian authorities, the system enables the Saudi Arabian authorities and employers to manage migrant domestic workers better; however, it is a kind of violation of human right to freedom of movement as migrant domestic workers are unable to change jobs and return to their home

country when conflicts happen. The system creates “a profound power imbalance” and gives the employers power to control over migrant domestic workers’ (HRW, 2008a), fueling exploitation and abuses of migrant domestic workers among Saudi Arabian employers.

Though in late 2015, the Ministry of Labour issued directives to introduce fines to employers who violates the regulations related to migrant domestic workers, which include prohibitions on confiscating migrant workers’ passports, failing to pay salaries on time, and failing to provide copies of contracts to employees, according to HRW (2015), migrant domestic workers are still excluded from the Labor Law and its enforcement mechanism while some of the new regulations continue to institutionalize discrimination against women. Combination of loose compliance with international legal instruments and poor regulations on protection of migrant domestic workers in Saudi Arabia have rewarded employers the power to violate right of Vietnamese migrant domestic workers. In 2014, Vietnamese workers in Saudi Arabia made 60 complaints about employers’ abuses and exploitation against them. That number has risen sharply with 50 complaints made in the first four months of 2015, 80% of cases related to domestic workers (DoLAB, 2015). In addition, cooperation between the competent authorities of Vietnam and Saudi Arabia to protect the Vietnamese domestic workers remains weak and vague, especially in sanctioning the employers who committed the illegal acts on Vietnamese domestic workers (Trinh, 2016)..

### ***Conclusion of Chapter 1***

A review and analysis of the international and national frameworks for domestic workers indicates that the current

international legal framework for domestic workers is rather adequate, which is evidenced by a system of United Nations international conventions on human rights for protection of domestic workers working in their home and host countries. In addition, ILO conventions on human rights and labour standards are being developed and refined to ensure the rights and interests of this labour group. The ratification of ILO Convention No. 189 on Domestic Workers as well as General Recommendation No. 201 are important international legal instruments for nations and organizations working in protecting labour and human rights to refer to and implement.

In Vietnam, domestic workers are increasingly given greater attention by relevant stakeholders and are institutionalized in the national legal framework. The fact that the Labor Code (2012) has separate Section 5 in Chapter XI on domestic workers and the promulgation of Decree No. 27/2014ND-CP and Circular No. 19/2014/TT-BLDTBXH guiding the implementation of Article 5 of the Labor Code on domestic workers has created a rather adequate legal framework to protect the rights and interests of this labour group. Section 5 and the Decrees and Circular regulate and guide in detail domestic work and domestic worker, types of work involved; the signing of written labor contracts between the employer and domestic workers; rights, responsibilities and obligations of the employer and the domestic worker; as well as prohibited behaviors of the employer. Particularly, the Labour Code stipulates that the employer must pay an additional amount equal to the percentage prescribed in the Law on Social Insurance and Health Insurance to the domestic worker to participate in health insurance and voluntary social insurance schemes.

In order to promote the development of overseas labour market, in recent years, the Government of Vietnam has accelerate the implementation of programs and policies to support rural workers, poor laborers, people living in disadvantaged and remote areas to go to work overseas. Vietnamese female migrant workers are mainly unskilled, low-educated, living in rural areas and ethnic minority areas. In addition, the Government has stepped up the signing of bilateral developments on sending Vietnamese migrant workers to work in many countries and territories, including Taiwan and Saudi Arabia. These commitments are legally binding conditions for the Government of Vietnam to monitor, manage and promptly deal with violations arising among labour sending enterprises, labor brokers as well as employers.

Taiwan and Saudi Arabia have received a large number of Vietnamese migrant domestic workers to work in comparison with other countries and territories such as Macao and Malaysia. The laws of Taiwan and Saudi Arabia also have a number of provisions that make it possible to protect the rights and interests of domestic workers. Nonetheless, there are no specific provisions or legal documents for foreign migrant domestic workers. There are a number of gaps in their labor laws that do not protect the rights and interests of domestic workers.

Policy review results show some of the following gaps in relation to the participation in international commitments on human rights and labor rights related to domestic workers; in national regulations for this type of labor, as well as the regulations on sending, receiving, and managing Vietnamese migrant domestic workers working abroad under labour contracts through signing bilateral agreements as well as local regulations of host countries and territories (Taiwan and Saudi Arabia).

Firstly, Vietnam has not yet ratified ILO Convention No. 189 on Domestic Workers as well as ILO General Recommendation No. 201, International Convention on the Protection of the Rights of All Migrant Workers and their Family Members, Convention No. 105 on Elimination of Forced Labor, Convention No. 87 on Freedom of Association and Protection of the Rights to Organize, Convention No. 98 on the Right to Organize and Collective Bargaining, Convention No. 97 on Migration for Employment and Convention No. 143 on Migrant Workers. These are important conventions for the protection of the rights of domestic workers in general and migrant domestic workers working abroad in particular.

Though the Labour Code, 2012, Decree No. 27 and Circular No. 19 have regulated in details the signing of written labour contracts, specific contents in the labour contracts between employers and domestic workers in country and abroad, there have been no specific regulations on managing, supervising, inspecting and sanctioning acts of violation related to the signing of labour contracts and the implementation of the terms and conditions of the labour contracts. That gap has led to unsecured rights and interests of domestic workers.

Regarding legal regulations on living and working conditions, Decree No. 27 and Circular No. 19 stipulate that in the labour contract, it can be included the information about workplaces and living conditions of domestic workers; however, these regulations are not compulsory. This is a policy gap that has certain impact on ensuring the rights and benefits of live-in domestic workers.

Regarding access to social protection for domestic workers, currently, the Labour Code, 2012, Decree No. 27 and Circular

No.19 have regulated that employers have to pay a part of the premiums for domestic workers to enable them to buy voluntary social insurance and health insurance; however, there is no mechanism to support domestic workers to participate in those kinds of insurance because they are migrants; they do not have information about types of insurance; their wage is low and cannot secure their daily needs, let alone participating in insurance schemes. Moreover, employers can choose not to pay domestic workers the amount of money for them to buy insurance if there is no mechanism to strictly monitor the signing and implementation of labour contract by competent authorities.

Regarding the legal regulations on professional development, though the Labour Code, 2012 stipulates that employers are responsible for creating opportunities and support domestic workers to participate in further general education and vocational training; however, in Decree No. 27 and Circular No. 19 this is not a compulsory provision to be included in the labour contract. Hence, in fact, enabling domestic workers to participate in further general education and vocational training is not feasible.

Regarding representative organizations of domestic workers, currently, Vietnam's legal framework has no specific regulation on the rights of domestic workers to organize and participate in representative organizations, which has limited the rights and opportunities of domestic workers to raise their voices and via their representative organizations to protect their right to labour and employment and to participate in social dialogues. It is noted that this is the informal labour group and they have a very special workplace (within private houses).

Regarding the legal regulations on state management of domestic workers, at present, this function has been assigned to the Ministry of Labor, Invalids and Social Affairs; however, there is no specific regulation on inspection and handling of violations committed to domestic workers. The supervision of labor contract signing between domestic workers and employers has not yet been carried out although commune, ward, town People's Committees are responsible for supervising and verifying it.

Regarding the bilateral agreements between Vietnam and Taiwan in sending and receiving Vietnamese domestic workers to Taiwan to work, Taiwan is still banning Vietnamese workers from doing housework in its territory but only receives workers to do care work at home. This provision restricts employment opportunities of a part of working poor women who live in rural, remote and isolated areas and who do not have qualifications and skills. This ban also increases the possibility of signing false labor contracts for Vietnamese workers' illegal migration to this territory, increasing the incidents of human trafficking. From the social aspect, Taiwan's ban increases migrant's more vulnerabilities and leads to many illegal migrant workers from Vietnam to Taiwan. In addition, there are no specific provisions regarding female migrant workers as well as their rights, responsibilities and working conditions of female migrant workers working in Taiwan. In fact, female workers are more vulnerable and need better protection (such as the risks associated with trafficking, sexual abuse, labour exploitation because of poor foreign language commands and limited knowledge).

Regarding the bilateral agreement between Vietnam and Saudi Arabia, although the Government of Vietnam and the Kingdom of Saudi Arabia have recognized their joint efforts to manage

Vietnamese migrant domestic workers working in Saudi Arabia, there are no provisions to ensure the principle of non-discrimination based on gender, race, culture, politics, religion, and class. This provision is very important for Vietnamese migrant domestic workers because the culture, way of life, religion, and code of conducts in the two countries are very different. In addition, the Official Letter No. 4644/LĐTBXH-QLLĐNN is only a guideline which reminds the labour sending enterprises to comply with the regulations on sending migrant domestic workers to Saudi Arabia to work. The enforcement of the Official Letter is not strong enough to require the enterprises to strictly implement it.

Regarding the labor laws of Taiwan and Saudi Arabia to protect the rights and interests of domestic workers, they have not yet ratified ILO Convention No. 189 on domestic workers as well as several ILO labour standard conventions and UN human rights conventions, which have limited ILO and the United Nations Commission on Human Rights to monitor them in implementing their obligations in ensuring the execution of international human rights and labor commitments against different forms of exploitation and abuses against domestic workers in these two countries.

In the current labor law of Taiwan, there is no provision for protection of domestic workers, which have led the situation that they are not entitled to a periodically adjusted minimum wage applied to migrant workers working in Taiwan in different occupations; regulations on rest time and days off and other terms (for example, maximum working hours). In addition, the Draft Law on protection of domestic workers has been submitted to the Legal Department of Taiwan for 8 years but it is still under review and discussion. In addition, Taiwan's formal document system

„Foreign Workers’ Affidavit for Wage/Salary and Expenses Incurred before Entering the Republic of China for Employment“ has been operated ineffectively, which has led to migrant’s high departure costs. Moreover, the current labour inspection in this territory is not good, so the rights of migrant domestic workers have been still violated.

Regarding Saudi Arabia’s laws related to domestic workers, currently the Labour Act of this Kingdom does not adjust the rights and responsibilities of domestic workers, so this group of workers is virtually unprotected. Although Saudi Arabia has regulated that a domestic worker is entitled to 9 hours of rest per day but that also implies that they may work up to 15 hours per day. The existence of the Kalafa (visa sponsorship) system for management of migrant workers coming to work in Saudi Arabia has inadvertently given the right to the employers to violate human rights of domestic workers when they control the freedom, movement of domestic workers as well as keep their personal identity papers.

There should have a specific regulation on the maximum number of days off, working hours and a Monitoring and Evaluation Mechanism for migrant domestic workers working in their country/territory. These two entities should also consider the ratification of ILO Convention No. 189 on Domestic Workers as well as other UN and ILO international conventions relating domestic workers. In particular, for Saudi Arabia, it is necessary to remove or adjust the Kalafa system for the management of foreign migrant workers working in their Kingdom, so that domestic workers’ fundamental human rights are guaranteed for free movement, self-keeping of personal identity documents and are entitled to unilateral termination of labour contract if they no longer want to work for the employers without being penalized.

## **CHAPTER II**

### **OVERVIEW OF VIETNAMESE DOMESTIC WORKERS**

Together with fast economic growth rate in Vietnam in the last nearly 20 years is the improvement in the quality of life of families and the increased middle class in the society. These achievements are attributed to women labour force in the labour market. This is somehow different to many countries in Asia.

In Vietnam, though there are no national studies on domestic workers, based on the research results of the International Labour Organization (ILO), the Institute of Family and Gender Studies and the Research Centre for Gender, Family and Community Development in 2009, 2012, 2013, 2014, *this chapter describes the state of Vietnamese Domestic Workers, including their demographic and social characteristics, demand of the labour market, dimensions relating to the rights to safety and equality at workplace and to social protection and occupational development.*

#### **2.1. Internal domestic workers**

##### **2.1.1. Demographic and social characteristics**

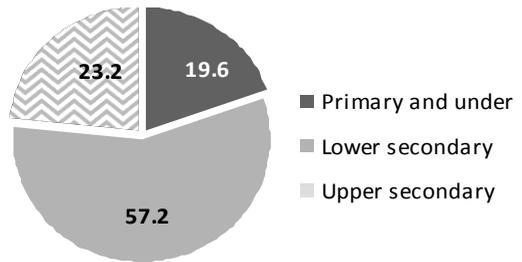
The research results of Vietnamese Domestic Workers show that most domestic workers are women, 97.8% (GFCD, 2012). This characteristic is due to the nature of work as housewives, care for family members..., underlying gender features that the domestic work is mainly undertaken by women.

Regarding education, the education of most domestic workers is not high; the majority has only completed secondary school or under, especially 22% - 31.8% domestic workers have completed primary education, many of them are even illiterate. On the age of domestic workers, most of them are in middle age (36-55

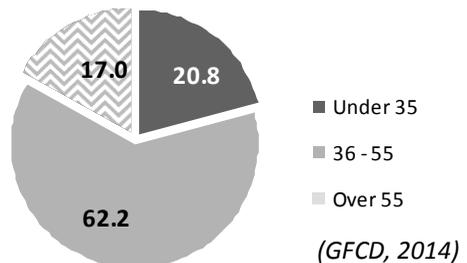
years old) making up highest proportion of 61.5%, and some 14.8% are 56 years old and over.

- Most domestic workers are women (98.6%);
- Low education;
- Most of them receive no job training (98.4%);
- Average age: 44.8 years old
- No pension or regular social allowance (91.6 %)

**Chart 1 : Education of DWS**



**Chart 2: Age of DWS**



The majority of Vietnamese domestic workers receive no vocational training. Of the 371 domestic workers interviewed, 98.4% said they have never been trained in domestic work. Only 6 cases have been trained (these cases are trained to work abroad).

Regarding the marital status of domestic workers, the result of the research *"Decent Work for Vietnamese Domestic Workers"*, ILO, 2011, shows that the ratio of "widowed / divorced / separated" domestic workers is quite high (20.7%), and they are less binding with family life.

### **2.1.2. Reasons for doing domestic work**

The result of the research, *"Decent Work for Vietnamese Domestic Workers"*, ILO, 2011, shows that before joining the labour market, the majority of domestic workers are farmers or non-contracted

workers (such as mason assistant, self-employed trader ...) in their locality. According to domestic workers, as compared to neighboring families, 47.3% domestic workers' families are living under the poverty line, and 50.4% have average living standards. 65.7% people take domestic work to have additional income for their own lives and families. Some other reasons are: feeling suited to do domestic work (9%), finding no other jobs (5.7%), not having any other occupation (5.7%) and wanting to escape farm work (5.7%). ...

A domestic worker said: *"The reason I do domestic work was because of the economic difficulties; I could not do heavy work so the only way is to do domestic work, caring for infants and children. This work is suitable to me in my age."* (Focus group discussion of domestic workers in Hanoi).

### **2.1.3. Employment contract**

#### **Awareness of the signing of employment contract**

Article 180 of the 2012 Labour Code stipulates that employers have to sign employment contract in writing with domestic workers. Unilateral termination of contract is allowed to any party but with notification of 15 days beforehand. However, awareness of the need for having employment contract remains limited. Some 56% respondents said it is not necessary to have employment contract. Some employers interviewed in this survey also said employment contract is not needed. The reason for this is partially because of the psychology of both employers and domestic workers who are not certain about the long-term relation between the two parties. The domestic workers do not know whether they can meet the requirements of the employers and adapt to their family and the employers are not sure whether the domestic workers can meet their family needs. Thus the signing of employment contract can lead to unnecessary binding. In addition, as the domestic workers are

not yet managed by any agency, both the employers and workers are worried about whether the signing of employment contract can protect their interests when a party violates/breaks it. Who, which agency will be responsible for resolving disputes and protect their interests? Although the percent is lower, but up to 44% domestic workers and some employers think it is necessary to sign employment contract because it is a legal basis for the two parties to implement its terms and conditions relating the work and payment... Some employers suggested specific regulations on sanctions of the violators/breakers of the employment contract to ensure the validity of the employment contract.

**Table 2: Contents that should be included in the employment contract as suggested by domestic workers (%)**

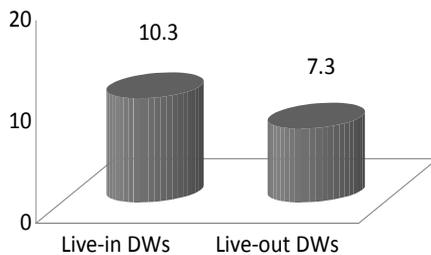
Contents	Percent
Wage (Wage level, payment date, form of payment)	81.0
Tasks undertaken	53.7
Number of holidays	45.6
Duration of contract	42.2
Daily working hours	39.5
Work days in a week	37.4
Number of days off work	36.1
Information on employer's household (housing space, number of family members,	34.7
Periodical health checkups	29.3
Terms for termination of employment contract	44.2
Safe working conditions	25.9
Time of rest in a day	25.2
Medical treatment for illness and injuries at work	25.2
Living conditions	22.4
Cost of social insurance and health insurance	22.4
Forms of wage increase	23.1
Responsibility for compensation for damage	17.0
Maternity leave	13.6
Overtime work benefits	13.6
Use of free time	3.4

(GFCD, 2014)

## Status of signing employment contract, contents of the signed contract and situation of contract implementation

The percentage of domestic workers who have signed employment contract with employers is very low. Only 10.3% live-in domestic workers and 7.3% live-out domestic workers (who take part in the survey) have employment contract. Oral agreement is most common. For those who have signed employment contract, only half keep their own employment contract (only the employers keep the employment contract or the employment service centers keep them). While the law stipulates that the employment contract is made into two copies, each party keeps one copy.

**Chart 3: Percent of domestic workers signed employment contract by types of domestic workers (%)**



(GFCD, 2014)

The reason for not signing the employment contract is that both the employer and the domestic worker are not aware of the need to sign it. Some 59.7% when starting their work think it is not necessary to sign employment contract. Although the signing of the employment contract is not implemented due to the validity and possible comply with the terms and conditions of the contract are not ensured in reality, no clear sanctions against acts of violation of the employment contract; loose labour relations due to unstable employment (the worker fears of being fined if they break the contract and the employer fears of not being able to dismiss the worker if the

latter cannot meet their requirements). In addition, one of the characteristics of the labour relations of domestic work is that some relations are established on the basis of relative and close relations, thus many domestic workers do not dare to propose the signing of the employment contract with the employers... Worthy of note is that a section of domestic workers (8.2%) does not know they have to sign employment contract. However, the employment contract is not implemented in reality. This is partly because of poor communication and information dissemination, therefore many people do not know about laws and regulations. Some district officials in Hanoi stated: *“communication and dissemination of information on employment services should be done through meetings of living quarters to reach DWs and employers. But not all meetings are attended by both domestic workers and employers as they have limited time. So it is still difficult to help them understand and know their rights and interests of their work and know the rights and obligations of the employers”* (GFCD, 2017).

Even when the domestic workers and employers think that the signing of the employment contract is necessary, they still do not sign it! The reason they produced is that the signing of the employment contract does not become a habit. No agency monitors or handles acts of violation of the employment contract. Besides, there are no mechanisms for managing the signing of employment contract with domestic workers. Representatives of the local authorities and social organizations said: “The Law does exist, but it seems no one abides by it and no agencies are in charge of monitoring, thus the law has not yet

been put into life! The higher authorities do not ask for reports, and so we do not ask ward authorities to do the reporting”. The question here is the responsibility of the functional agency (Ministry of Labour, Invalids and Social Affairs) to develop a monitoring process and take measures for punishment of acts of violation of the employment contract with domestic workers and issue guideline for local authorities at different levels for implementation and reporting.

Table 3 shows the contents agreed by the domestic workers and employers, including: the tasks undertaken and payment. Other issues relating to the workers’ interests and employers’ obligations such as living conditions, working time, social insurance and health insurance are not yet paid much attention to. The employers also said that when employing domestic workers, both parties often agreed some key contents such as payment, work and days off ... while other things will be agreed during the process of employment if necessary. Worthy of note is that when asking about the agreement on “maternity leave”, most employers said if the workers take maternity leave, they have to stop working and the employers cannot assure the possibility of the workers’ return to work after the maternity leave (the common thinking is that the employer does not want to employ pregnant and breast feeding domestic workers).

**Table 3: Contents of the contract agreed and implemented (%)**

<b>Contents</b>	<b>Agreed</b>	<b>Implemented</b>
Wage (Wage level, payment date, form of payment)	91.0	91.0
Tasks undertaken	82.8	96.4
Number of holidays	53.0	100
Daily working hours	44.0	96.6
Work days in a week	38.1	100
Information on employer's household (housing space, number of family members...)	35.8	93.8
Number of days off work	32.8	100
Living conditions	31.3	100
Duration of contract	26.1	94.4
Terms of termination of employment contract	17.9	100
Time of rest in a day	17.2	100
Safe working conditions	14.2	100
Medical treatment of illnesses and injuries	14.2	100
Periodical health checkups	9.7	100
Forms of wage increase	9.0	91.7
Overtime work benefits	3.7	80.0
Cost of social insurance and health insurance	3.0	100
Maternity leave	3.0	100
Responsibility of compensation for damage	1.5	100
Use of free time	0.7	100

*(GFCD, 2014)*

#### **2.1.4. Work skills**

The results of many research studies show that 98.4% domestic workers have not been trained, particularly in basic knowledge and skills needed for their good performance such as care for

children, cleaning skills, operation of household electrical and electronic equipment, food preparations, and food safety. Up to 86.5% domestic workers do the work based on their own experiences or learned experiences from relatives or friends who have been working as domestic workers, only 2.3% potential domestic workers are trained in knowledge and skills. The preparations of knowledge and skills based on their own experiences make the workers difficult to do the job as their experiences in food preparation, domestic cleaning, and care for family members are different to those required by the employers. Survey data shows that 55% potential domestic workers said they are worried when planning to work as domestic workers. What is most worried is adaptation to the work, mal-treatment by the employer and difficulty in adaptation to the employer family's lifestyle. Another worry is skills in operating modern household equipment and instability of domestic work... Obviously, if they are trained in necessary knowledge and skills, they can reduce such worries and can perform the domestic work better.

#### **2.1.5. Working time**

Due to the work characteristics, the working hours of a live-in domestic worker is often longer than 8 hours a day. The results of a survey conducted by GFCD in 2012 shows that the percent of domestic workers reaching agreement on working hours with the employer is 30.8%. Some 61.1% respondents said they worked longer than 8 hours a day and 35% said they worked over 10 hours a day. The results of a research conducted by ILO in 2011 on *"Decent work for Vietnamese Domestic Workers"* show that 22.6% respondents have to do the work both daytime and nighttime and 7.7% works daytime

but have to stand by for nighttime work. On an average, domestic workers have to work 10.3 hours a day during daytime and over 30 minutes nighttime. The 2012 Labour Code stipulates that the daily working hours are agreed by the two parties and written in the employment contract. It also stipulates normal daily working hours of other types of work which is not more than 8 hours a day and 48 hours a week. But in fact, it is hard to identify working and rest hours for domestic workers. To ensure the interests of domestic workers, many countries in the world identify total working hours in a week or a day, limiting overtime work and request additional payment for overtime work (ILO, 2010). Vietnam should be based on the current total working hours of domestic workers to regulate the minimum number of working hours for this group of workers in order to reduce risks of labour exploitation and abuse against domestic workers.

#### **2.1.6. Living conditions of domestic workers**

The results of the survey *“Decent work for Vietnamese Domestic Workers”* conducted by ILO in 2011 show that of the 286 live-in domestic workers, 37.4% have separate accommodation with locked door, 4.2% has separate bed room with door but without lock. A large section of domestic workers, due to the work characteristics (care for elderly, sick people and infant children) or due to narrow housing space of the employer’s household, they have to stay in the same room/bed with other employer’s family members (41.6%). To protect domestic workers from risks of abuse and ensure their rights to privacy, it is needed to regulate the obligations of the employer to arrange safe accommodation for domestic workers.

### **2.1.7. Income of domestic workers**

*The income earned from domestic work is a source to cover daily family expenses and education cost for domestic workers' children.*

Domestic work brings immediate economic benefits and contributes to long-term benefits for the workers' family. Investment in education is an investment for the future generation of the family and the country. In fact, many women have overcome social prejudice against domestic work and domestic workers to achieve their objective of working as domestic work to save money for children's schooling. Now, many students have the opportunity to continue their intellectual journey thanks to the income earned by their mothers who work as domestic workers.

### **2.1.8. Rights to access social insurance and health insurance**

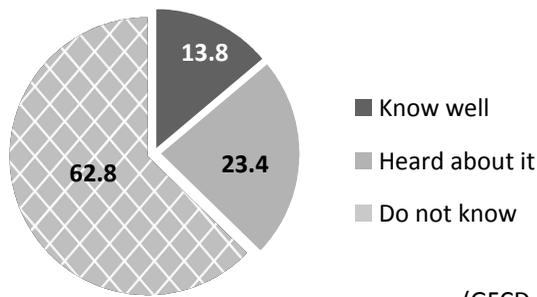
#### **\* Social insurance**

Some 30.2% domestic workers in the survey sample have social insurance, two thirds of which has compulsory social insurance and one third voluntary social insurance. However, those who have social insurance are not from domestic work relations. Under the law, the employer is responsible to pay together with monthly salary part of the premium of compulsory social insurance and health insurance for the workers to buy their own social insurance (Article 19, Decree 27/2014/NĐ-CP).

Regulation on payment for health insurance and social insurance for domestic workers is an important criterion to ensure the interests of the workers in general and women workers in particular in healthcare and other benefits. However, reality now shows that most domestic workers do not receive payment from the employer

to cover part of their social insurance and health insurance premium. At present, in addition to monthly salary, some domestic workers often receive some allowances from the employer including cash and gifts during traditional holidays, clothing and personal necessities, telephone cards and presents to bring home, an additional month salary (the 13<sup>th</sup> month salary). This is dependent on the generosity of the employer.

**Chart 4: Percentage of domestic workers know about voluntary social insurance**



(GFCD, 2017)

Exploring the need to take part in voluntary social insurance, the information collected shows that the percent of respondents receiving information on social insurance is not high. Only 13.8% respondents understand well voluntary social insurance. Thus, the percent of workers planning to take part in this type of insurance is not high (24%). The two important reasons given by the domestic workers are it is not necessary to take part as their age is high (this is relevant to reality of domestic workers' average age is high (nearly 53 years old) and the cost of social insurance is big compared to their income.

**\* Health insurance**

Some 78.7% domestic workers interviewed have health insurance. Those who do not have health insurance because they do not see it

is necessary or consider health insurance costly compared to their income. There are also reasons of poor services and cumbersome procedures of the health facilities.

## ***2.2. Domestic workers going to work abroad under contract***

Sending Vietnamese workers to work abroad under contract is a policy of the Vietnamese Government to resolve unemployment, improve the quality of human resources, and increase foreign currency earnings, contributing to socio-economic development, realizing industrialization and modernization and international integration. In the past years, the number of Vietnamese workers working abroad tends to increase. According to the Department of Overseas Labour Management (DoLAB), Ministry of Labour, Invalids and Social Affairs, by late 2017, some 520,000 Vietnamese workers went to work abroad under contract in some 40 countries/territories worldwide, of which 39.6% are women workers. Reality shows that women taking part in overseas labour market often have low education and job skills than men. They often do work in the sectors related to their traditional gender role and needs meticulousness and skillfulness, typically domestic work (DoLAB, 2012).

Although the proportion of workers working as domestic workers abroad is not high compared to other jobs (e.g. workers working in factories, in construction sites and electronics production lines etc.), in recent years, this group tends to increase (ILO, 2013). At present, Vietnamese domestic workers are mainly working in Taiwan (China), Cyprus Republic, Macao (China), Malaysia, Saudi Arabia, Thailand and China (ILO, 2015). Of these markets, Taiwan and Saudi Arabia are receiving the largest number of Vietnamese domestic workers.

With the characteristic of working in a household environment (informal working environment, not governed by labour laws),

domestic workers in the world have neither not been mentioned by the national Labour Law nor being loosely regulated. When they are not protected by laws, the implementation of regulations on protection of the rights and interests of domestic workers is often ineffective. Not being governed by laws and lack of data on living and working conditions of domestic workers cause many problems faced by domestic workers and their employers, including not being properly paid, being abused and not respected... (IFGS & ILO, 2011). To examine the status of Vietnamese workers working abroad, the next section will focus on describing and analyzing characteristics, difficulties, challenges and barriers to the implementation of the rights of Vietnamese domestic workers in Taiwan and Saudi Arabia, thus suggesting policy implications to improve and support the implementation of the rights of this group of workers.

### **2.2.1. Characteristics of workers working as domestic workers abroad under contract**

*On gender*, domestic workers working abroad are a rather special group. Doing the domestic work closely linked to the traditional role of women in care work and house work, labour supply enterprises now only recruit women workers to do domestic work. As a result 100% domestic workers working abroad are women (GFCD & RLS, 2017).

*On age*, Vietnamese workers working as domestic workers abroad are in the age between 20 and under 50. Information from DoLAB website makes know that workers recruited to do domestic work in Saudi Arabia are 21 – 47 years old. Under Guideline No. 1853/LĐTBXH- QLLĐNN dated 9/5/2016 guiding the sending of workers to work in Taiwan, for new comer domestic care givers, enterprises only recruit workers aged between 23 and under 50. Those who have already worked as

domestic care givers in Taiwan and are renewed employment contract by the employers can be over 50 years of age and enterprises are not allowed to charge them with commission fees (GFCD & RLS, 2017).

*On place of origin*, most workers working as domestic workers abroad come from rural and remote areas and ethnic minority areas, where economic conditions are disadvantaged, workers are unemployed or under-employed. They wish to find opportunity to improve their life and increase income for their family and children. The group working in the Taiwan and Saudi Arabian markets mostly comes from rural and mountainous areas, and economically disadvantaged areas from provinces such as Bac Kan, Thanh Hoa, Dak Lak, Gia Lai, and Tay Ninh.

### ***2.2.2. Reasons for migration***

It can be said that of the political, economic and social factors, the economic factor such as low income, poverty, under-employment and lack of livelihoods leads to decision on migration to work abroad under contract by domestic workers. Disparities in living standards, employment opportunity and income between sending country (Vietnam) and receiving countries (Saudi Arabia, Taiwan) pull Vietnamese women workers to migrate to find employment opportunity abroad even if the work is only temporary (MoFA, 2012).

The Institute of Labour and Social Sciences (ILSSA) in 2011 conducted a survey with 1,450 returning migrant workers working abroad under contract, the results show that economic improvement, income increase and poverty reduction are the main reasons for their labour migration abroad (ILSSA, 2012). In addition, a section of workers mentioned other reasons for their decision to work abroad including discovering and finding

opportunity to improve their professional skills and experience in overseas environment. This is confirmed in a most recent study on domestic workers working abroad, case study of domestic workers working in Taiwan and Saudi Arabia (conducted by GFCD with funding from Rosa Luxemburg Stiftung Southeast Asia – RLS SEA).

The decision on migration is made by domestic workers based on “gain-loss” considerations. The workers spend 2-3 years working abroad, in return every year they can earn an amount of money of about 80-200 million VND (depending on labour markets) (GFCD & RLS, 2017). The economic factor also influences the workers to select labour market for their migration. They tend to select market of higher income (12 – 15 million VND) such as Taiwan, Macao, Cyprus Republic, yet the cost paid to broker fees, job and language training, visa fees and airtickets is very high (70 - 100 million VND). This is a big amount of money for many poor households living in rural areas. The second common trend is the workers select the labour market with low and mean income (7 – 8 million VND) such as Saudi Arabia but in return they do not have to pay any fees before departure as the employers from Saudi Arabia pay all costs to the labour supply enterprises including orientation training cost, return air tickets, visa fees and deposit. Even to attract workers, labour supply enterprises are committed to give the workers 2 – 5 million VND (GFCD & RLS, 2017). One of the reasons for workers going to work as domestic workers in Saudi Arabia paying no recruitment costs is the demand for domestic workers from this country is big, difficulty in recruiting workers while Vietnamese domestic workers are preferred by Saudi Arabian employers.

Alongside with the pull factors of economics and experience of a new life abroad, the decision on migration by the workers is also

formed based on the push factors including disputes/constraints/difficulties in family life of the workers such as divorce, separation with husbands, bank debts (GFCD & RLS, 2017).

### **2.2.3. Pre-migration preparations of domestic workers**

Under Vietnam laws, enterprises, organizations sending workers to work abroad are responsible for providing orientation training (including language training) to the workers. According to Guideline No. 1538/LĐTBXH-QLLĐNN dated 9/5/2016 guiding the sending of workers to work in Taiwan, labour supply enterprises must provide training with full contents for newly recruited domestic care givers as requested by the Taiwanese side. Training duration is 390 hours, including 90 hours job training, 100 hours orientation on legal knowledge and necessary knowledge, and 200 hours language training. Training cost is not more than 4.5 million VND per a training course per person. Information from DoLAB website says workers have to attend and complete the training program for workers working as domestic workers in Saudi Arabia at the enterprise training institutions, checked and accepted by DoLAB within minimum 1.5 months with the following contents: orientation; basic Arabian language training; domestic work training (DoLAB, 2018). However, in fact, pre-departure orientation for workers is somehow formality and not effective. Study by ILSSA (2011) points out that the proportion of workers receiving pre-departure orientation is rather high, about 96.4% of the total number of respondents; 95.1% receive language training; 33% have ever received job skills training. However, the number of training hours is often shortened (in both language training and job training). The study conducted in 2017 by GFCD and RLS also gives similar results. In-depth interviewees in the study said that

they attended 3 - 30 days training; this means the minimum training the workers receive is three days and maximum 30 days. Due to cutting the training duration, training tends to be theoretical without practice, not suited to the educational level of most of people working as domestic workers. Thus, before departure, most domestic workers do not know or know very little about necessary information such as contact address abroad for help in case necessary and liquidation of employment contract on their return. In many cases, workers were given pre-departure language training, but could not communicate with the employer's family (GFCD & RLS, 2017). Inadequate pre-departure preparations in knowledge and skills training for the workers have negative impacts on their lives during their stay abroad. Many workers had to return home before contract termination due to being unable to communicate with the employers in their local language, while they did not know to whom/ agency they would turn to for help. The training duration of only 2 months is not enough for the knowledge and skills needed by the workers in a new living, cultural environment, with new ethnic group and new tasks, particularly in the Saudi Arabian market, where culture, religion, customs and climatic conditions are completely different to Vietnam (most Saudi Arabians follow Muslim, their culture and lifestyle are different to Vietnam; Saudi Arabia lies in the Middle East with adverse weather conditions with temperature sometimes reaching 50-60<sup>0</sup>C). Meanwhile, Vietnamese workers often have low education, high age, thus having limited learning capacity. Lack of preparations in psychology, knowledge and skills is the fundamental reason leading to emerging problems faced by the workers in the Arabian market (GFCD & RLS, 2017). While the workers are not well prepared for themselves before departure,

brokers (who find workers for labour supply enterprises) often provide biased information, mostly good information about destinations, thus leading to workers unprepared in terms of psychology, thus easily be disappointed with the real living and working conditions (GFCD & RLS, 2017).

#### ***2.2.4. Employment contract***

As regulated, during pre-departure period, Vietnamese domestic workers must know well the contents of two types of contracts: (i) Service contract with labour supply enterprises and (ii) employment contract with employers abroad. The signing of employment contract with employers is extremely important for domestic workers because they are a specific type of labour while there are gaps in laws and regulations on working conditions, working time and payment etc. of this group. Thus, the terms and conditions of the employment contract are important basis for the two parties to follow. However, regrettably, domestic workers often do not pay attention to the contract and its terms and conditions. The study conducted by ILSSA (2011) shows that most of the respondents said they did not understand and know well detailed contents of the contract including working conditions and payment. The study of GFCD & RLS (2017) also pointed out that domestic workers in both Taiwan and Saudi Arabia often do not remember the contents of their employment contract. Only 1-2 respondents said that they read carefully the terms and conditions of the contract and that implementation in reality are somehow different from what written in the contract.

#### ***2.2.5. Working and living conditions***

Domestic workers with the characteristic of doing domestic work in a household environment, each worker has her own experience

on living and working conditions. Through the desk review of literature we realize that the commonality and key problems often faced by the workers are long working hours, large volume of work and little time for rest, low pay than other types of jobs, being controlled and discriminated.

*On working hours*, working continuously for many hours in a day is a problem faced by the majority of Vietnamese domestic workers abroad. In Taiwan, of the groups of occupations done by Vietnamese workers abroad, the working time of the group of domestic workers is long, only second to sailors with 13.6 hours/day, and 29 days/month (ILSSA, 2013). This proves that domestic workers mostly have no days off. The study conducted by Shu-Man Pan & Jung-Tsung Yang (2012) also discloses that most foreign domestic workers in Taiwan work long hours (14 – 18 hours/day), without days off and the minimum wage is about 18,780 NT\$ (or 600 USD/month).

**Table 4: Timetable of domestic workers in Taiwan  
(taking care of infants and childrens)**

<b>Time</b>	<b>Tasks</b>
5.00 a.m	Cleaning and tidying up the house Washing, drying clothing
7. 00 a.m	Care for infant (take bath, feed the infant, care for it)
11.00 a.m	Go to bed with the infant
14.00 p.m	Care for infant Cooking (Preparation of food for dinner, cleaning etc.)
20.00 p.m	Infant goes to bed with mother
20.00 p.m - 5.00 a.m (he next morning)	Sleep (get up 2 times at night to prepare milk for the infant).

(GFCD & RLS, 2017)

Under the Labour Standard Law of Taiwan, workers working at offices, construction sites and enterprises have to apply 8 working hours a day and enjoy prescribed benefits. However, in domestic work and care work in hospital and recreation centers, due to special characteristics of the work of services, the 8 working hours a day is not applied. The working hours, days off, overtime work (on Sundays) are based on the contract signed by the worker and the employer. In fact with the characteristics of live-in domestic workers, it is difficult to apply legal regulations on working hours and rest hours. Domestic workers are hired to do house chores, sometimes such domestic tasks are regular and can be calculated in terms of working hours, yet there are unexpected tasks such as care for sick family members, cooking for relatives and guests of the employers (these tasks are not included in daily tasks). In addition, the unclear distinction between workplace and home mixes working and rest time, thus lengthening the working hours (ILO, 2010). For this very reason, the existing regulation relating working time of domestic workers does not stipulates specific working hours, instead stipulates minimum consecutive rest hours of the domestic workers.

In the sample employment contract issued by the Department of Overseas Labour Management (DoLAB) for Vietnamese workers working as domestic workers in Taiwan, Article 3 stipulates the working time and rest hours of the domestic workers. Thus, the working time is not identified in the number of hours but the time “enough to complete the reasonable volume of work assigned by the employer”, but the rest time is stipulated clearly, at least 8 hours, including 4 consecutive rest hours.

In Saudi Arabia market, the situation is similar in which domestic workers have to work many consecutive hours, with no comply with terms and conditions of the employment contract. The study results of GFCD & RLS (2017) show that Vietnamese domestic workers in Saudi Arabia often have average working hours of 16 – 17 hours a day (while employment contract specifies 12 hours a day). The workers do not have any day off work during the duration of the employment contract (2 years). The tasks and working time depend on occupational characteristics and ways of calculation of each employer’s household. According to domestic workers, if the employer is a great “businessman”, the domestic worker often has to work more hours because the employer often has parties and get-togethers with friends. The domestic workers are most tired on holidays as they have to stay overnight to work and serve the employer household family.

**Table 5: Timetable of domestic workers in Saudi Arabia**

<b>Time</b>	<b>Tasks</b>
5.00 a.m	Preparing breakfast for children to take to school, preparing milk for children
7.00 a.m	All family members go to work/to school, care for a 2-year old child
13.00 p.m	The employer is back to care for the child, domestic worker clean toilet facilities, wash clothing and vacuum cleaning
15.00 p.m	Food preparation/care for children
16.00 p.m	Clearing things after meals
19.00 p.m	Folding laundered clothing, ironing
21.00 p.m	Preparing supper, cleaning
22.00 p.m – 05.00 a.m (the next morning)	Go to bed

(GFCD & RLS, 2017)

In Saudi Arabia, the Ministry of Labour issued separate regulations for foreign domestic workers: 9 hours of rest a day, 1 day off a week (ITUC, 2014). Under Official Letter No. 4644 of the Vietnam Ministry of Labour, Invalids and Social Affairs on readjusting activities of labour supply enterprises in sending workers to work abroad, it is regulated that domestic workers have a minimum 9 consecutive rest hours a day and 1 day off a week. However, this is not indicated clearly in the agreement between Vietnam and Saudi Arabia (*Article 6: ensure that workers have daily and weekly rest time, in line with existing laws and regulations of Saudi Arabia*). So, domestic workers in Saudi Arabia are doing non-stop work, exceeding the working hours set for in the employment contract and the rest hours as regulated by the two countries. Worthy of note is that the rest time of domestic workers as mentioned in the Official Letter No. 4644 issued by the Ministry of Labour, Invalids and Social Affairs (Vietnam) is somehow different from that stipulated by the Ministry of Labour (Saudi Arabia) (9 consecutive rest hours a day against 9 rest hours a day).

*On payment for overtime work*, under the Labour Standard Law of Taiwan, the workers have two days off a week and do not work more than 8 hours a day; allowable maximum overtime working hour is 46 hours a month. Employers have to pay 1.33 times of the wage for an hour for the overtime working hours of the first two overtime hours and 1.66 times of the following overtime working hours. However, domestic workers and domestic care givers in Taiwan do not receive any pay for such overtime working hours because, there is no recording system of how many hours the domestic workers do real work a day (Tran Thi Duyen, 2017). The non-pay for overtime working hours also takes place similarly for domestic workers working in Saudi Arabia. Although, the Official Letter No. 4644 of the Ministry

of Labour, Invalids and Social Affairs regulates that the workers receive minimum 50 SR/ day if agree to work on holidays at the request of the employer. However, the study of GFCD & RLS (2017) points out that no Vietnamese domestic workers enjoy the benefit of overtime working hours as regulated. The question here is that in the signed employment contract, there are no days off, so there is no basis for payment of overtime working hours.

#### ***2.2.6. Wages, payment***

At present, although the tasks undertaken by domestic workers are basically similar, the wage paid to Vietnamese domestic workers abroad varies from one labour market to another. Worthy of note is that domestic workers in Saudi Arabia work harder (more working hours and no days off), but their salary is lowest compared to those working in the Taiwanese market. At present, under Vietnam laws, the wage of a domestic care giver in Taiwan is over 17,000 NT\$/ month (equal to 12 million VND/ month). The minimum wage of a domestic worker in Saudi Arabia is 1300 SR/ month (equal to 7.5 million VND/ month) (according to Official Letter No. 4644 of the Ministry of Labour, Invalids and Social Affairs). In fact the wage paid to the domestic workers is often under the level of minimum wage as stipulated for by receiving countries. The minimum wage in 2018 of Taiwan is NT\$22,000/month; and Saudi Arabia, though there is no minimum wage for workers, the minimum wage for State employees is 3,000SR/month. The reason for such disparities is because under the laws of Taiwan and Saudi Arabia, domestic workers are not governed by the labour laws to enjoy basic wage as regulated (DoLAB, 2014). Thus, negotiation on payment for Vietnamese domestic workers to be equal to the

minimum wage in the receiving countries in bilateral agreement between Vietnam and receiving countries for Vietnamese domestic workers plays an extremely important role in ensuring the rights and interests of the workers.

### ***2.2.7. Experiencing gender violence, racial discrimination due to differences in culture, religion and occupational stereotype***

Going to work abroad is a rather complicated process, thus workers in general and women workers in particular can easily be taken advantage of or exploited in many ways which the Law on workers going to work abroad under contract does not govern. For this reason, domestic workers are facing many difficulties due to differences in culture and religion and other existing social prejudice to domestic workers (low status group).

*First, the workers' personal documents, travel documents and wages are kept.* Due to not knowing or not exercising international laws on the rights of “having personal documents”, to manage workers, representatives of labour supply enterprises or employers keep the passports for traveling documents of the workers. In fact, in many cases, the workers had to stay illegally in the receiving countries and are threatened and controlled by the employers as their personal documents are kept. The keeping of workers' passports and employment contract in Saudi Arabia is a typical example. Some workers reported that upon their arrival at the airport, the employers keep their passports. During their stay for work, many employers even keep their wage. In Taiwan, the situation of keeping passports, travel documents and wages by employers is less, but still takes place (GFCD & RLS, 2017).

*Second, the domestic workers are restricted and controlled in their social communication.* The study conducted by GFCD & RLS

(2017) shows that the scope of communication of Vietnamese domestic workers in Saudi Arabia is confined in the household environment, often with the mistress and her children. They are restricted in communication and in meeting with the male master and the eldest son in the employer family due to cultural factors. There is almost no communication outside the employer's household because the domestic workers have no days off to go out (also they are not allowed to go out). Young domestic workers who can use smart phones, social media have communicated with other domestic workers and contacted their home in Vietnam through zalo. Aged domestic workers can call home but very rarely because of expensive phone call fees from Saudi Arabia to Vietnam. A study conducted by Antoinette Vlieger in 2012 also shows that most domestic workers are not allowed to leave the employer's household in 2 years of their employment contract. This violates the principles of elimination of "forced labour" in the ILO Convention No. 29 on Forced Labour (1930) and ILO Convention No. 189 on domestic workers. The restriction of movement and control of social contacts of Saudi Arabian employers against domestic workers is one of the forced labour types because of the following three reasons: (i) many workers going to work in Saudi Arabia have not been informed of the movement restriction, sometimes they were informed but not fully and the workers did not have real experience on not being allowed to leave the employers' home; (ii) Most of the employers seized passports of the domestic workers, even employment contract signed by the workers with the recruitment enterprises, and labour cards; (iii) The existing of Kefala system (Kefala Sponsorship System) – closely binding domestic workers with the employers. These three factors are combined together and only give the workers two alternatives: (i) continue to suffer mal-

treatment; (ii) or being expelled back home. This reality happened in Taiwan when the workers have more freedom of movement and can keep their personal documents. However, due to the work done in a domestic environment and language barriers, many workers still face limited communication in the Taiwanese society.

*Third, workers are treated without respect by the employers.* According to scholar Hoang Lan Anh and Yeoh (2015), a large number of Vietnamese women migrant workers arrived in Taiwan to find opportunity to change their lives. However, they had to pay high fees (about 3,000 USD) to find jobs in Taiwan. Therefore, upon arrival in Taiwan, they have to work hard and try to find all opportunity to earn money to repay debts and for savings. Besides working as domestic workers, they can take appointments and get some fees through social media; go to work at farms or do domestic work for other households during week-ends. In a sexual appointment or a “paid sex”, a worker receives 1,000 NT\$/ time or 10,000 NT\$ /month. Thus, domestic workers are naturally be stigmatized in the Taiwanese society. However, “paid sex” or finding sex partners of women migrant workers in Taiwan is not merely because of economic pressure (although it is the greatest reason) but other reasons such as loneliness in the strange land, the need to have partners for sharing and even to satisfy their sexual need! This is the type of freedom human being desires to have (Hoang Lan Anh & Brenda S.A. Yeoh, 2015).

In Saudi Arabia, lack of respect by the employers is shown in another dimension. The fact that the employers in Saudi Arabia pay commission fees to broker companies and all initial costs for domestic workers to come to work for them in their country is one of the causes of strong discrimination and exploitation

(HRW, 2014). Many employers when having conflicts with domestic workers often show their right to ownership of the workers, thinking that it is because they “have bought them with 150 million or 180 million” or searching the suitcase and personal belongings of the workers who were preparing to return to Vietnam (GFCD & RLS, 2017). In the thinking of the employers in Saudi Arabia, when they pay the brokers, it means they “buy” the workers and thus have full use of them. In the opinions of scholar Mantouvalou (2006) and Pyle (2006) “domestic workers” in Saudi Arabia now become “a type of modern slaves”. Such treatment of employers to Vietnamese domestic workers in Taiwan and Saudi Arabia points out that workers are suffering two forms of discrimination – tangible and intangible due to differences in culture, religion and class and racial discrimination. In particular, the search of the workers’ suitcases and belongings before they return home shows that employers in Saudi Arabia have prejudice against domestic workers considering them poor and thus can steal any of their property any time!

*Fourth, Vietnamese domestic workers face abuse and violation.*

In Taiwan, some research studies by international scholars such as Shu-Man Pan & Jung-Tsung Yang (2012) and the Human Right Watch (HRW, 2005) point out that domestic workers in Taiwan and Saudi Arabia suffer sexual and physical violence by their employers, but very few of them report to the police because of language barriers, isolated living and working conditions. Because of having no evidence of abuse and violence, they cannot file suit against the employers, if it is done which may lead to their disadvantage of being expelled from Taiwan or Saudi Arabia instead of getting support. In such a case, it is always the fault of the workers not the employers. Domestic workers suffering violence are not helped by the social services

systems in Taiwan or Saudi Arabia; only very few cases are helped by social activists or non-governmental organization or church organizations (GFCD & RLS, 2017). The Human Right Watch (2005) pointed out that sexual abuse is rarely reported because domestic workers live in isolation in a household; and social prejudice is often interacted with sexual abuse. Anderson (2001) noted that racial discrimination and sexual violence are two most common forms against migrant workers working as live-in domestic workers. The greatest mental violation suffered by domestic workers in Taiwan and Saudi Arabia is the threat to be expelled home by the employers. The cause of violence by employers against domestic workers: (i) not being satisfied with the work done by domestic workers; (ii) forcing the workers to serve many people and many households at the same time; (iii) employers asking to have sex with domestic workers (GFCD & RLS, 2017).

### ***2.2.8. Experiences of domestic workers in networking and organizing during migration and on return***

At present, the mechanism for protection of workers working abroad is not sufficient, especially lacking direct protection by competent authorities, thus many Vietnamese workers face many difficulties, challenges and risks in the strange land. The protection of the rights and interests of guest workers is mostly done through the Vietnamese embassy and representation in the receiving countries. For countries with a large number of Vietnamese guest workers, it is responsible by the Vietnamese labor management Board. However, Labour Management Board is present in very few receiving countries. The information about the Vietnamese embassy in the receiving countries is posted in DoLAB website. However, very few workers know such

information and address of the Vietnamese embassy in the country they are working. When facing difficulties in their lives and work, the guest workers often contact directly their brokers or recruitment agencies, or labour supply enterprises that sent them to work abroad. In general, diplomatic representations and enterprise representatives provide support for workers when being asked by the workers during their stay and work in the receiving country, but the frequency of assistance and support is limited, not meeting the expectations of the workers (GFCD & RLS, 2017). In particular, domestic workers and sailors in Taiwan are living in an environment isolated with the outside world, due to the fact that they did not receive full information and pre-departure orientation; therefore they do not know where to turn to for help when necessary (ILSSA, 2013). At present, the Vietnamese government is mobilizing the trade union, the organization in charge of protecting the legitimate rights and interests of the workers in Vietnam to cover the protection of migrants. In 2012, the Trade Union Law was adopted, highlighting the role of the trade union in providing counseling to workers on employment contract and legislation, settling conflicts and presenting the workers in lodging complaints to the court and take part in court cases. However, most domestic workers are freelance workers who come from rural areas, and do not join any trade union organizations, thus it is hard to learn about their problems and support them. At present, the workers report that enterprises have not paid attention to their living and working conditions and not help resolve the problems faced by the workers. While having to live and work far from home, domestic workers need support in information, sharing of work and life experiences abroad. At present, with the fast development of information technology, the workers can easily

be connected through the internet (zalo, Facebook...) for emotional sharing and encouragement to overcome difficulties in work and life. It is necessary for workers working abroad to organize for counseling and sharing of work and sentiments and help each other during illnesses or difficulties.

Another issue that needs support from stakeholders is the reintegration in society of workers on their return from overseas. There remains prejudice against women guest workers. Attention should also be paid to the public opinion and emotional relations in family members so that women workers on their return can rapidly reintegrate in family and community, make full use of their job skills, social capital and economic capital for household economic development. The Women's Union is not yet active in attracting returning women migrant workers. Besides their friends and neighbors, returning women workers can share will and woe with their peers who also return from abroad. What and how to do to continue to make use of the returning workers' skills and knowledge (particularly care givers and domestic workers returning from working abroad) (DOLAB & UNWomen, 2013), and their social capital in a more effective way is not only the concern of this group of workers but also responsibilities of competent authorities and social organizations.

## **Conclusion of Chapter 2**

Along the socio-economic development, the labour market for Vietnamese domestic workers tends to increase not only in the country but also in countries with developed economic and social conditions. In this context, promotion of decent work for domestic workers is an inevitable and objective need, particularly when domestic work is of clear gender characteristic and done

mostly by women who work in an environment not protected by the legal system and have limited access to social protection and information.

Driven by economic purposes, migrant domestic workers face many constraints, not meeting the demand of the labour market and employers as they lack legal knowledge, have no job training in knowledge and skills, lack information, lack of necessary preparations for them to integrate into the destination environment and work, particularly domestic workers working abroad who cannot use the language of the receiving country, have no understanding of the host country's culture and customs, cannot operate modern household equipment, have limited skills in preparing local food. These are the common characteristics of most Vietnamese domestic workers.

As regulated, employment contract in writing must be signed between the employer and the domestic worker. However, this is not given attention to by both parties to the contract to its implementation (including domestic workers working abroad). There remain many constraints in the process of implementation of terms and conditions of the employment contract. It is common that the working time is longer than regulated and pay of overtime work is not implemented. There are signs showing that Vietnamese domestic workers working abroad are not equally treated, not respected and under control. First, the wage paid to the workers now is under minimum wage as regulated by the labour laws. Second, domestic workers in Saudi Arabia have to do non-stop work without any days off and their personal documents are kept and their movement is controlled. Third, the domestic workers are not respected because of gender stereotype, work, living standards, social status as well as

differences in culture and religion (domestic workers are often poor, have low social status, work to earn their living), the existence of labour buy-sell relations (in Saudi Arabia, employers pay broker companies to “buy” domestic workers for their use). Forth, domestic workers face risks of abuse and violence and are not protected by the host country’s service system. There are many reasons leading to unequal treatment and non-protection for Vietnamese workers working as domestic workers abroad. They include limited and absence of laws and regulations to protect the interest of this group of workers; poor perception of work skills by domestic workers themselves; limited role of enterprises in support and protection of domestic workers during their work. Due to profits brought by employment service, labour supply enterprises often pay more attention to finding workers and undertaking departure procedures than management and support for workers. Besides, there is limited support by competent authorities in settling emerging problems in labour relations abroad and care for the spiritual life and networking of domestic workers.

With the problems relating policies and reality, the Vietnamese Government should be more proactive in finalizing the legal framework to ensure equal treatment to domestic workers like workers in other sectors; take intervention measures in order to promote domestic work to be a decent work in the society.

## **CHAPTER III**

### **SOCIO-ECONOMIC VALUES OF DOMESTIC WORKERS**

The International Labour Organization (ILO, 2013) acknowledges that domestic workers play an important role in the care economy and contribute to the country's GDP and economic growth and social development, particularly improving the quality of life for elderly people, children and people with disabilities. In addition, domestic workers have contributed to forming a professional labour force, helping many women relieve the burden of housework and have more time to focus on income generation, study, rest and recreation. Domestic work also brings rather stable income for many workers, particularly rural women with low education and unstable employment (GFCD, 2017). *This chapter provides information on the economic and social values made by domestic workers (both internal migrant domestic workers and domestic workers working abroad) at individual (the workers themselves), family (family of the domestic worker and family of the employer), community and social levels in order to provide scientific and practical evidence to policy advocacy in protection of the rights of Vietnamese domestic workers and promotion and approval of the process of development of national competency standards for domestic workers.*

#### **3.1. Socio-economic values of domestic work for domestic workers themselves and their family**

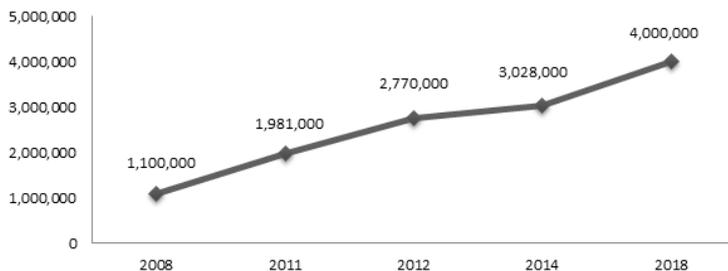
##### ***3.1.1. Economic values of domestic work for domestic workers themselves and their family***

Economic contribution is considered the most important contribution domestic workers bring to themselves and their families. This is relevant to their migration purpose for economic improvement. With an income of 3 – 8 million VND a month earned by internal domestic workers and 6-12 million

VND a month by domestic workers working abroad, domestic workers have made contribution economically in the following dimensions: repaying debts, building and rebuilding houses, buying land and means of transport (motorbikes), buying valuable household equipment (TV, fridge, tables and chairs, electric cooker...), paying school fees, healthcare services for family members, thus improving the family living standards, helping family members have stable jobs and money to develop household business and production...

Data collected by research studies on internal domestic workers through many years show that the wage of domestic workers increases year after year. The Chart below showing the increasing wages of domestic workers in Hanoi and Ho Chi Minh City through different studies proves this. A study conducted in 2008 on domestic workers in Hanoi shows that the average monthly wage earned by a live-in domestic worker is nearly 1.1 million VND (the lowest wage is 700.000 VND/month, the highest was 2 million VND /month) (Ngo Thi Ngoc Anh, 2010). The study in 2011 by the Institute of Family and Gender Studies (IFGS) shows that the average wage of a live-in domestic worker in Hanoi and Ho Chi Minh City is 1.981.000 VND/month. In 2012, a survey in Hanoi and Ho Chi Minh City reports the average wage earned by domestic worker which was 2.7 million VND/month (an increase of 800,000 /month). The result of a study in 2014 in Hanoi and Ho Chi Minh City shows the average wage of a live-in domestic worker of 3 million VND a month. The figure at present is 4 million VND/ month.

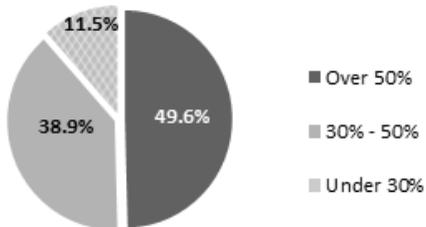
**Chart 5: The average wage of a live-in domestic worker in major cities (Hanoi, Ho Chi Minh City) (Unit: VND/month)**



(Study on domestic work – Ministry of Culture, Sports and Tourism, 2008; Study on decent work for domestic workers in Hanoi, Ho Chi Minh City - Institute of Family and Gender Studies, ILO, MOLISA, 2011, GFCD, 2012, 2014, 2018)

For domestic workers working abroad, the wages are different, depending on labour markets. In the two labour markets where many Vietnamese domestic workers are working (Taiwan and Saudi Arabia), under Vietnam’s regulations, the wage of a domestic care giver in Taiwan is not lower than 17.000 NT\$/ month (equal to 12 million VND/ month)

**Chart 6: Proportion of internal domestic worker’s wage in household’s income (%)**



(GFCD, 2014)

(According to Guideline No.538/LĐTBXH\_QLLĐNN dated 9/5/2016, guiding the sending of workers to work in Taiwan). The minimum wage of a domestic worker in Saudi

Arabia is 1300 SR/ month (equal to 7.5 million VND/ month) (Official Letter No. 4644 of the Ministry of Labour, Invalids and Social Affairs). In fact, the current wage earned by a domestic worker is lower than the minimum wage as regulated. These

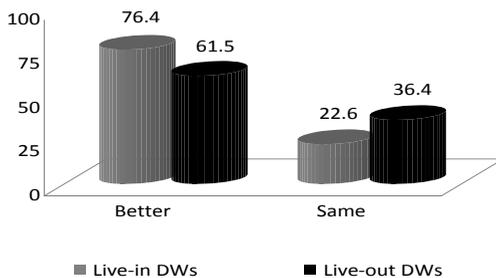
figures show that domestic workers bring a remarkable amount of income and this source of income tends to increase year after year and is stable.

***The wage of internal domestic workers makes up a major proportion of the family income and is the main source of income to cover family expenses***

For internal domestic workers, GFCD research study in 2014 shows that total income of members of a domestic worker household family is about 6 million VND a month. With the average income of a domestic worker of 3 million VND a month, domestic workers contribute a major proportion of the source of income of their family. Detailed calculation of the wage of a domestic worker in the family income shows that the percent of domestic worker’s wage makes up 50% of the total household income of 49.3%. Worthy of note is that, the wage earned from domestic work is the sole source of income for 13.1% workers’ family income. The proportion of income contributed by a domestic worker to the household’s income of less than 30% only accounts for 11.5%.

With an average wage contribution of 50% of the total household’s income, in which 40.4% of earnings from domestic work used to cover daily expenses, this source of income makes an important contribution to improving the household living standards of domestic workers. Domestic workers

***Chart 7: Living standards of DWs households now compared to when they just started domestic work (%)***



(GFCD, 2014)

Some 76.4% live-in domestic workers and 61.5% domestic workers agreed with this statement.

The survey results show that earnings of domestic workers are used by their households to cover many different expenses including daily living expenses and major expenses such as repayment of debts, house repair and construction... and expenses in internal and external relations which account for the highest proportion (see table 6). Examining the largest expenses covered by the income of domestic workers, of the 11 expenses questioned, the information collected shows that daily living expenses and children’s schooling are the two largest expenses covered by DW income.

**Table 6: Expenses covered by the income of internal domestic workers (%)**

<b>Expenses</b>	<b>Percent</b>
1. Family daily expenses	80.2
2. Personal daily expenses	69.0
3. Domestic and external affairs (wedding, funeral, family relations)	51.2
4. Children’s schooling	40.6
5. Healthcare for family members	39.8
6. Savings/ accumulation	31.1
7. Debt payment	20.8
8. Housing construction, repair	10.6
9. Purchase of furniture /valuable household equipment	10.2
10. Maintenance of farming, livestock	9.2
11. Economic business (development of production/service/livestock etc.)	6,0
<b>Total</b>	<b>500</b>

(GFCD, 2014)

***The earnings of domestic workers working abroad bring economic values to their family through savings to cover major family expenses***

For domestic workers working abroad, economic factors such as low income, poverty, and underemployment are the main motivations for their decision on migration. Disparities in the living standards, employment opportunity and higher income promote workers to find new opportunity employment abroad, even if it is temporary (MoFA, 2012). Thus, in terms of economics, going to work abroad is seen by the workers as an investment project in order to improve their

*In 2009, Ms. L decided to go to work as a domestic worker abroad to earn money to repay the debt due to the loss in livestock breeding. Her work as a domestic worker in Malaysia was not successful because she had to return home to care for her husband who suffered from cancer, finishing only half of her employment contract duration. In 2015, after the death of her husband, she decided to go to work as a domestic worker again to repay the debt left by her loss in livestock breeding and the cost of medical treatment for her husband. She selected Saudi Arabia because she did not have to pay any migration cost and received a support of 4 million VND. As a result, after completing her employment contract, she could repay all debts; build a small, solid house. (GFCD, 2017)*

family's living standards and economy. The economic effectiveness of domestic workers working abroad is asserted through the amount of money accumulated by the workers and the period of investment return (workers have to borrow money to cover the cost of their migration). The results of a study of the Institute of Labour and Social Sciences in 2012 show that the savings of domestic workers is about 28.97 million VND/person. The group of domestic care givers (similar to domestic workers)

in Taiwan can save up to 84.21 million VND a person. The investment return period is the period the workers save money during their work abroad to compensate for their migration cost. The shorter the investment return period is the bigger the accumulation of savings will be for domestic workers working abroad. In Taiwan, the period of investment return is shortest – 6 months for domestic care givers, and 10 months for domestic workers. The investment return period for workers doing the remaining jobs in this market is longest, 13-23 months (the Institute of Labour and Social Sciences, 2012). The research results show that domestic workers abroad bring certain economic value to their families through their savings. *Most of the savings is used to meet urgent needs of the family such as repayment of debts* emerged from their migration cost or during their work abroad (accounting for 34.37% of the total amount of savings), building/repairing houses (28.49%) and buying household equipment and furniture (10.59%). Meanwhile, it is very limited investment for production and business development and children’s schooling, which only accounts for 13% of the total savings. Women workers use their savings more effectively than men workers - Institute of Labour and Social Sciences, 2012.

The information collected from in-depth interviews of domestic workers working abroad also shows that high income, improved economic conditions and opportunity to experience foreign life are the pull factors for Vietnamese workers going to work as domestic workers abroad. The workers spend 2-3 years abroad, in return every year they can save 80-200 million VND (depending on destination markets). For workers coming from rural areas, this is a sum of money which is not easy for them to save. A domestic worker used to work in Saudi Arabia earned 6 million VND/ month said: *“In Vietnam, if working for a company*

*one can earn 4 -5 million VND/ month but it is not enough for spending because besides expenses for family daily living, there are many other affairs that need to spend such as funerals, weddings etc. Meanwhile with the same income abroad, the worker can make some savings”*

### **3.1.2. Social value of domestic work to domestic workers themselves and their family**

The social values acknowledged most in this group of workers is employment opportunity, improvement/ investment in education, economic activities, and healthcare... thanks to the income earned from domestic work, improvement of their understanding/social knowledge. Thanks to the process of migration and work in urban areas, the status of women in family and society has improved....

*On education, many workers work as domestic workers to earn money to cover their children’s higher education’s tuition fees and job training or tutors for school children. It can be said that domestic workers bring about both immediate*

*I go to work to earn money to afford my children’s schooling. in the home town, i cannot earn enough money to bring up my children, never thinking of affording my children’s university study. (GFCD, 2017)*

economic interests and long-term benefits for their family. Investment in education means investment in the future generation of the family and the country. During in-depth interviews with domestic workers, interviewers met many women workers who have overcome social prejudice against domestic work and the fate of domestic workers to achieve their objectives of earning money to cover their children’s schooling. In reality, many school and university students have the

opportunity to continue their intellectual path thanks to the income earned from domestic work by their mothers.

*Ms. Th. works as a domestic worker in Ho Chi Minh City bringing with her all of her five children because she thinks the school conditions in the city are better and her children can study and develop well and have stable jobs. She said that now her four children have finished general education and have employment in Ho Chi Minh City. She now only cares for her youngest daughter's schooling. When her daughter finishes study, she will retire and go back to her home town. The case of Ms. Th. from Phu Tho is another example. Thanks to domestic work, she can afford her son's study. After finishing general education, her son went to work in Malaysia. Then she could give money to her son to learn driving on his return. Now her son is married and has a stable job.*

*Ms. H from Yen Bai province has worked as a domestic worker in Hanoi for 7 years. Every day she does cleaning for 2 or 3 household families. Her earnings from DW help her afford schooling for her two children. At present, her eldest daughter, after graduating from the Teachers' Training University, works as a teacher in her hometown. Her younger son is studying at the Transport College. (GFCD,2017)*

*On access to healthcare services, improved healthcare and nutrition:* All the research results noted changes and positive contributions of domestic workers to improving access to healthcare services, healthcare and nutrition for their family members. For domestic workers working for companies and enterprises, they are supported to buy annual health insurance. Some of them having long years of service for the company are even assisted to buy social insurance and enjoy

full benefits like other State employees. Some of them said that doing the domestic work they have better understanding of healthcare and health insurance and have positive behaviors in buying health insurance for their household or improve nutrition for family members.

*...Working as a domestic worker, I can learn different ways to care for the health of myself and my family members. I pay more attention to caring for my health. I also buy health insurance...*

*...I have changed my awareness on healthcare when working as a domestic worker. Whenever I feel tired, I go for health checkup and take a rest. I pay more attention to care for my health. I have already bought health insurance...*

(GFCD, 2017)

*On expanding social capital:* With different living environment and lifestyle between urban and rural areas, most domestic workers have noted positive changes in their social capital since they work as domestic workers. The most notable change is their social knowledge. Changes in social knowledge are in bringing up and educating children, behaviour in family, healthcare and nutrition, especially for small children and elderly people.

*...“Working for a household in Thanh Xuan district, I notice the family members’ teaching and behaviors with children completely different from my home town. They have a good way of teaching and educating their children and I realize that rural household families do not have good education methods for their children. It is completely different in the way of children’s education between urban to rural areas. I try to educate my children to be good persons. Working outside the home town, I learn a lot and select what is good to follow. I learn a lot from my employers...;*

*...Working as a domestic worker, I learn good behaviors in the family such as how to resolve disputes between spouses. I observe my employer's family which resolves all disputes in a peaceful way. I have learned and applied it in my family and have somehow improved the family situation. I also learn reasonable spending from the employer's family... (GFCD, 2017).*

The social net of domestic workers has been expanded. Some domestic workers said that at first they only worked for one or two households. Later on, with recommendation from the employers and friends, their work and income is more stable.

*...“At first I only planned to work in Ho Chi Minh City several months or a year; but seeing that doing this work I can earn money while the work is not heavy, then I stayed on to do domestic work in the last four years. At first I worked for several households, then because of my good performance, the employers recommend me to other households and now I work for many households in Phu Nhuan and Tan Dinh districts, with some households I work 2 hours a day and others every day ...(GFCD, 2017)*

What is worth noting is the improvement of the social capital of domestic workers. Some of them have joined clubs for domestic workers supported by the Research Centre for Gender, Family and Community Development (GFCD) in collaboration with Hanoi and Ho Chi Minh City Women's Union. The participation in club's activities has helped domestic workers improve their legal and social knowledge, understand their rights and interests relating employment contract, health insurance and social insurance, social welfare benefits, working and living conditions under stipulations of the 2012 Labour Code (Decree

27 and Circular 19 on domestic workers). Also through club's meetings, many domestic workers befriend people from the same home town and those who are also working as domestic workers in the city; share work and life experiences and also share the difficulties they face. Over 90% of club members highly appreciate the club activities and wish to continue attending club meetings in the future.

*On promotion of gender equality in family and community:* Through sharing of changes in the lives and work, many domestic workers reported that since working as domestic workers, their status of women in family and society has improved remarkably.

. In particular, some women workers have promoted their status in their husband's family and the community when they work as domestic workers. The typical case is Ms. M from Nam Dinh. *...My life has seen great changes. First my mother-in-law no longer despises me as she did in the past. I went to work as a domestic worker in Taiwan, saved some money to repair my house and have a compartment extended for my children to have a separate room for my children's study. I bought gifts for my sisters and brothers and relatives. I also bought a motorbike to travel to work because I think I will go to work, not to stay at home as in the past...* (GFCD, 2017). The improvement of status and role of domestic workers in family and society when working as domestic workers is easy to understand. When the women can earn money, be economically independent, their status will improve. This is true when their

*"...My husband and I often discuss every big and small affair in the family. I always respect my husband and he does the same to me. If we have different views on anything, we have to consider which one is better to follow...(GFCD, 2017)*

income is the main source of their family income. In this study, most of the domestic workers provide the main source of income to their family.

Besides working to afford children's schooling, domestic workers themselves also receive training during their work. In particular, the live-out domestic workers receive regular training to improve their skills and to be more professional in their domestic work. Some domestic workers with good performance have been promoted to be head of domestic workers' team or become trainers. Of the domestic workers interviewed by the research team, two domestic workers in Hanoi and two in Ho Chi Minh City have become heads of workers' team and trainers of the HMC Clean House Development and Services Stock Company (known as JupViec.vn). However, due to work characteristics (little training, closed working environment), the social values brought to domestic workers in the country and abroad such as improvement in professional skills/knowledge, language skills, and industrial working style have not been well acknowledged in this group of domestic workers compared to other groups of migrant workers, particularly those working in the formal sector.

*Ms. H got married and had two sons. However, her husband is addicted to alcohol and always beats her heavily. She has been separated from her husband for many years and has to work hard to bring up her two sons and burden all family's affairs, including housing construction.*

*In 2014, she decided to go to work in Saudi Arabia because she was in debt of 300 million VND which she borrowed from the bank for her sons to go to work in Japan and Malaysia. If she stayed at home, she could never repay the debt. Her sons working in Japan and Malaysia could not send her money because their salary is not high as they are intornees.*

*She was recruited to work in Saudi Arabia without paying commission fees. After two years of contract, she returned home. Thanks to her skills*

*learned during working in Saudi Arabia (care for elderly people), she is now working as a domestic worker, caring for an old couple near her house. She also provides accupressure service for some elderly people around her house. She felt that two years working the Saudi Arabia, though doing hard work, she has more experiences, more social relations and better knowledge. Now she can use Facebook to connect with her friends and talk with her peers who had also worked in Saudi Arabia who have assisted each other with employment.*

(GFCD, 2017)

Another notable contribution of domestic workers is they provide employment opportunity for their family members and neighbors. Many workers, after working for a household can find jobs for other family members or recommend friends, relatives and neighbors to come to the city to do domestic work. Many others can generate jobs for their family members by using their savings to develop household production and business, or find jobs for their children and husbands in the city. Some women provided vocational guidance to their children and now their children have stable jobs in the city.

### ***3.2. Socio - Economic values of domestic workers to employer's family***

#### ***3.2.1. Economic values of domestic workers to employer's family***

Another important dimension of domestic workers' economic contribution to Vietnam's economy is the indirect economic values they contribute. To be more specific, when households employ domestic workers to do housework, most of the employers can spend more time on their paid work, helping them increase their labour productivity. According to feminine economists, unpaid care work is a dimension that brings happiness to beneficiaries of such care work but also the "costs" for the care givers, most of them are women (Valeria Esquivel,

2013). What is worth noting is that such “costs” including energy, health, employment opportunity, income, social protection benefits and also the enjoyment of free time are what leads to gender inequality in family and society. However, Elson also emphasizes that care does not mean those who do the care work are always willing and have sentiment in it because sometimes the women feel social pressure and are even forced to do the work (Debbie Budlender, 2002). Ngo Thi Tuan Dung (2009) held that the participation of men in housework does not increase remarkably and proportionately with the increase of women in the labour market. The burden of “double” work, with limited time resource, poor health... remains an obstacle and limitation for women to develop their competencies, experience and cultural and spiritual life. Through focus group discussions, many residents said that there is certain effect between the time doing housework and the time spending on income generation work. Verifying the correlation between the two variables of the time doing housework and the time spending on income generation work of both spouse, it is shown that the close interrelation between the possibility that the more time spent on housework the less time spent on income generation work; this is correct to both husband and wife, in which the correlation between these two variables of the wife is tighter than that of the husband (73.9% against 68.0%). The results of research on gender by UNDP, 2012 show that because of heavy burden of unpaid work in the family, women often temporarily give up their paid work to care for children, particularly when their children are young. Thus, their experience accumulation in the labour market decreases. When this is repeated with the birth of next children, the gender gap is widened due to the lack of experience

and is the consequence of the distribution of unpaid work. Also because of obligations relating to housework, women are unlikely to work at night and during week-ends or undertake missions away from home. This further limits their capacity in the labour market and leads to decreasing income. Low income from work further encourages the thinking that women should give their whole mind to unpaid work in the family not men. Thus, gender differences are increasingly deepened in the labour market (Ho Ngoc Cham, 2015).

Of the time resource of 24 hours a day, an individual person has many activities corresponding to different tasks including recreation, rest, income generation etc. Because the time resource in a day is fixed, in principle, the increase of the time for one activity means the decrease of the time for the remaining activities. Verifying collected quantitative data shows that the effect of increase/decrease of the time for housework on the increase/decrease of the time for income generation activities. This means that the more time spent on housework, the less opportunity family members, especially the wife have for income generation work. So from the economic perspective, domestic workers help improve labour power reproduction, the process of professionalizing jobs and labour redistribution in the society.

*... The contribution of domestic workers is mainly to help their employer's family to have more time to do social work in the locality, to have good health and time to do their office work or household business ... In far-reaching vision, the domestic workers help us to have good health, our children to have more time to concentrate on their work or develop household economy...(GFCD, 2017)*

### **3.2.2. Social values of domestic workers to employer's family**

In addition to economic values to the employer's family, domestic workers also bring other social values such as opportunity to rest, labour reproduction and opportunity to study to improve their professional knowledge and skills. When employing domestic workers, employers' families busy with their business and social activities will have less pressure from housework which is supposed to be done by them... Family members will give their whole mind to their paid work and social activities and learning.

A survey of 299 household representatives in 2016 conducted by the Institute of Family and Gender Studies reported 28.4% respondents said housework limits the opportunity for them to take part in training to improve their professional competency. A teacher shares her case of limited opportunity to training when she has employed no domestic worker: *"The provincial Department of Education and Training always opens training for teachers to improve their teaching skills, but in the last 3 years, I did not attend any training because I have been busy with my young children and had less time than my younger colleagues"* (GFCD, 2016).

A household representative said employing a domestic worker brings a great value to herself and her family because thanks to the domestic workers, she has more time to help her children in their homework and play with them *"...In the past, without a domestic worker, I could not support my children when they asked me to help them with their homework as I have limited time... Sometimes I felt tired because of having to do many things... Since employing a domestic worker, she has helped me in cleaning the house, washing clothing and doing other house chores"*. (GFCD, 2017).

### **3.3. Socio-economic values of domestic workers to community and society**

#### **3.3.1 Socio-economic development in the departure community of domestic workers**

##### ***Poverty reduction, housing improvement, contribution to welfare funds and social activities in the departure community***

The remittance to their families back in the departure community and its use are important indicators showing the contributions of domestic workers to local development and prosperity in recent years in Vietnam. Such income sources are sent from the destinations where there is more employment opportunity to rural areas with less employment opportunity. It helps redistribution of the wealth in the whole country

*...In the past we had no money. Whenever the local authorities launched fund-raising to support community activities and the poor... I had to evade my responsibility thinking that because I am poor, I cannot support others... Now that I have money, I take part in such activities like others. I feel more proud because I don't have to evade the debt... Having money, it is different...*

(GFCD, 2017)

and can contribute to hunger eradication and poverty reduction for disadvantaged areas in Vietnam (UN, 2010).

The remittance from domestic workers helps their families to rebuild or build their houses, and buy valuable assets. Thanks to this, the face of rural areas has been changed toward modernity.

In addition, having remittance from the domestic workers, their family has money to contribute to social activities of their home village, support the poor and take part in charity programs launched by the local authorities.

### ***Settlement of unemployment and underemployment in rural areas***

Domestic workers have helped reduce redundant labour force in rural areas. Most domestic workers did farming before their migration. However, in recent years, the conversion of land use purpose for local economic development has made many farmers lost their farmland – their main means of production. As a result, millions of farmers lost their work or are underemployed. These labour force if stay in the rural areas cannot generate development resources but can cause many social consequences, due to having more leisure time. Reports by Van de Walle and Cratty (2003) or WB (2006), Pham et al. (2009) point to the decreasing role of the agricultural sector in generating jobs. Statistics from the Household Living Standard Survey, 1993-2008, shows that in early 1990, agriculture generated 80% jobs for rural workers. By 2008, this figure dropped to nearly 58%. Instead, rural workers, particularly young workers had to find non-agricultural jobs in rural areas or migrate to urban areas to find job (UN, 2010). Le Van Son (2014) made known that rural agriculture sector had 7 million hectares of farmland which needs maximum 19 million workers. Yet, in this sector, there are some 25.5 million workers, thus 6.6 million workers are redundant. Moreover, for workers having jobs in rural areas, the proportion of time used is only 70 - 75%, thus, the redundant labour force, both absolute and relative number, is rather large.

In such a situation, migration is selected as a solution to resolve the problem of unemployment and underemployment in rural areas. Worthy of note is that this solution brings many employment opportunities to people of different age groups. The information collected from a survey shows that a section of migrant workers are in the middle and high age – the age very

difficult to find jobs in their home town, but have jobs thanks to their migration. These people often work in the informal sector (as domestic workers, street vendors etc.). A study conducted by GFCD in 2014 on the jobs done by domestic workers before their migration and job stability shows that before working as domestic workers, most of them did manual work in agriculture and fisheries sectors (33.4%), freelance workers (26.8%), and small traders (11.8%). In addition, a small proportion worked as factory workers (6%) and do work relating to handicraft (4.0%). Worthy of note is the work characteristic of most of the workers is not stable (33.3% does seasonal work and 24.9% works whenever the work is available). Of the types of work the workers did before working as domestic workers, factory work, household business, and running own shop are more stable than those who do manual work or freelance work.

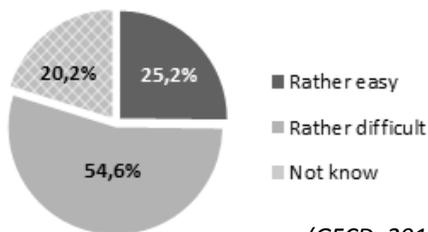
**Table 7: Work done by workers before working as domestic workers**

Jobs	Percent	Working time		
		Full time (around the year)	Seasonal	Only when jobs are available
Manual work in farming, forestry, fisheries	33.4	16.2	79.6	4.2
Free labour	26.8	33.6	3.7	62.7
Household business, owners of shops, restaurant, vendors...	11.8	91.5	1.7	6.8
Arts and handicraft, repair	4.0	55.0	0	45.0
Factory workers	6.0	100	0	0
Others	1.6	100	0	0
Housework	11.0	-	-	-
Unemployed/ Not finding a job yet	3.0	-	-	-
Does not work	2.4	-	-	-
General percentage		<b>41.9</b>	<b>33.3</b>	<b>24.9</b>

(GFCD, 2014)

Study the possibility of having jobs in local areas of the workers shows: 54.6% domestic workers interviewed said it is rather hard for them to find jobs in their localities; 20.2% does not know whether

**Chart 8: Possibility of having jobs in home town of domestic workers**

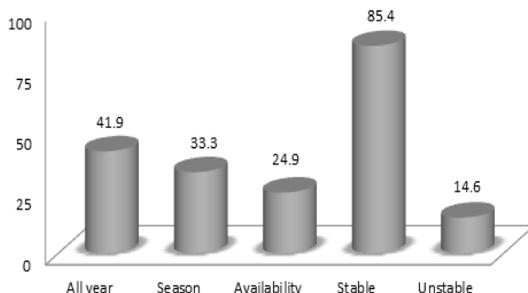


(GFCD, 2014)

they can find jobs and 25.2 % can find jobs easily in their local areas. The difficulties faced by domestic workers in finding stable jobs can be explained that most of them have low education, are unskilled and are over working age (5% over 55 years old). Even for working age people, they are also facing certain difficulty in finding jobs in their locality. In the past years, the development of enterprises/ companies in local areas has opened up employment opportunity for many workers, particularly unskilled workers. However, such opportunity is not open to everyone but to a section of certain age group (under 40 years old).

While it is difficult to seek stable jobs in the home town, it is rather easy for workers to find domestic work in urban areas. Moreover, domestic workers have rather stable job as said by many respondents. Some

**Chart 9: Level of stability of domestic work compared to other work done by domestic workers before (%)**



(GFCD, 2014)

85.4% respondents said domestic work is stable. The proportion of live-in and live-out domestic workers agreed with this statement is quite equal.

So, domestic work is creating opportunity for workers to have more stable jobs compared to the work they have done before in the context of limited job opportunity in rural areas, particularly in economic crisis, labour force redundancy due to thousands of small and medium enterprises are going bankrupt every year.

### **3.2.2. Socio-economic development in the destination community of domestic workers.**

This section focuses more on the group of internal domestic workers as there are no statistics and information on the group of domestic workers working abroad.

***Domestic workers replace some underdeveloped household services in Vietnam such as care for elderly people and care for children under 12 months old.***

At present, In Vietnam, household care services have not yet developed to satisfy the needs of families. This situation is shown in two dimensions: First, for the care services for children under 6 years of age, at present, public kindergartens admit children over 18 months old, while private kindergartens enroll children over 12 months old. So, infants between 6 -12 months old need the care of domestic workers, who have met this care need. At present, the average longevity of the Vietnamese has increased. Since 2011, Vietnam entered the period of population aging and will become an aged population country after 2030. The responsibility to care for elderly people rests on families. However, the family size is narrowing with the one-two child policy which poses a burden of care on the family. The model of

elderly home exists in Vietnam but it is not a choice for many families because of the psychology of not being dutiful if sending old parents to elderly homes and the elderly people themselves want to live with their children and grandchildren. In addition, the cost of elderly home is between 5 -20 million VND a month, depending on the service package and the need for care of the elderly people, cannot be afforded by all families. For this reason, the labour market of domestic workers is increasing strongly, particularly in major cities such as Hanoi and Ho Chi Minh. Thus employing domestic workers is a need and also an inevitable trend of the labour market. Also due to increasing demand, the development of domestic work models is more diverse. In the past, it was mostly the type of live-in domestic workers. Now live-out domestic workers are developing fast because the workers can work for several households or for employment service companies which provide domestic workers to different clients. When the types of domestic workers are more diverse, workers doing this work are also diverse. In the past, domestic work was mainly done by migrants coming from rural areas to cities with low education, now college students also take the job in their spare time. Some college graduates, who fail to find jobs related to their majors, work as domestic workers.

### ***Forming a professional labour force***

Domestic work has long existed and is very important for women in many countries (ILO, 2010). In the world, domestic workers make up a remarkable proportion in the labour force, 4-10% of the labour force in developing countries and 1-2.5% in developed industrialized countries. Of them, women workers account for up to 90%. Studies and reports on domestic workers in Vietnam and other countries show that domestic workers are becoming an

important part of the informal employment sector. The number of domestic workers in all countries tends to increase. Countries have the greatest demand for domestic workers are those in North America and rich Asian countries such as Hong Kong, Japan, Malaysia, Singapore, South Korea and Arab countries (Meenakshi Sinha, 2010). The values of domestic workers as a source of employment for women vary from one country to another. In Uruguay and Paraguay, the percent of women working as domestic workers of the total number of women working in urban areas is about 20%. In higher income countries such as Argentina, Chile, Brazil and Panama, the figure is about 15%- 17%. In other countries, domestic work is an important source of employment for urban women, accounting for 7.7% - 10% (Victor Tokman, 2010). According to ILO statistics, the proportion of domestic workers in the labour force tends to increase in some countries. In Belize, domestic workers make up 3.7% of the labour force in 1999. By 2005, this figure increased to 5.9%. In Costa Rica, the percent of domestic workers in the country's labour force in 1995, 2000, and 2006 was 5.6%; 6.17% and 7.17% respectively. A similar trend is taking place in El Salvador, Luxembourg, and Spain (ILO, 2010). In Vietnam, no statistics are available on internal domestic workers and domestic workers working abroad, but it is undeniable that professionalizing domestic workers is increasing. In the past, domestic work took place spontaneously based on the relations between households and domestic workers. Now there are many domestic workers supply service companies such as Canets and HMC Housing Clean Development Service Stock Company (JupViec.vn) which recruit, train and supply domestic workers on request. Right now, JupViec.vn is supplying 2,500 domestic workers to clients in Hanoi, meeting the demand of over 18,000

clients. The Company now has 7 branches in Ho Chi Minh City, Hai Phong, Quang Ninh, Bac Ninh, Da Nang, Nha Trang and Binh Duong provinces. Canets has developed a network of over 10,000 students who work as domestic workers with over 7,000 trained jobs, and has successfully placed 4,000 workers. On their current application, there are some 6,000 users and every day 20 - 30 job transactions are made between workers and households.

#### **3.4. Factors affecting socio-economic values of domestic workers**

The above analysis shows that, domestic workers have brought remarkable socio-economic values at all levels, from individual domestic worker to their families and the society. These values have been further confirmed by the efforts of the workers, the participation of organizations helping protect workers' rights and the legal system. However, there remain factors negatively affecting and limiting the contributions of domestic workers.

*First, there remain policy gaps.* For internal domestic workers, the 2012 revised Labour Code has five articles relating domestic workers (Article 179 - 183); Decree No. 27/2014/NĐ-CP stipulating in detail the implementation of some articles of the Labour Code on domestic workers and Circular No. 19 of the Ministry of Labour, Invalids and Social Affairs guiding in detail the implementation of the 5 articles of the Labour Code on domestic worker, yet there remain policy gaps that need to be improved to better protect the rights and interests of domestic workers. Some of the policy gaps include: domestic work has not been considered a formal job and included in the list of national jobs. Although there are regulations on the signing of employment contract between employers and domestic workers, there are now no sanctions against acts of violations and mechanism on monitoring of implementation. Due to the fact that the labour

relations between employers and domestic workers have not yet been clearly shaped and protected by laws, these relations are unequal (not in favour of the workers). For domestic workers working abroad, there are no specific policies for migrant Vietnamese domestic workers. This group of workers is governed by the same law governing other groups of migrant workers working abroad under contract.

Lack of laws and policies will lead to the risks of workers' rights being unprotected, including the right to receive full and equal pay and benefits. The workers are also limited in terms of opportunity for training of necessary skills to ensure professionalism in order to have wage increase and improve their income.

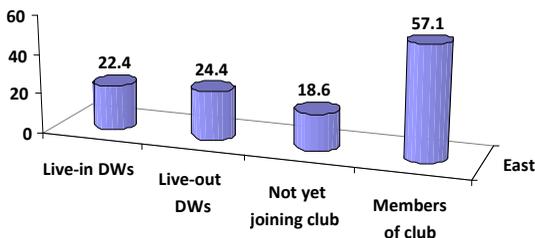
*Second, legal knowledge of domestic workers is limited*

For internal domestic workers, it is stipulated that the employer pays part of the worker's social insurance, health insurance cost for the worker to buy their own insurance, but most domestic workers do not know about this stipulation to claim their rights. Some employers provide part of the money for the workers to buy their insurance, but due to low income the workers cannot afford the rest of the insurance cost. Also, at present, the maternity, occupational accidents and illness benefits (short-term benefits) are not covered by voluntary social insurance (domestic workers are only eligible for this type of insurance), thus not attracting domestic workers (mostly women).

A survey conducted by GFCD in 2017 with 150 domestic workers shows that the percent of domestic workers (both live-in and live-out) who said they have heard of the laws and regulations relating domestic workers is low.

Of the domestic workers interviewed under this survey, 22.4% have heard about laws and policies relating domestic workers. There is no significant difference between live-in and live-out domestic workers in this percentage. The lack of legal knowledge can lead to workers failing to know the rights and obligations of themselves and of their employer in their labour relations and it is likely they are disadvantaged in the labour market. Some 89.2% domestic workers do not know about the laws and

**Chart 10: Percent of DWs heard about laws and regulations relating DWs**



(GFCD, 2014)

regulations relating domestic workers in terms of how many hours they are entitled to rest in a day. 80.4% respondents do not know about regulations on obligations of the employers in case the domestic workers suffer accidents and illnesses. Worthy of note is that when comparing the legal knowledge of the group of domestic workers who have been members of the club for domestic workers and the group that is not members of DW clubs, the information received from a survey shows positive impacts of the club on domestic workers. The percentage of DWs, members of the DW clubs know about laws and regulations relating domestic workers are much higher than those who are not club members (57.2% against 18.6%). The survey results suggest that it is necessary to establish clubs for domestic workers and conduct communication activities to provide club members with legal knowledge on domestic work.

For domestic workers working abroad, under the law, before departure, workers have to know the contents and signed two types of contracts: (i) Service contract with the employment service enterprise and (ii) employment contract with the employer overseas. For this group of domestic workers, the signing of contracts, particularly with the employer is extremely important because domestic work is a special type of work and as analyzed in the section above, there are many gaps in the laws and regulations on working conditions, working time and payment for this group. Thus the terms and conditions of the contract will serve as an important basis for both parties to implement. However, regrettably, domestic workers working abroad in general and domestic workers in particular do not pay attention to the terms and conditions written in the contract. A study conducted by the Institute of Labour and Social Sciences in 2010-2011 shows that most domestic workers working abroad interviewed said they did not understand and know well the detailed content of the contract such as working conditions and wages (Institute of Labour and Social Sciences, 2012). Due to lack of understanding of laws on labour and employment, most domestic workers do not know their rights, interests and obligations to exercise their rights. This lack of knowledge is one of the barriers to policy advocacy on formalizing domestic work and improving the status of this group of workers in the society.

*Third, the protection mechanism of domestic workers working overseas is limited.* At present, the mechanism for protection of workers working abroad is not sufficient, especially lacking direct protection by competent authorities, thus many Vietnamese workers face many difficulties, challenges and

risks in the strange land. At present, the protection of the rights and interests of guest workers is mostly done by the Vietnamese embassy and representation in the receiving countries. For countries with a large number of Vietnamese guest workers, it is responsible by the Vietnamese labor management Board. However, Labour Management Board is present in very few receiving countries. The information about the Vietnamese embassy in the receiving countries is posted in DoLAB website. However, very few workers know such information and address of the Vietnamese embassy in the country they are working. When facing difficulties in their lives and work, the guest workers often contact directly their brokers or recruitment agencies, or labour supply enterprises that sent them to work abroad. In general, diplomatic representations and enterprise representatives provide support for workers when being asked by the workers during their stay and work in the receiving country, but the frequency of assistance and support is limited, not meeting the expectations of the workers. In particular, domestic workers and sailors in Taiwan are living in an environment isolated with the outside world, due to the fact that they did not receive full information and pre-departure orientation; therefore they do not know where to turn to for help when necessary (ILSSA, 2012). At present, the Vietnamese government is mobilizing the trade union, the organization in charge of protecting the legitimate rights and interests of the workers in Vietnam to cover the protection of migrants. In 2012, the Trade Union Law was adopted, highlighting the role of the trade union in providing counseling to workers on employment contract and legislation, settling conflicts and presenting the workers in lodging complaints to the court and

take part in court cases. However, most domestic workers come from rural areas, and do not join any trade union organizations, thus it is hard to learn about their problems and support them.

*Fourth, social prejudice on domestic work and domestic workers remains common.* The nickname “Osin” is still used in the society to refer to domestic workers although the Labour Code stipulates the common name is domestic worker. Some domestic workers face barriers from their own family’s prejudice. For example the children of domestic workers do not support their mothers to work as domestic workers.

Domestic workers themselves still have inferiority complex of their work, considering it the lowest echelon in the society. Some women domestic workers when starting their work did not dare to tell anyone in their home town their real domestic work but doing some type of business.

*At first my children did not support me and did not like my work. My third son’s girl friend asked whether his mother worked as a domestic worker. He felt shy and said it is his aunt who does domestic work not his mother...*

(GFCD, 2017)

*At first I was shy if I had to wear a domestic work uniform JupViec, I had to put on it an overcoat not to let anyone know I am a domestic worker...*

(GFCD, 2017)

### **Conclusion of Chapter 3**

Migration is a social phenomenon long existed in history. In the context of urbanization, rural-urban migration to major city and labour migration overseas, continues to be an inevitable trend and domestic workers are not excluded from this trend. Although the initial main purpose of domestic workers is economic (finding

employment, working to earn one's living and improve income), the contribution domestic workers made to socio-economic development is beyond economic level.

At individual and family levels, domestic workers have created economic values not only ensuring their family's daily spending but also for savings and accumulation for major expenses of the family such as buying valuable household equipment and land and house construction and repair etc. Worthy of note is that domestic workers have been providing an important economic resource for education, quality human resources development for the future. Thanks to working as domestic workers, many people have improved their social knowledge and skills, their social status in the family and community. At the social level, domestic workers are helping households in caring for their family members in the context of underdeveloped household care services. The increasing demand of the labour market helps form an increasingly professional labour force, resolving underemployment of workers in the rural areas.

With such important socio-economic contributions, the promotion of professional domestic work force with domestic workers protected and have decent work is essential. Support measures to reduce barriers in terms of policies and laws, implementation mechanism as well as activities to eliminate social prejudice and raise legal awareness for domestic should be paid attention to.

## CHAPTER IV

### COMPETENCY STANDARDS FOR DOMESTIC WORKERS

*The development of Competency Standards for Domestic Workers will help domestic workers to strive to improve their knowledge and skills to have decent and sustainable work. It will also serve as a basis for employers to carry out their recruitment and placement of workers and give them reasonable payment and job training institutions to develop their training materials and curriculum. It will also be an initial basis for competent authorities to develop the National Competency Standards for domestic workers. Based on ILO Recommendation on Domestic Workers, 2011 (No. 201), this chapter focuses its discussion on the content of the Recommendation and real situation of development of the Competency Standard for Domestic Workers at present, thus making recommendations for developing the national Competency Standards for Vietnamese Domestic Workers.*

#### **4.1. Background**

Domestic work has been included in Vietnam's national job list (Decision No. 27/2018/QĐ-TTg, dated 6/7/2018). It is defined as paid domestic work in a household. However, it is noted that most domestic workers have not been trained and there is no national competency standards for Vietnamese Domestic Workers so far. The development of national standards for occupations is essential, helping the employers to know the competencies, knowledge, skills and attitudes of workers for their relevant placement; job training institutions to be based to develop their relevant curriculum and access to national competency standards. The national competency standards developed and put into use will help the workers to strive to

improve their knowledge and skills through learning or accumulating experiences from their work and have opportunity to be promoted. The national competency standards provides regulations on professional knowledge and competencies for job performance and abilities to apply the knowledge and competencies required for the worker to perform their tasks at different skills levels of each profession. The national competency standards also provide criteria on the ability and competencies required for a worker to perform their tasks and role under laws. So far, the Vocational Training Directorate has developed the framework on national competency standards for 173 occupations, 126 of which has national competency standards. Yet, for the domestic work, it will take an indefinite time for the national competency standards to be in place, resulting in disadvantage for domestic workers, employers and the society at large.

In 2011, the International Labour Organization (ILO) adopted Convention on Domestic workers, 2011 (No. 189) and Recommendation on Domestic workers No. 201. These are first international standards applied separately for domestic workers, including domestic workers working abroad. Convention No. 189 stipulates protection for domestic workers, including requirements for minimum age, preventive measures against abuse, harassment and violation and measures to ensure domestic workers to enjoy equal provisions on employment and living conditions.

In 2014, the International Labour Organization made public the Regional Model Competency Standards for Domestic Workers (RMCS) in Asia and the Pacific to standardize domestic work for

21.5 million people working as domestic workers in the region and recommend countries to provide training for and use qualified workers. The Regional Model Competency Standards cover 6 functional areas most important for a domestic worker to have including: (i) Core competencies; (ii) Domestic cleaning and basic housekeeping; (iii) Cooking and food handling; (iv) Care for infants and children; (v) Care for elderly people; (vi) Care for household pets and plants.

The RMCS provides standards for reference in the region and can be applied to effectively develop competencies and skills, and serves as a basis for training, appraisal of training results and existing skills and competencies of domestic workers to help their good performance, better negotiation on their pay and self-defense. The implementation of the RMCS will bring great benefits for domestic workers in the region.

#### **4.2 Contents of the Regional Model Competency Standards (RMCS) for domestic workers**

To better understand the Regional Model Competency Standards, some concepts should be correctly understood and applied:

**Competency:** The ability to perform particular tasks and duties to the standard of performance expected in the workplace, applying all relevant skills, knowledge and attitudes consistently over time in the required workplace situations.

**Unit of competency:** An agreed statement of the skills and knowledge required for effective performance of a particular job or job function.

**Competency standards:** Competency standards are made up of a number of units of competency each of which describes a key function or role in a particular job function or occupation.

**Attainment of competency:** Competencies may be gained in a number of ways including through:

- formal or informal education and training;
- experiences in the workplace;
- general life experience; and/or
- any combination of the above.

**Unit descriptor:** The descriptor is a short statement giving a more detailed description of the job function covered by the unit.

**Elements of competency:** Elements of competency are the major functions and tasks that make up the competency.

**Performance criteria:** The performance standard or tasks that are involved in each of the relevant job functions. Critical terms or phrases may be written in bold italics and then defined in Range statement, in the order of their appearance in the performance criteria.

**Critical skills and essential knowledge:** Brief statements that outline key skills and required knowledge for the job function covered by this unit. Knowledge identifies what a person needs to know to perform the work in an informed and effective manner. Skills describe how the knowledge is converted to a workplace outcome.

**Evidence guide:** The evidence guide information to the assessor about how the competency may be demonstrated, such as

conditions and context of assessment, suitable methods of assessment and resource implications.

**Range statement:** A range statement is a brief statement that clarifies the scope and range of performance, including clarification on contexts, operations and equipment referred to in the performance criteria. As applicable, the meanings of key terms used in the performance criteria are also explained in the range statement.

### **Functional area A: Core competencies**

This functional area comprises 6 units: Communicate effectively in a domestic work environment; Work in a socially and culturally diverse workplace; Maintain health, safety and security in a domestic work environment; Plan, organize and manage own work; Undertake calculations relevant to domestic work; and Use a language other than the local language to communicate in a domestic work setting;

### **Functional area B: Domestic cleaning and basic housekeeping**

This functional area comprises 6 units: Apply basic cleaning principles to perform cleaning tasks; Clean and maintain bedrooms and living area; Clean and maintain bathrooms and toilet facilities; Wash cloths, linen and fabrics; Iron and store laundered items; Clean and operate basic household equipment;

### **Functional area C: Cooking and food handling**

This functional area comprises 4 units: Clean the food preparation areas; Follow basic food safety practices; Organize and prepare basic food in a domestic setting; and Serve food and beverage.

### **Functional area D: Care for infants and children**

This functional area comprises 3 units: Work effectively with families to provide care and support for infants and children; Provide care and support for infants and/or toddlers in a household; and Provide care and support for children in a household.

### **Functional area E: Care for elderly people**

This functional area comprises 2 units: Provide support for elderly people to meet personal care needs; and Assist client with medication.

### **Functional area F: Care for household pets and plants**

This functional area comprises 2 units: Provide care for pets in a household; and

Provide care for plants in a household.

### **4.3. Suitability of the Regional Model Competency Standard (RMCS) for Vietnamese Domestic Workers**

The study results conducted by the Research Centre for Gender, Family and Community Development (GFCD), other organizations and institutions show that 96.8% Vietnamese Domestic Workers have not been trained, only 3.2% domestic workers have been trained in domestic work, but most of them trained for working abroad. This shows that most domestic workers have received no training before starting their work. In addition, their education is limited and their age is high, thus affecting their learning and application of modern domestic skills, particularly regarding care for infants and children; care for elderly people, especially the sick as well as operate modern

household equipment in the functional area of cooking and food handling...

Reality of domestic work in Vietnam also shows that due to not being paid attention to, job training for internal domestic workers remains problematic as there is no training framework and no standardized curriculum for domestic work. Thus, the quality of the work and professionalization is low, not yet achieving the regional competency standards, reflecting job instability. Most of the domestic workers come from rural areas with low education, have no knowledge of modern household equipment, thus they cannot operate them properly. They do the job out of their own experience. Another issue needed to be noted is that the employers' households with diverse and complicated customs, cultures, nationality, language, religion...do not have basic requirements for competencies and ethics of the workers!

The establishment of the ASEAN Economic Community does not only offer free trade but also facilitates labour mobility since 2015. Labour mobility among countries in the region requires harmonization of standards and skills recognition. This demands Vietnam to soon develop the National Competency Standards for Domestic Workers to meet the increasing needs of local labour market and expand exporting the rich domestic labour source to regional countries and other developed markets, bringing back strong foreign currency income and generating employment for millions of women workers with decent work.

#### **4.4. Process of proposed development of Competency Standards for Vietnamese Domestic Workers**

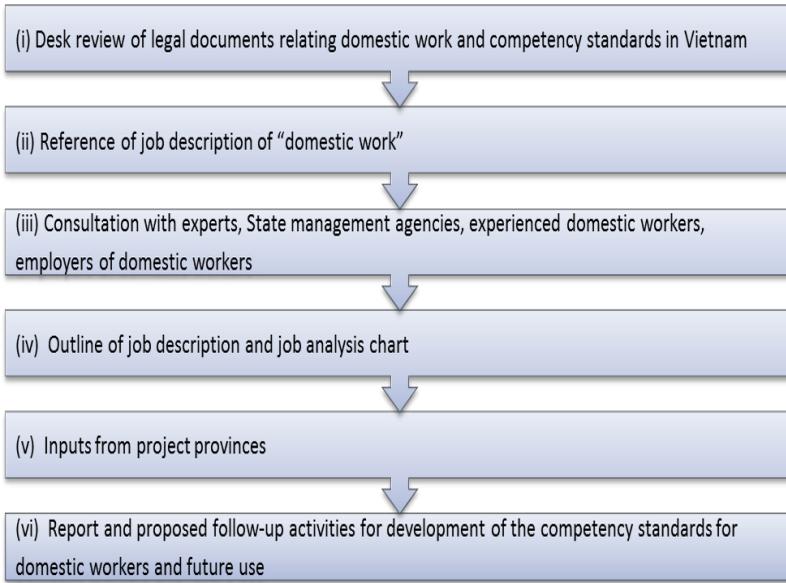
The competency standards for domestic workers provide regulations on level of performance and required knowledge, skills, attitude to perform the tasks of domestic work.

##### **4.4.1. Objectives of development and adoption of the Competency Standards for Domestic Workers**

The Competency Standards for Domestic Workers to be developed and adopted will provide a basis for:

- (i) Domestic workers to orientate their efforts to improve the level of knowledge and skills through learning or accumulating experiences in their work to have opportunity to be promoted in their work and contribute to improving their livelihoods;
- (ii) Employers to conduct recruitment and placement of workers and provide reasonable payment to them;
- (iii) Job training institutions to develop curriculum, training programs to advance to meeting the regional and international competency standards for domestic workers; and
- (iv) Competent authorities to organize and implement assessment and certification for domestic workers.

#### 4.4.2 Process of the development of Competency Standards for domestic workers



##### ***Job description:***

- Domestic work is the work performed in a domestic environment not relating to commercial activities including basic cleaning and housekeeping (cooking, cleaning, washing and ironing), care for infants and children, care for sick members and elderly people, care for household pets and plants and other tasks agreed with the household employer.
- Domestic workers can be live-in and live-out workers who do regular and repeated domestic work hourly, daily, weekly and monthly for one or many households.
- Many tasks undertaken by domestic workers should be guided by the employers such as operation of household equipment including electronic and electric equipment, kitchen utensils, different types of foods and detergent chemicals.

**Table 8. Job analysis**

Funtional areas		Tasks				
A.Cooking and housekeeping  A1. Cooking and food handling  A2. Domestic Cleaning and basic housekeeping  A3. Wash , Iron	A1	A1.01. Ensuring food safety	A1.02. Food preparation	A1.03. Cooking, beverage making following the set menu	A1.04. Serve food and beverage	A1.05. Clean the food preparation areas; food preparation and storage
	A2	A2.01. Apply basic cleaning principles to perform cleaning tasks	A2.02. Clean and maintain bedrooms and living area	A2.03. Clean and maintain bathrooms and toilet facilities	A2.04. Sweep and tidy up yards and garden	A2.05. Clean and safely use household equipment
	A3	A3.01. Wash clothing	A3.02. Iron and store laundry items			
B. Care for infants and children		B.01. Establish positive relations with family members and children	B.02. Provide care and support for infants and/or toddlers	B.03. Provide care and support for children		
C. Care for elderly and sick people		C.01. Provide support to elderly people	C.02. Assist elderly people with medication			
D. Care for household pets and plants		D.01. Provide care for household pets	D.02. Provide care for household plants			

To have scientific evidence and reality for developing the competency standards for domestic work, in reference of the Regional Model Competency Standards (RMCS) for domestic workers of the ILO, since 2014, the Research Centre for Gender, Family and Community Development has coordinated with National Institute of Vocational Training (NIVT) and the Vocational Training Directorate, Ministry of Labour, Invalids and Social Affairs in conducting field survey and consultation and get inputs on the list of units of competency of domestic work. The survey was conducted in three provinces representing 3 regions in the country, namely: Hanoi, Khanh Hoa, and Ho Chi Minh City. The survey sample was 120 respondents from five target groups: domestic workers, employers, cooks, restaurant managers and staff from employment service centers.

**Survey results:** The survey was conducted in two weeks, using direct interviews with questionnaires combined with discussion and interviews.

Total number of questionnaire hand-out: 120, Total number of filled questionnaires: 120 (40 from each province). The surveyed target groups were mainly domestic workers 62% (74 persons) followed by employers 32 % (38 employers), the remaining: cooks (03 persons), staff from employment service centers (04 persons) and restaurant manager (01 person).

#### **5.4.3. Survey results**

The survey was conducted in two weeks, with the method of direct interviews using questionnaires combined with group discussions and in-depth interviews to collect information.

Total questionnaires handed out was 120 (40 each province). The main target group was domestic workers 62% (74 respondents)

followed by employers: 32 % (38 respondents), and the rest (03 chefs), employment service centre staff (04 respondents) and restaurant manager (01 respondent).

**Survey results of Job description:** 117/120 respondents (accounting for 97.5%) agreed with the proposed Job description saying that it covers all required contents (*describing all tasks involved in the work, position, environment, working conditions and work characteristics*). Only 3 respondents (accounting for 2.5%) said some other tasks and household equipment should be added to the job description including:

- + Shopping (food and necessities ...);
- + Household equipment: cleaning equipment.

So it is noted that these additional tasks and equipments are more detailed, however, they are covered in the current proposed job description.

**Survey results of the list of functional areas of domestic work:** The list of functional areas of domestic work to get inputs includes 6 Functional areas: (i).Cooking and beverage; (ii). Clean house, yard and garden; (iii). Washing and ironing; (iv).Care for infants and small children; (v).Care for elderly and sick people; (vi).Care for household pets and plants, and arranged in the order from A to F and include 19 tasks. The survey results are as follows:

**Functional area A1: Cooking and food handling**

Including 5 tasks: Ensuring food safety; Food preparation; Cooking, beverage making following the set menu; Serving food and beverage; Clean the food preparation areas: food preparation and storage.

**Table 9: Survey results of functional area A1: Cooking and food handling**

<b>Functional area</b>	<b>Ha Noi</b>		<b>Khanh Hoa</b>		<b>Ho Chi Minh</b>		<b>Total</b>		
	No. agreed	No. dis-agreed/ no reply	No. agreed	No. dis-agreed/ no reply	No. agreed	No. dis-agreed/ no reply	No. agreed	No. dis-agreed/ no reply	<b>Total agreed (%)</b>
<b>A1.01.</b> Ensuring food safety	40	0	35	5	40	0	115	5	<b>96</b>
<b>A1.02.</b> Food preparation	40	0	36	5	40	0	116	5	<b>97</b>
<b>A1.03.</b> Cooking, beverage making following the set menu	40	0	37	5	40	0	117	5	<b>98</b>
<b>A1.04.</b> Serve food and beverage	40	0	34	5	40	0	114	5	<b>95</b>
<b>A1.05.</b> Clean the food preparation areas; food preparation and storage	40	0	36	5	40	0	116	5	<b>97</b>

Some additional inputs for this functional area include: making menu should follow instructions from the employers, paying attention to the tastes of each family member, identify the needed amount of food to be prepared and check the quality of food when serving, know how to handle the leftovers, maintain and store food and regularly check insects, do the washing up and dry dishes and plates. In general, these additional inputs are in detail covered by the requirements for each task not because of inadequate or missing tasks.

**Functional area A2: Domestic Cleaning and basic housekeeping**

This functional area of Domestic cleaning and basic housekeeping includes 5 tasks: Apply basic cleaning principles to perform cleaning tasks; Clean and maintain bedrooms and living area; Clean and maintain bathrooms and toilet facilities; Sweep and tidy up yards and garden; Clean and safely operate household equipment.

**Table 10: Survey results of functional area A2: Domestic Cleaning and basic housekeeping**

<i>Functional area</i>	Ha noi		Khanh Hoa		Ho Chi Minh		Total		Total agreed (%)
	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	
<b>A2.01.</b> Apply basic cleaning principles to perform cleaning tasks	40	0	28	12	39	1	107	13	<b>89</b>
<b>A2.02.</b> Clean and maintain bedrooms and living area	40	0	33	7	39	1	112	8	<b>93</b>
<b>A2.03.</b> Clean and maintain bathrooms and toilet facilities	40	0	32	8	38	2	110	10	<b>92</b>
<b>A2.04.</b> Sweep and tidy up yards and garden	31	9	22	18	37	3	90	30	<b>75</b>
<b>A2.05.</b> Clean and safely use household equipment	39	1	29	11	39	1	107	13	<b>89</b>

The survey results show that most of the respondents agreed with the proposed tasks. The percent of respondents agreed with all tasks is over 75%, 02 tasks had the percent respondents agreed of over 90% and 02 tasks nearly 90%. In general the list of proposed tasks is relevant to reality. In addition, the respondents also gave some additional inputs such as: when performing domestic cleaning, the worker needs to ensure good health, equipped with protective equipment such as gloves and masks. In cleaning, the worker has to use vacuum cleaner to Hoover wooden slits, rearrange furniture and household equipment, prepare and select detergents suitable to each equipment and empty the garbage in required places. So it can be noted that such additional inputs give more details to the tasks covered in this functional area; the list of proposed tasks is suited to reality.

### **Functional area A3: Washing and ironing**

The functional area: washing and ironing includes 2 tasks: *Wash clothing; Iron and storing laundered items*

**Table 11: Survey results of functional area A3: Washing and Ironing**

<b>Functional area</b>	<b>Ha Noi</b>		<b>Khanh Hoa</b>		<b>Ho Chi Minh</b>		<b>Total</b>		
	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	<b>Total agreed (%)</b>
<b>A3.01.</b> Wash clothing	39	1	34	6	40	0	113	7	<b>94</b>
<b>A3.02.</b> Iron and store laundered items	36	4	26	14	40	0	102	18	<b>85</b>

The survey results show that most of the respondents agreed with the proposed list of tasks of the functional area Washing and ironing. The percent of respondents agreed is over 85%. However, similar to functional area A3: Domestic cleaning and basic housekeeping, the percent of respondents agreed with the proposed list in Khanh Hoa is much lower than in the two cities of Hanoi and Ho Chi Minh. This can be explained as differences in regions and local characteristics. However, in general, it can be said that the list of proposed tasks is suited to reality and can be applied in reality.

**Functional area B: Care for infants and children**

This functional area comprises three tasks: *Establish positive relations with family members and children; Provide care and support for infants and/or toddlers; Provide care and support for children*

**Table 12: Survey results of functional area B: Care for infants and children**

<b>Functional area</b>	<b>Ha Noi</b>		<b>Khanh Hoa</b>		<b>Ho Chi Minh</b>		<b>Total</b>		<b>Total agreed (%)</b>
	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	
<b>B.01.</b> Establish positive relations with family members and children	35	5	19	21	39	1	93	27	<b>78</b>
<b>B.02.</b> Provide care and support for infants and/or toddlers	34	6	17	23	39	1	90	30	<b>75</b>
<b>B.03.</b> Provide care and support for children	34	6	19	21	39	1	92	28	<b>77</b>

The percent of respondents agreed with the proposed list of tasks of the functional area B: Care for infants and children are over 75%. It is noted that the percent of respondents agreed in Hanoi and Ho Chi Minh is higher than in Khanh Hoa (Khanh Hoa: about 45%, Hanoi: 85%, and Ho Chi Minh: 98%). This once again confirms the differences between provinces and cities which are due to regional characteristics. However, the percent of respondents agreed is over 75%. It can be concluded that the proposed list of tasks for this functional area is relevant and close to reality.

**Functional area C: Care for elderly and sick people**

The functional area C includes 2 tasks: *Provide support to elderly people; Assist elderly people with medication*

**Table 13: Survey results of functional area C: Care for elderly and sick people**

<b>Functional area</b>	<b>Ha Noi</b>		<b>Khanh Hoa</b>		<b>Ho Chi Minh</b>		<b>Total</b>		
	No. agreed	No. dis-agreed/ no reply	No. agreed	No. dis-agreed/ no reply	No. agreed	No. dis-agreed/ no reply	No. agreed	No. dis-agreed/ no reply	<b>Total agreed (%)</b>
<b>C.01.</b> Provide support to elderly people	27	13	13	27	37	3	77	43	<b>64.1</b>
<b>C.02.</b> Assist elderly people with medication	28	12	7	33	36	4	71	49	<b>59.2</b>

The functional area C received the percent of agreed respondents lower than other functional areas. However, the percent of respondents agreed with the proposed list is over 50% (between 59% – 64%). The lowest percent of respondents agreed is from Khanh Hoa province with only 33%; even in C.02 only 18%. This shows that at present domestic work does not focus on care for elderly and sick people. Although this task remains, the percent of respondents agreed is different between provinces and cities (Ho Chi Minh: 93% respondents agreed).

**Functional area D: Care for household pets and plants**

This functional area comprises two tasks: *Provide care for household pets; and Provide care for household plants*

**Table 14: Survey results of functional area D: Care for household pets and plants**

<b>Functional area</b>	<b>Ha Noi</b>		<b>Khanh Hoa</b>		<b>Ho Chi Minh</b>		<b>Total</b>		
	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	No. agreed	No. disagreed/ no reply	<b>Total agreed (%)</b>
<b>D.01.</b> Provide care for household pets	27	13	3	37	27	13	57	63	<b>47.5</b>
<b>D.02.</b> Provide care for household plants	23	17	3	37	37	3	63	57	<b>52.5</b>

Similar to functional area D: Care for elderly and sick people, functional area D: Care for household pets and plants received low percent of respondents agreed. The percent of respondents agreed is only 50% of the total number of respondents. In particular, the lowest percent of respondents agreed is in Khanh Hoa: 7.5% against the two cities of Hanoi and Ho Chi Minh with over 60%. So, once again, it further confirms the regional nature and characteristics that affect the need for domestic workers, thus affecting the requirements for domestic work with different tasks of this functional area of care for household pets and plants.

## **Conclusion of Chapter 4**

Through the survey results and direct discussions with respondents it is noted that the proposed list of tasks of different functional areas of the domestic work are fully suitable, close to reality and cover all common tasks and special characteristic of the work. However, the survey results also show each region has different needs for employing domestic workers. In major cities, the demand for domestic workers is higher and requirements for different tasks to be performed by workers are more diverse than in small towns.

It is noted that the Competency Standards for Domestic Workers proposed in 2014 to be developed into the national standards follow the principles and procedures set by the Ministry of Labour, Invalids and Social Affairs. It has been used for development of training materials for domestic work and piloted training for some domestic workers in project sites (Hanoi, Nam Dinh, Khanh Hoa, Ho Chi Minh and Vinh Long); ToT training for the Employment Service Centre of Nam Dinh Women's Union and Hanoi Tourism and Hotel School, and the Clean House Development Service Stock Company (HMC). The training materials and training methods used for such pilot trainings have been appreciated as successful, close to the ILO Regional Model Competency Standards for Domestic Workers and relevant to the conditions in Vietnam. What is more important is that they have been sought for reading and use by many domestic workers and employers. However, due to different reasons, the developed Competency Standards for Domestic Workers has only been considered valuable product of the Project. With the desire for Vietnamese domestic workers to be professionally trained and reach regional competency standards and be equal to other occupations, we hope that in the near future the line ministry will adopt the National Competency Standards for Domestic Workers, which includes regulations on the level of performance and required knowledge, skills and attitude to undertake tasks of domestic work.

## CHAPTER V

### RECOMMENDATIONS AND POLICY IMPLICATIONS

*This chapter, based on identification of policy gaps, the difficulties being faced by domestic workers in work and life, proposes recommendations on policies and interventions to protect the rights of domestic workers in labour, employment and access to social protection. In the context of limited research studies on domestic workers, the recommendations also suggest issues to continue to be paid attention to in research to better identify problems in protection of the rights of domestic workers. The recommendations focus on: (i) Solutions to finalize policies to ensure the rights of domestic workers to social protection; (ii) Solutions to develop job training for domestic workers; and (iii) Organizing of domestic workers.*

#### **5.1. Solutions to finalize policies to ensure the rights to social protection of domestic workers**

*First, the Vietnamese Government should promote the process of consideration to ratify ILO Convention No. 189 on domestic workers and other conventions relating to the rights of migrants and elimination of forced labour, including the International Convention on the protection of the rights of all migrant workers and their families, ILO Convention No. 105, 87, 97, 98 and 143. Along with the ratification of those conventions, the Government should develop national action plans for implementation and report on the implementation of IL conventions. What is more important is that the Government should fulfill its national legal commitments in line with the international conventions.*

*Second*, the Vietnamese Government should continue to review the national legal framework, particularly the Labour Code (2012), the Law on sending Vietnamese workers to work abroad under contract (2006) and other related legal documents (decrees, circulars, Inter ministerial circulars) to further finalize basic regulations on protection of the rights and interests of migrant workers including:

- In the Labour Code, Decree 27 and Circular 19 on domestic workers, there should be more specific stipulations on the management, monitoring, inspection and punishment of acts of violations relating the signing and implementation of the employment contract and implementation of terms and conditions written in the contract. This responsibility should be assigned to commune, ward, district town People’s Committee with support from officers in charge on labour and social affairs and cooperation from the Chair of commune, ward and town Women’s Union. In addition, regulations on inspection should include inspection of domestic workers, as this is a special group of workers; inspectors should coordinate with the commune, ward and town People’s Committee for better inspection performance. Besides, the Labour Code 2012, Decree 27 and Circular 19 should consider amendments to have more specific stipulations on the living and working conditions, job training and general education for domestic workers in the employment contract, with sanctions and mechanism to support domestic workers to take part in social and health insurance; and regulations and mechanism for domestic workers to organize and take part in their representative organizations, syndicates, association of their own or join the trade unions.

- When revising the Law on sending Vietnamese workers to work abroad under contract (2007), there should include chapters/sections on specific regulations on women migrant workers and domestic workers, with full basic rights, living and working conditions of domestic workers working abroad, and more specific regulations on the freedom of movement, minimum rest time, maximum work time and payment for overtime work etc. The Law should be assessed from gender perspective and in the process of its revision and amendments gender equality should be mainstreamed to be more gender responsive.

*On bilateral commitments between Vietnam and Taiwan:* the Vietnamese Government should continue to work with the Taiwanese authorities to remove the ban on Vietnamese domestic workers going to work in Taiwan; at the same time, it should consider taking measures to prevent Vietnamese domestic workers' over stay or breaking the employment contract to work for other employers during their work in Taiwan. The bilateral commitments should also consider mainstreaming gender, and including specific regulations to protect the rights of women migrant workers such as the rights to be pregnant and have children, the right to be protected from human trafficking, labour exploitation and sexual abuse etc. as well as improving the knowledge and understanding of women workers to avoid those risks;

*On bilateral commitments between Vietnam and Saudi Arabia:* it is needed to include principles and specific measures against discrimination based on gender, race, culture, politic, religion and class etc. In addition, the Ministry of Labour, Invalids and Social

Affairs should issue decree, circular guiding the implementation and sanctions against labour supply enterprises acts of violations of regulations on sending, receiving and managing domestic workers working abroad.

For both Taiwan and Saudi Arabia, their labour laws should include migrant domestic workers to be governed by Labour and Employment Service Law. There should be regulations on days off and maximum working time; mechanism for monitoring and inspection of migrant domestic workers working in these two countries. Taiwan and Saudi Arabia should consider joining and ratifying ILO Convention 189 on domestic workers and other UN and ILO international conventions relating domestic workers. For Saudi Arabia, it is needed to remove or revise the Kalafa system managing overseas workers so as to ensure the basic human rights of domestic workers such as freedom of movement, freedom of keeping their personal documents and the rights to unilaterally terminate employment contract if they don't want to continue working for the employer without being fined.

Third, there remain gaps in the legal and policy system to ensure the rights to labour, employment and access to social protection of domestic workers. The Labour Code, 2012 and the Decree No. 27/2014/NĐ-CP stipulate in detail the implementation of some articles of the Labour Code on Domestic Workers are legal corridors governing the labour relations of domestic workers in general and the signing of employment contract in particular. Thus, the interests and obligations of the parties are clearly identified in order to ensure more equal labour relations. However, most domestic workers and employers do not know such regulations (clearly showing in the percent of contract in writing signed which

is only 10%). Without contracts means the rights of workers are not protected by laws. Domestic workers (98.7% women) do not enjoy minimum social services when most of them have not taken part in health insurance and voluntary social insurance – even do not know about voluntary social insurance. In addition, the management of domestic workers remains limited. The registration of temporary residence or report to the commune, ward and town People’s Committee on the employment domestic workers has not been strictly implemented (only 30% domestic workers have registered for temporary residence in their destination areas).

Permanent residence (hộ khẩu) management is the greatest barrier to domestic workers to access social protection. Without permanent residence and membership of a social organization (Women’s Union, Farmers’ Association...), domestic workers are not eligible to register to buy social housing or have guarantee by any organization to take part in preferential credit programs in destination areas. The regulation on target groups exclude migrant workers including domestic workers who work under three months and have no labour contract from the beneficiaries of social insurance policy. While most domestic workers are in the middle or high age with limited financial capacity, the duration of social insurance to enjoy pension is too long (20 years) which is the reason for domestic workers not to take part in voluntary social insurance. In addition, the fact that voluntary social insurance is linked to the hộ khẩu registration place is the biggest obstacle and reduces the attraction of social insurance, although at present the Social Insurance Administration allows transfer of money for insurance Premium by bank or by post.

To promote the rights of domestic workers to access policies on social protection, labour and employment in Vietnam, the following activities should be needed:

- Mobilize the participation of mass media agencies, social media to improve the awareness and change social prejudice on domestic work and domestic workers; social orientation to acknowledge and appreciate the values and contributions of domestic workers to socio-economic development;

- Communication to raise awareness of the occupation and laws and regulations relating domestic workers of the community, special attention should be paid to relevant target groups including policy makers, local authorities, workers and employers on the rights and obligations of all stakeholders;

- Strengthen state management of domestic workers, particularly live-in DWs; increase monitoring of the registration of temporary residence by the employers of domestic workers;

- Promote the development of monitoring and inspection process and punishment of violations of the signing of employment contract in writing between employers and domestic workers; develop sample contract relevant to the conditions of Vietnam; consider essential terms and conditions to be included in the contract; paying attention to its feasibility, not necessarily include too many terms and conditions which might worry the employers on their binding, thus not ready to sign the contract; mobilize social organizations and community to take part in monitoring of the signing of contract. Ensure payment for health insurance and social insurance at the same time as payment for wages of the workers;

- In revision and amendments of laws and policies on labour, employment and social protection, it is needed to have preferential policies for migrant workers, particularly domestic workers, e.g. policies on credit to generate jobs; regular and unexpected social protection support, social insurance policy and health insurance and voluntary social insurance, access to healthcare, education and housing of migrant workers and their children (social housing schemes) without condition of permanent residence or long-term temporary residence. The State should consider replacing permanent residence citizen management by citizen identity management, gradually removing the permanent residence condition to access social protection services, toward ensuring social justice.

- It is needed to develop national database on domestic workers (both internal domestic workers and domestic workers working abroad under contract); the database will not only help labour management but also serve human management and development of policies and programs on labour, employment and social protection for migrant workers.

## **5.2. Solutions to increase job training for domestic workers**

Research results show that the percent of untrained domestic workers in Vietnam is very high (96.8% - GFCD, 2014). Some 3.2% workers trained in domestic work only provides a supply of domestic workers to work abroad under contract. Due to not paying due attention to training, skills training for internal domestic workers remains open without standardized curriculum and training materials for domestic work. Thus, the quality of work and professionalization of domestic work is low, not meeting the regional standards, reflecting the instability of

the job. In the immediate future, the Vocational Education Directorate of MoLISA should urgently develop the national skills standards for domestic work, referring to the ILO Model Regional Competency Standards (RMCS) for domestic workers, but ensuring the suitability to the competence of Vietnamese domestic workers.

- Based on the national skills standards for domestic work to be adopted, curriculum and training materials will be developed (Level 1 - 5...); and ToT training conducted for teachers of primary, intermediary and college schools and training institutions. This will help (i) Domestic workers to orientate their efforts to improve the level of knowledge and skills through learning or accumulating experiences in their work to have opportunity to be promoted in their work and contribute to improving their livelihoods; (ii) Employers to conduct recruitment and placement of workers and provide reasonable payment to them; (iii) Job training institutions to develop curriculum, training programs to advance to meeting the regional and international competency standards for domestic workers; and (iv) Competent authorities to organize and implement assessment and certification for domestic workers.

- Pre-departure orientation training for domestic workers going to work abroad under contract should have specific contents suitable to the culture and laws of receiving countries. It is needed to regulate clearly responsibilities of labour supply enterprises to have separate education and counseling contents for domestic workers working abroad; attention is paid to differences in customs and occupational characteristics. At the same time, attention should be paid to legal knowledge to claim

rights and interests of workers when their rights are violated. Incentives should be given to labour service enterprises to select good returning workers to work as trainers or employment brokers. Because they have undergone real experience and their hand-down of their experiences in working skills, behavioral and communication skills to new workers is necessary. Monitoring and evaluation should be conducted on the effectiveness of training for domestic workers to work abroad and ensure the duration and contents of orientation programs.

### **5.3. Solutions to organizing domestic workers**

At present, Vietnamese domestic workers, whether working at home or abroad under contract have not been organized in any legal or professional organizations. This is a disadvantage for the workers and their family (as the above analysis on access social protection, and social support). Reality shows that not all domestic workers have low education or lack knowledge and understanding (some domestic workers are university and college graduates, even master and doctor degrees select domestic work because of family circumstances...), but most of them have little social knowledge. During their migration to urban areas for work, their social knowledge and capital have improved remarkably; from poor rural women and poor urban residents, paying no attention to politics, now they are aware of many things including participation in social organizations to be protected when necessary.

The baseline survey results conducted in 2017 under the Project “Promoting the rights of domestic workers in access to social protection, labour and employment in Vietnam”; show that up to 88% domestic workers interviewed said it is necessary for

establishing representative organizations of domestic workers to protect their rights and interests. 80.7% respondents, including domestic workers who have been members of clubs of domestic workers (2 clubs in Cau Giay district, Hanoi) and those who have not taken part in any social activities in the destination areas want to join their representative organizations. Most employers questioned also agree with the establishment of representative organizations of domestic workers, and expressed their readiness to create favourable conditions for their domestic workers to join such organization. They think that in this way, domestic workers will feel relaxed and self-confident in social relations and improve their knowledge and work skills, which will not only benefit the domestic workers, society and also employers. However, some employers are worried on the way of organizing domestic workers. They suggest reporting to and inviting employers to take part in some meetings to understand the organization and create conditions for domestic workers to join their organization's meetings. The survey results also show that domestic workers have many initiatives on the way of organizing the activities of their representative organization: 3.3% respondents said that their representative organization should provide legal aid; 81.3% want to be provided with information on healthcare services, social insurance and health insurance, education and school facilities. In addition, activities to support in training to improve work skills are also interested by domestic workers. Some employers suggest that domestic workers can be organized in clubs, professional association where domestic workers can share their happiness and sadness, work experiences and recommendations of employment. For the representative organizations of workers to be effective, most domestic workers want the frequency of meetings to be once a month (70.9%). Most domestic workers (65.6%) and employers support the head

of the organization to be a representative of the local Women's Union who has prestigious position in the community and is able to network workers and employers. Local authorities should support by mobilizing employers to create favourable conditions for their domestic workers to take part in such organizations.

Although the establishment of representative organizations of domestic workers is supported by both domestic workers and employers, there remain certain worries on the legal dimension. Article 25 of the 2013 Constitution stipulates that *"Citizens have the freedom of association and strikes. The implementation of these rights is*

*"The Worker and the employer, disregarding any form, do not have to request for permit beforehand and are entitled to organize and join organizations on their choice with the sole condition to comply with the statute of that organization".*

(Article 2, Convention 87, ILO)

*prescribed by laws"*. However, there is no mechanism to protect the freedom of association; and when this right is violated, it is not easy for individuals and groups to find mechanism and agencies for complaints or the settlement of complaints is not comprehensive. Vietnam laws now stipulate the trade unions to be the sole representative organization of the workers, protect the rights and interests of the workers; the right to establish and run representative organizations of workers is also the right to establish and run the trade unions. So, when mentioning representative organizations of workers means the sole organization – the trade union. This is completely not in line with the joint statement of Convention No. 87, 98 of ILO as well as commitments on labour in the Trans Pacific Partnership Treaty (TPP).

It is said that the existing Vietnam Laws should be revised in terms of organizing of labour workers to be in line with international trend and promote the establishment of organizations truly represent the workers in the labour relations, contributing to ensuring labour relations to be developed harmoniously and sustainably. This is a policy gap that needs to be considered to support workers to establish their own associations and organizations in line with the commitments made by Vietnam (Convention ICESCR).

To promote the establishment of representative organization of domestic workers, it needs support and cooperation from all stakeholders and also good preparations in terms of legal procedures, personnel training, methods of mobilizing members and maintaining the organization's activities.

*“... A state agency will have to provide legal ground for the organization's activities. At present, the project on establishment of the syndicate of Childhood teachers is under the direction of the National Assembly. So, it needs guidance from MoLISA for the establishment of such organization. Also we need professional guidance specifying who is responsible for managing it and which associations should give support. For example, if they are migrant workers, it is needed to have a local labour management group in cooperation with the police for such management and the living quarters will conduct monitoring and survey. A labour management agency is needed to sponsor”.*

(GFCD, 2017)

For domestic workers working abroad, although networking and establishment of a representative organization is complicated and more difficult, but efforts should be given to protection of the rights and legitimate interests of women workers, who, though

being far from home and the country, continue to contribute to national socio-economic development. In addition to officially organizing domestic workers working abroad under contract in their representative organizations, with the development of information technology it is easier to network and connect domestic workers through social media such as Facebook, Zalo... to provide in-time support and counseling for them.

## CONCLUSION

In the context of globalization and international economic integration, the number of migrants working as domestic workers in the country and overseas tends to increase. The data and information provided by this book help identify the basic characteristics of domestic workers and the socio-economic values they have brought to themselves, their families and the society. This is an important significance to promote the finalization of the legal system to better protect the rights of Vietnamese DWs in line with international conventions.

The Monograph provides a picture showing that together with socio-economic development, domestic work has created opportunity for a section of women workers (mostly in rural areas) to take part in the labour market at home and abroad. Furthermore, domestic work also provides opportunity to DWs to have access to education and healthcare and improve their household living standards and contribute to local socio-economic development. Thus, developing domestic work to be a decent work for women workers is an inevitable trend to acknowledge the contributions of women workers. To this end, it is needed to adopt policies and take appropriate measures to provide training to DWs to become professional and be managed like workers in other sectors in the country's economy. Increasing training and State management of DWs are essential now. This will benefit workers, their families and employers and socio-economic development. On the one hand, it helps protect the interests of both parties (workers and employers); and on the other it helps ensure the economic benefits that domestic work brings to workers, their families and departure and destination community. It is hoped that in the near future, being protected by laws and acknowledged by the society, DWs will have a chance to be trained, receive well pay and enjoy other benefits (wage increase, health insurance and social insurance etc.). Mitigating abuse and labour exploitation for this group of workers need more attention from policy makers and State management agencies to promote the right to equality of women workers.

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