

# Eradicating forced labour and promoting fair recruitment in Viet Nam

An overview of ILO GBNFL's *Forced Labour and Viet Nam* policy briefs.

Last reviewed: 23rd of August 2020<sup>1</sup>

## Viet Nam – key figures

- Population: 92.7 million | Labour Force: 56.4 million
- Migrants deployed through formal channels in 2019:
  - Total: 152,530 (36 per cent women)
  - Japan: 82,703 (42 per cent women) | Taiwan (China): 54,480 (34 per cent women) | Republic of Korea: 7,215 (7 per cent women) | Romania: 3,478 (1 per cent women) | Saudi Arabia: 1,357 (78 per cent women)
  - Primary Sectors: construction | manufacturing | domestic work

Forced labour is violation of labour and human rights. It is a global challenge faced by many countries and sectors. Governments, employer and business membership organizations, workers' organizations, and other stakeholders all have a role to play in eradicating forced labour and dialogue has a critical role to play in determining the design and implementation of government action. Eradication is of critical importance to companies operating in, and sourcing from, Viet Nam, as well as to those who have Vietnamese migrant workers in their workforce and their supply chains. Prevention is key and, therefore, addressing root causes and unfair recruitment is necessary to create a conducive environment for business.

*By effectively enforcing the right legislative framework, and ensuring fair recruitment practices, including eliminating worker-borne recruitment fees and related costs, the Government of Viet Nam, in partnership with the private sector and other stakeholders, can achieve fair recruitment.*

ILO GBNFL has produced three policy briefs on forced labour and fair recruitment in Viet Nam. These set out the current challenges and the actions the Government could take in partnership with the private sector and other stakeholders to prevent forced labour and promote fair recruitment.

## Policy brief 1: Forced labour must be addressed at its root

Reducing informality, increasing access to livelihoods and creating security for groups in situations of vulnerability, addresses root causes of forced labour. The following actions taken together with the private sector, including local and foreign-owned business as well as those employing migrant workers overseas, present a path to addressing forced labour:

- Raise awareness on forced labour prevention.
- Increase availability of vocational and skill-based training opportunities for groups in situations of vulnerability.

---

<sup>1</sup> These policy briefs are intended to be living documents. Readers should regularly check for updates.

- Take proactive steps to ensure that the business, investment and regulatory environment are conducive to a transition from informal to formal economy.
- Strengthen social protection mechanisms, at a minimum providing basic social security guarantees for all.
- Implement fair recruitment including eliminating worker-borne recruitment fees and related costs.

### Policy brief 2: Fair recruitment of migrant workers is key to eradicating forced labour in Viet Nam

Fair recruitment plays a crucial role in preventing migrant workers from becoming trapped in forced labour. In practice, fair recruitment is more easily achieved where regulations are clear, transparent, and enforced. Similarly, responsible employers often prioritize countries with clear processes and procedures, aligned to international standards, for cross-border recruitment. Fair recruitment would be enabled by:

- Publishing up-to-date, easily accessible and transparent information on regulated employment agents, including user reviews of their services.
- Strengthening regulation related to recruitment.
- Increasing the number, and build the capacity, of labour inspectors, and support the Vietnamese Association of Manpower Supply (VAMAS) to strengthen its self-monitoring activities.
- Increasing stakeholder buy-in.
- Strengthen dialogue with business representatives to compile information on national skills needs and availability for in-country employability.

### Policy brief 3: Ending recruitment fees and related costs charged to migrant workers in Viet Nam to prevent forced labour

Recruitment fees and related costs are currently charged legally to Vietnamese migrant workers. The ILO sets out that workers should not bear the costs for recruitment fees and related costs. This paper shows that this can be achieved by:

- Removing the obligation for workers to pay all recruitment fees and related costs, including brokerage fees, service charge and deposits, from Law 72.
- Including provisions in bilateral labour agreements that clearly state that workers should not pay any recruitment fees and related costs.
- Taking a multi-stakeholder approach, in particular working with social partners, to devising a new fees and related costs model for migration, building understanding and consensus on the risks of the worker-borne model.