Terms of Reference for a Service Contract:
Assessment of current situation for developing a decree on voluntary injury insurance against occupational accidents and diseases (Output 2.1)

I. Background and justification

According to the ILO, 2.3 million people worldwide die annually as a result of occupational illnesses and accidents at work. 317 million accidents occur on the job annually; many of these resulting in extended absences from work. The human cost of this daily adversity is vast and the economic burden of poor occupational safety and health practices is estimated at four per cent of global Gross Domestic Product each year.\(^1\) Workers bear the greatest costs, including pain and suffering, loss of income and loss of capacity to work. In many countries, governments and their social partners have created social security schemes to provide partial or full compensation for the losses of income due to occupational accidents and diseases. The costs of medical care, rehabilitation, and cash support for survivors also generally fall under the coverage of national social security schemes, generally known as employment injury schemes.\(^2\) However, only an estimated 34 per cent of the global labour force is currently covered by employment injury laws through mandatory social insurance and only another five per cent of the labour force worldwide is covered by voluntary social insurance coverage and employer liability provisions. In practice, actual access to employment injury benefits is even lower, largely owing to incomplete coverage and enforcement of legislation in many countries, including Viet Nam.

With the goal of creating worldwide awareness and to minimise the consequences of work-related accidents, injuries, and diseases, the ILO stimulates and supports practical actions at all levels to place the health and safety of all workers on the international and national agenda. To protect workers, businesses, and societies against the adverse impact of employment injuries, the ILO has promoted two important conventions C102 on Social Security (Minimum Standards) Convention, 1952 and C121 on Employment Injury Benefits Convention, 1964. Today, these conventions are recognized as universal standards.\(^3\)

As part of its continuing efforts to reduce the toll of workplace injury and disease, Viet Nam enacted the Occupational Safety and Health (OSH) Law of Viet Nam in 2015. The new OSH Law of Viet Nam came into force on 01 July 2016. Under the new OSH Law, for the first time, the country extends OSH protections to all workers, including those in the informal economy. Moreover, the Government of

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\(^1\) ILO 2014 Global Estimates of Occupational Accidents and Work-related Illnesses


Viet Nam in January 2016 adopted the OSH National Programme for 2016-2020 with ambitious goals. Viet Nam also updated its National OSH Profile for the period of 2010-2015. Taken together these developments and activities provide a significant opportunity to further improve the policy and regulatory framework on OSH in Viet Nam during an important period of economic transition.

To support these actions, and as part of a global project to enhance workplace safety and health among young persons, the ILO and the USDOL agreed to conduct project activities in Viet Nam to build a sustainable OSH culture of prevention. The Safe and Healthy Youth (safeyouth@work) Project will be implemented in Viet Nam until December 2018 in cooperation with the Ministry of Labour – Invalids and Social Affairs (MOLISA). The project aims to improve the occupational safety and health of workers, particularly of young workers from 15 to 24 years and to develop a culture of prevention in Viet Nam. To achieve this objective, the strategy will focus on: (i) Improving OSH data collection and use; (ii) Strengthening the OSH regulatory framework and programmes; (iii) Enhancing national capacity to promote and enforce compliance with OSH legislation; and (iv) Designing innovative public outreach and communication programmes to increase awareness on the importance of OSH.

The safeyouth@work project targets young workers, many of whom work in the informal economy. In Viet Nam’s informal economy, the rural work force accounts for the largest proportion, which counts up 24.4 million workers in agriculture, forestry, and fisheries. Agriculture employs approximately 44.7 per cent of the economy’s labour force of 23.5 million people and contributes about 21 per cent to the GDP. It is estimated that in the agriculture sector less than one per cent of workers participate in any form of a social insurance scheme. Many agriculture workers lack marketable job skills, have a poor understanding of legal requirements, are not informed on OSH requirements and practices, and are vulnerable to OSH injuries and illnesses. According to MOLISA, agriculture is one of three most hazardous workplace. Farmers suffer many accidents and work-related diseases, especially in the use of electricity, machinery and chemicals. Ministry of Health (MOH) data indicates that fatal pesticide poisonings accounted for the highest death rate among the ten most common causes of disease and that about five per cent of the agricultural population suffered from disease related to agriculture work. Currently, there are no concrete Government regulations or guidance documents in place on OSH for agricultural workers. The new OSH Law calls for the development of OSH policies and legislation for farmers, including the development of a voluntary injury insurance fund which will provide EI coverage for the agriculture labourers.

Apart from agriculture, there are an estimated 1,500 craft villages in Viet Nam. These form a significant part of the informal economy, generating more than one billion USD from exports annually. In general, the working conditions in the craft villages are poor in regards to OSH. Some craft villages involve highly hazardous work, such as metal casting, waste processing, and carpentry. Craft workers are often exposed to harmful dust; toxic chemicals including hazardous waste; and noise, pathogens and heat sources. Viet Nam craft villages employ an estimated 10 million workers, and many younger workers acquire early job skills in this sector. However, none of these workers are covered by an adequate EI scheme.

Construction is the most hazardous workplace according to the recent national data. The informal construction sector attracts young workers in rapidly urbanizing zones, and the growth of activity in this sector contributes to elevated in-country migration from rural areas. Between 1997 and 2009 the share of employment in the construction sector increased by over 250 per cent, to more than 3 million workers (or 6.3 per cent of total employment) according to the 2009 Labour Force Survey (LFS2009). According to the MOLISA OSH survey in 2013, the share of young workers in the construction

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4 GSO 2013  
5 GSO 2015  
6 Finish Institute of Occupational Health 2010  
7 Hanoi National Economic University 2011
The workforce is approximately 10 per cent. About 30 per cent of the construction workforce is considered unskilled.

To address the need for EI coverage in the informal sector, the new OSH Law requires that workers working in the informal sector (without any employment contract) have the right to participate and benefit from voluntary injury insurance. Thus, for the first time, the country has extended OSH and EI protections to all workers, including those working in the informal economy. The Government of Viet Nam, through MOLISA, is developing its voluntary injury insurance policy in the form of a formal Decree expected to issue in 2017.

In the framework of safetyouth@work project, and in collaboration with MOLISA, the ILO will support the government with baseline information and technical advice for the development of the first-of-its-kind Decree on Voluntary Injury Insurance. The ILO seeks to hire a capable service provider to assess the actual situation and needs of informal workers concerning the voluntary EI scheme.

II. Objectives

The assignment aims to build the capacity of the government and social partners to implement the new OSH Law. The main purpose of the tasks described below is to conduct research to assess the risks of occupational accidents and diseases for informal workers including young workers; relevant costs incurred in relation to these injuries; and actual needs and payment capacity of the informal workers to the anticipated voluntary insurance fund.

III. Study purpose and scope

The Study is intended to provide government partners with detailed baseline data on work-related injuries and illnesses in the informal sector, as well as the needs and payment capacity of informal workers. The survey estimates the frequency and number of occupational injuries and illnesses based on responses of the workers. It also estimates the readiness and payment ability of the workers, and explores the most appropriate mechanisms for fund contributions and compensation payments. It is a part of the effort to build a practical basis for the drafting of the Decree guiding voluntary injury insurance.

The surveys focus on informal employment in the following sectors: craft villages, agriculture, and construction. The surveys are to be conducted within a target area of 5 cities/provinces, which are Ha Noi, Hung Yen, Phu Tho, Da Nang and Binh Thuan to reach target project populations. The survey of informal workers will be done in ten communes in these selected provinces, fifty samples will be selected at each commune.

The survey will be developed and implemented with the close involvement of MOLISA Department of Work Safety (DWS), Viet Nam Farmers’ Union (VFU), Viet Nam Social Insurance and the Ministry of Health in terms of technical inputs and comments.

Study data shall be collected via desk review, surveys, key informant interviews and focus group discussion if needed. Study data will be both qualitative and quantitative in nature; the data will be analysed and disaggregated at least by sector, location, age, gender, and income. The study report in English and Vietnamese will be shared with Vietnamese partners and the ILO for consultation before finalising relevant recommendations for developing appropriate policies of voluntary injury insurance. The study is required to be conducted in-line with the ILO and USDOL’s internal guidelines and standards.

OSH Law 2015 Article 6.3
The survey and corresponding questionnaires will target but not be limited to the following four groups of stakeholders and beneficiaries of the expected Decree:

(i) Young workers in typical informal employment who are from 15 to 24 years and working in craft, agriculture and construction sectors;
(ii) Representatives of functional agencies who will take the responsibility of administering EI benefits;
(iii) State management agencies who will enforce the rules, settle related complaints with the new scheme;
(iv) Senior experts in social insurance and occupational safety and health.

IV. Expected tasks

To conduct this study, the service provider, in close collaboration and consultation with MOLISA Department of Work Safety (DWS), Viet Nam Farmers’ Union (VFU), the Project’s technical expert group, and the ILO’s project team, is expected to perform the following tasks:

1) Develop detailed work plan and sketch out study outline;
2) Undertake desk research and analyse all necessary legal documents including relevant international labour standards, as well as all relevant reports/studies on voluntary EI benefit schemes and experiences;
3) Develop a tailored survey methodology to assess the current situation with the objective identified in section III in the form of outlines for in-depth interviews and standard questionnaire survey;
4) Make necessary logistical arrangements and facilitate one workshop in Ha Noi with the participation of 30 stakeholder participants at central levels and the Project’s technical experts to validate the methodology assessment results and seek comments on the study outline;
5) Pilot the questionnaires to a small group of 100 samples in a northern province;
6) Finalise the methodology according to the recommendations gathered at the validation workshop and the lessons learned from the pilot questionnaire procedure;
7) Prepare survey guidance materials and provide a one-day training for the groups of 30 collaborators from Farmers’ Union of the selected provinces on the survey methodology, interview procedures and other necessary skills so that these collaborators develop relevant capacity and knowledge throughout the interview and data collection process;
8) Conduct in-depth interviews and group discussions as necessary at the central and local levels;
9) Collect, analyse and disaggregate data from the survey collaborators in close consultation with MOLISA DWS, VFU, and the ILO Project team;
10) Share the draft study report with key technical experts of the Project at the study validation workshop for their views; and
11) Incorporate comments from the study validation workshop and finalize the study report.

V. Outputs to be delivered

The service provider will be required to provide the following main outputs to the satisfaction of MOLISA DWS and the ILO Project team, apart from the deliverables mentioned in section VI below:

1) Detailed work plan and study outline in English and Vietnamese reviewed and approved;
2) Complete research methodology in English and Vietnamese presented, reviewed and approved;
3) Complete set of training materials in Vietnamese for survey collaborators and one-day training by the service provider for the survey collaborators;
4) A comprehensive study report in English and Vietnamese presented, reviewed and approved by MOLISA and the ILO Safeyouth@work Project team.
VI. Timelines

It is expected that the assignment will commence on 10 October 2016 and end on 30 January 2017.

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<tr>
<th>Tentative timelines</th>
<th>Expected tasks</th>
<th>Expected Deliverables</th>
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<tr>
<td>10-15 Oct 2016</td>
<td>Preparation meetings and desk review</td>
<td>Detailed work plan and study outline</td>
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<td>15-20 Oct 2016</td>
<td>Methodology development</td>
<td>Draft study methodology</td>
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<td>25 Oct 2016</td>
<td>Organise study methodology validation workshop</td>
<td>Workshop report</td>
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<td>Revised methodology</td>
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<td>26-31 Oct 2016</td>
<td>Pilot the questionnaires</td>
<td>Interview documentations</td>
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<td></td>
<td>Revised questionnaires and methodology</td>
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<td>01-05 Nov 2016</td>
<td>Prepare methodology training materials</td>
<td>Training materials for survey collaborators</td>
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<td>07 Nov 2016</td>
<td>Provide Training for survey collaborators</td>
<td>Training for survey collaborators</td>
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<tr>
<td>08-30 Nov 2016</td>
<td>Support the collaborators to conduct survey in selected provinces</td>
<td>Survey documentation</td>
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<td>Conduct in-depth interviews and relevant discussion</td>
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<tr>
<td>01-20 Dec 2016</td>
<td>Collect, analyse and disaggregate data</td>
<td>Data sheets</td>
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<tr>
<td>21-31 Dec 2016</td>
<td>Draft comprehensive survey report</td>
<td>Draft Report first version</td>
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<tr>
<td>10-15 Jan 2017</td>
<td>Revise draft report according to comments from the ILO and project team</td>
<td>Draft Report second version</td>
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<tr>
<td>16 Jan 2017</td>
<td>Present and collect comments on the study report at the validation workshop</td>
<td>Presentations</td>
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<tr>
<td>17-30 Jan 2017</td>
<td>Finalise the study report</td>
<td>Final report</td>
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VII. Qualifications of the Service Provider

The following personnel qualifications of the team leader of the service provider are required to successfully conduct the assignment:

- Experience working on similar assignments for international organisations or public sector; previous work experience for the ILO or on labour market studies is an advantage.
- University Degree or equivalent in law, economics, health or related fields; advanced degree is an asset;
- At least five years’ experience in research and assessments; experience with mixed method studies and labour market is an advantage;
- Demonstrated knowledge of social protection and informal labour force issues;
- Knowledge about International Labour Standards on OSH and social protection is an advantage.

VIII. Administration, Reporting and Coordination

The contract for this assignment will be issued by CO-Hanoi. Office space, equipment and other logistical arrangements in the course of the work are the responsibility of the service provider. The expenses for agreed necessary field trips will be covered by the ILO according to the UN-EU cost
norms, USDOL project management guidelines and CO-Hanoi practice by way of prior agreement with the ILO Project team.

The service provider will work directly with the project focal point of MOLISA DSW and will report directly to the National Project Coordinator of the safeyouth@work Project in CO-Hanoi.

IX. Application

The service provider is expected to send technical and financial proposals, personal and organisational profile detailing their qualifications to duyenn@ilo.org, titled “Application_Voluntary injury insurance study_Name of firm” by no later than 30 September 2016 COB. Only submissions with complete documents as stated in the ToR will be considered. Sample survey report of the service provider might be requested following an initial review of submitted proposals.