

TRIANGLE in ASEAN Quarterly Briefing Note

Viet Nam (July – December 2021)



Key partners	Ministry of Labour, Invalids and Social Affairs (MOLISA) Viet Nam General Confederation of Labour (VGCL) Viet Nam Association of Manpower Supply (VAMAS) Departments of Labour, Invalids and Social Affairs (DOLISA)
Target sites	Quang Ngai, Thanh Hoa, Ha Tinh, Bac Ninh and Phu Tho provinces
Focal point	Anna Engblom, Chief Technical Adviser, engblom@ilo.org

Background information

There are currently over 560,000 Vietnamese workers working abroad in more than 43 countries and territories worldwide. In 2019, Viet Nam deployed 152,530 migrant workers, of which 54,700 were women, with the top five destination countries for regular migration being: Japan, Taiwan, China, the Republic of Korea, Saudi Arabia, and Romania. Vietnamese migrant workers migrating to Japan and Taiwan, China have made up over 90 per cent of regular labour migration for 2017-2019, with the number of migrant workers going to Taiwan, China decreasing and those migrating to Japan increasing. Beyond these, significant numbers of migrant workers also travel to the Middle East, Northern Africa, Europe and middle-income countries in Asia.

Within ASEAN, a survey of over 23,000 migrants from Thanh Hoa and Ha Tinh provinces of Viet Nam found that Thailand had become the most common destination, with migrant workers making use of overland routes through the Lao People's Democratic Republic (ILO, 2015). These movements are almost entirely irregular, as the memorandum of understanding (MOU) signed between Viet Nam and Thailand in 2016 has yet to be implemented and permits only employment in the fishing and construction sectors, where a relatively small number of Vietnamese migrants seek employment (ILO and IOM, 2017).

The Law on Contract-Based Overseas Workers 2020 (Law 69) was adopted in 2020 and is the overarching framework governing international labour migration in Viet Nam. Under the previous iteration of the law, a sizeable proportion of Vietnamese migrant workers still chose to migrate irregularly. Concern about the number of Vietnamese workers overstaying their visas and becoming irregular in destinations including South Korea, Japan and Taiwan, China has been heard from several stakeholders, including government. Irregular status increases vulnerability to exploitation and limits the available assistance channels. Irregular migration is punishable by fines and other sanctions in Viet Nam as well as in destination countries.

Until the onset of COVID-19, the Vietnamese Government annually increased national and provincial labour migration targets and actively promotes labour migration as a means of employment creation, skills improvement and poverty reduction. The Vietnamese Government has developed geographically targeted policies to encourage labour migration as a poverty reduction strategy. In 20 provinces, the residents of designated 'poor districts' are eligible to apply for subsidies to facilitate working overseas. The incentives include loans and financial assistance for language training, vocational skills training, health checks, and other services. While effective at increasing migration in these areas, there are concerns that these policies encourage the most vulnerable populations to migrate, including ethnic minorities with very limited education. According to the World Bank, Viet Nam is the second top receiver of remittances in the Asia-Pacific, with an expected remittances inflow at USD\$15.7 billion in 2020, accounting for 5.8 per cent of GDP.

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Viet Nam at a glance

 Population: 97.3 million

 Labour Force: 57.3 million

Source: UN Population Division. World Population Prospects: 2019 Revision; ILOSTAT 2019

Migrants in major destination countries

Taiwan (China): 170,000 migrants

Japan: 148,000 migrants

Republic of Korea: 50,000 migrants

Malaysia: 50,000 migrants

Thailand: 50,000 migrants

Source: Estimates by Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs (March 2019)

Migrants deployed through formal channels in 2018

Total: 142,860 migrants
(Women=50,293 / Men=92,567)

Taiwan (China): 60,369 migrants
(Women=19,273 / Men=41,096)

Japan: 68,737 migrants
(Women=27,610 / Men=41,127)

Republic of Korea: 6,538 migrants
(Women=736 / Men=5,802)

Malaysia 1,102 migrants
(Women=634 / Men=468)

Source: Department of Overseas Labour, Ministry of Labour, Invalids and Social Affairs (2019)

TRIANGLE in ASEAN delivers assistance directly to migrant workers and their communities through five Migrant Worker Resource Centres (MRCs). These MRCs are managed in partnership with government institutions and are based in **Bac Ninh, Ha Tinh, Thanh Hoa, Phu Tho, and Quang Ngai** (all with the Provincial Departments of Labour, Invalids and Social Affairs). Since the start of the programme up until the end of 2020, **TRIANGLE in ASEAN reached 57,069 migrant workers** (37% women) through MRCs in Viet Nam.

Since early 2020, the COVID-19 pandemic has swept through the ASEAN region. Women and men migrant workers in the region are striving to protect their livelihoods and their health through the crisis, yet many are disproportionately affected by COVID-19 and its economic and health impacts. During this reporting period, TRIANGLE in ASEAN has continued to focus on both a legal and humanitarian response to the COVID-19 crisis.

Key developments

COVID-19 continue to affect Viet Nam, with an increasing daily caseload during the fourth quarter appearing to stabilize at a high level [in late December 2021](#). Clusters were mostly in the South in the areas around Ho Chi Minh City and in the North around Hanoi. [Stay at home orders, and lockdowns were enacted in August 2021](#), affecting many internal migrants who were unable to leave their workplaces. Hanoi and Ho Chi Minh City [relaxed social distancing measures on September 21 and October 1, respectively](#). Ho Chi Minh City residents must have received at least one dose of a COVID-19 vaccine and obtain a QR code through the mandated health apps for movement within the city. After the easing of the lockdowns, waves of re-migration to migrant workers' homes were alleged to contribute to [increased rates of COVID infections](#) in those areas.

As labour shortages struck in a number of East Asian countries, Japan, South Korea and Taiwan (China) were considering allowing migrant workers to re-migrate.

The TRIANGLE in ASEAN Migrant Worker Resource Centres remained operational during the reporting period, with increased support provided through online services.

Main programme activities: July – December 2021

During the reporting period, TRIANGLE in ASEAN, in close collaboration with the ILO Law 72 project, and the Safe and Fair and Ship to Shore programmes, continued to provide comprehensive technical support to the ongoing review of Viet Nam's legal framework on migration. In December 2020, the Vietnamese President's Office announced the new Law on Contract-Based Vietnamese Overseas Workers 69/2020/QH14 (Law 69), which had taken on board several key recommendations from the ILO. In 2021 five sub-laws, which will be the guiding normative documents for the implementation of Law 69, was developed and extensively consulted with the

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ILO and tripartite constituents. Together with the other ILO projects, TRIANGLE in ASEAN provided significant technical support throughout this process. In addition, technical legal comments were provided both in written comments and orally during several meetings and workshops organized by the ILO. On December 31, 2021, the prime minister signed the five sub laws, and Law 69 and the five sub laws will come into force in 2022. The five sub-laws include:

- Prime Minister's Decision on the Fund for Overseas Employment Support
- Decree on Administrative Penalties for Violations Arising from Labour, Social Insurance and Sending Vietnamese Workers Abroad under Contract
- Decree detailing the implementation of the Law on Contract-based Vietnamese overseas workers
- Circular on the Database system of Vietnamese guest workers
- Circular Detailing several articles of the Law on Vietnamese Guest Workers

Upcoming activities and key dates (January – June 2022)

Date	Event	Location	Attendees	Purpose
February to May	Develop training and handbook to guide service enterprises to comply with the provisions of Law 69 and sub laws	Semi-virtual, virtual or in-person (TBD)	Service enterprises (recruitment agencies)	Deliver social dialogue and technical input to draft legislative instruments and advocate for positive revisions
February to May	Develop training and manual for state management agencies and organizations to implement and monitor Law 69, sub laws and support workers	Semi-virtual, virtual or in-person (TBD)	DOLISAs, ESCs, MRCs, local authorities, and other responsible agencies	To use as the basis for training to be rolled out in the second half of 2022
February to May	Develop manual for migrant workers and a train-the-trainer manual for Migrant Workers Resource Centers (MRCs), Employment Service Centres (ESCs), and People's Committee Leaders to conduct outreach among migrant workers on rights and responsibilities in Law 69 and sub laws	Semi-virtual, virtual or in-person (TBD)	The staff of MRCs, ESCs, People's Committees and other relevant organizations	To use as the basis for training to be rolled out in the second half of 2022
February to May	Develop training for media on Law 69, sub laws, forced labour and fair recruitment	Semi-virtual, virtual or in-person (TBD)	Media	To use as the basis for training to be rolled out in the second half of 2022

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Media coverage

Date	Title	Media Source
August 4	Southeast Asia's factory powerhouses hit by vaccination woes, Delta	Reuters
October 4	Workers flee Vietnam's Ho Chi Minh City as long lockdown eases	Bangkok Post
October 27	Rise in Vietnam's Covid-19 cases linked to returning migrant workers	New Straits Times
October 31	South Korea to ease migrant worker ban next month to tackle labour crunch	Bangkok Post
November 11	Taiwan negotiating with Philippines, Vietnam on opening borders to migrant workers	Taiwan News
December 11	Businesses, government abet migration, but Vietnam's 'container people' bear the risk	Radio Free Asia
December 25	Revealed: the secret 'forced labour' migration route from Vietnam to the UK	The Guardian

TRIANGLE in ASEAN extends the cooperation between the **International Labour Organization (ILO)**, the **Australian Department of Foreign Affairs and Trade** and **Global Affairs Canada** on protecting migrant workers and enhancing development opportunities. **TRIANGLE in ASEAN** aims to ensure that the benefits of labour migration are equally realised by men and women migrant workers; employers and governments. In shifting emphasis towards leveraging the development potential of migration, **TRIANGLE in ASEAN** aims to shape labour migration opportunities to support inclusive and sustainable growth in the ASEAN Economic Community. **TRIANGLE in ASEAN** engages institutionally with **ASEAN** and focuses on delivering in six countries (**Cambodia, Lao PDR, Malaysia, Myanmar, Thailand, and Viet Nam**).