

Laws and policies on sending Vietnamese domestic workers in Saudi Arabia

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Recently the Vietnamese media has reported many cases of Vietnamese female domestic workers being maltreated in Saudi Arabia. They were required to work between 16 and 20 hours without breaks in a day. Ms. Ha Thi Thu Trang, a 36 years old domestic worker from Thai Nguyen province, reported that some of her friends were either provided insufficient food by the employers or had to eat the food left over from the tables of the employers' families. Other female domestic workers were sexually abused, such as Ms. Oanh from Nghe An and Ms. K. from Ho Chi Minh City. The domestic workers reported that they were treated like slaves, being forced to work until exhausted (Dai, 2015).

However the labour sending companies require workers who want to terminate the employment contract before the expiry date to pay a compensation of approximately VN\$60 million (around US\$2770) (Dai, 2015). It is reported that 30 Vietnamese domestic workers who were rescued from their employers' maltreatment are residing in the labour camps in Saudi Arabia waiting to return home. Some of them have been waiting for more than one year without the intervention of the Vietnamese authority bodies (PVH, 2016).

Why choose Saudi Arabia?

The findings of a survey conducted by the International Labour Organization (ILO) revealed that approximately 30% of the 23 047 Vietnamese migrant workers overseas were women and domestic work was their most common occupation. The main countries of destination for female Vietnamese domestic workers were Taiwan (China); Cyprus, Macau (China) and Malaysia (ILO, 2015).

In general, the Vietnamese domestic workers have to pay high service fees to the labour sending companies to get opportunities to work overseas. Rates for opportunities in Taiwan are between US\$3000 and US\$5000 and between US\$3500 to US\$6000 to Japan. In order to go abroad to work as domestic workers, the women often have to borrow money from families, friends or from banks.

However Vietnamese domestic workers in Saudi Arabia generally do not have to pay the labour service fees which are paid by the employers in advance. In addition, labour sending companies often offer an attractive recruitment package, for example, the domestic workers may receive an advance bonus of approximately US\$600 which is not deducted from wages (Simco Song Da, 2016). In general, the wages of Vietnamese domestic workers in Saudi Arabia are between VN\$7 million (about US\$317) and VN\$9.5 million per month. Advertisements from the labour sending companies promise that Vietnamese domestic worker may earn VN\$108 million annually (around US\$4891) compared with the income of VN\$12 million in Vietnam. Employers also provide the domestic workers with free accommodation and pay medical insurance and social insurance for the workers (Labcoop, 2016).

As a result, despite reports of maltreatment of domestic workers, the flow of female Vietnamese domestic workers does not seem to decrease in Saudi Arabia. According to the statistics, the total number of Vietnamese domestic workers in the Kingdom reached approximately 5 000 in 2015 (Sziraczki 2015). In the first 6 months of 2016,

the number of female Vietnamese domestic workers reached 1 129, accounting for approximately 65% of all Vietnamese working in different sectors in Saudi Arabia (Le, 2016).

Problems with laws and policies

Vietnam and Saudi Arabia entered into a bilateral agreement on 22 September 2014, under which Vietnam may send 400 domestic workers to Saudi Arabia every month. Recently, the Vietnamese government passed a number of Acts regulating domestic work in order to better protect the rights and interests of domestic workers. However, Vietnam's legal framework is still insufficient to regulate domestic work overseas.

At present, in addition to the new Labour Code of 2012, the Law on Sending Vietnamese Workers Overseas under Contracts of 2006 and Circular No 22/2013/TT-BLDTBXH dated 15 October 2013 guide and regulate labour supply and contracts on sending workers overseas, including the Vietnamese domestic workers. There are no specific acts regulating the domestic workers overseas. My observation is that the management and monitoring system of labour recruitment and placement agencies by the Vietnamese authorities remains weak.

Article 8 Clause 2 of Circular No 22/2013/TT-BLDTBXH requires that contracts for workers sent overseas must specify in detail the duration of the employment contract duration, the hours of work and rest period, wages and bonuses (if any), forms of wage payment, pay for additional work, working conditions, occupational safety and health as well as medical and social insurance.

However, the labour sending enterprises, including the companies with licenses granted by the Ministry of Labour, Invalids and Social Affairs (MOLISA) often ignore these legal provisions and try to cheat domestic workers through unclear employment contracts. For example, their employment contracts often state: 'Working hours: The workers shall work under the work arrangement of the employers' (Dai, 2015).

The Vietnamese Labour Code prohibits employers from disgracing workers' dignity; maltreatment, sexual harassment or forced labour; or keeping the workers' passports and personal documents. The Labour Code also entitles a worker to immediately stop working without any compensation liability if she is not assigned to the work or work place as agreed in the employment contract, or not provided with the working conditions agreed, or if the worker is not paid in full or on time as agreed.

Decree No 95/2013/NĐ-CP dated 22 August 2013 applies a sanction on labour sending enterprises which do not protect lawful rights and interests of the workers, with a fine of between VN\$50 million and VN\$80 million. In practice, however, the labour sending enterprises have not fulfilled their legal responsibilities to protect the domestic workers in Saudi Arabia. They even claim compensation if the workers want to terminate the contracts before the expiry date due to maltreatment committed by the employers.

In addition, cooperation between the competent authorities of Vietnam and Saudi Arabia to protect the Vietnamese domestic workers remains weak. The bilateral agreement between the two countries specifies their responsibility to take all measures to guarantee that Vietnamese domestic workers shall not be abused by the employers. However, the cooperation between the competent bodies of the two countries in sanctioning the employers who committed the illegal acts on Vietnamese domestic workers remain vague.

There are other problems in relation to inadequate vocational training and difference of culture and languages. For example, some workers received only 7 days vocational training before departure (Hoa, 2016b). Critical differences in culture, language barriers and climate differences between Vietnam and Saudi Arabia also worsen their working conditions in Saudi Arabia. Recently, MOLISA recommended its citizens should carefully study information on working conditions, cultures and practices and climate in Saudi Arabia before making a decision (Hoa, 2016a).

Soft power of media.

In the context of the abusive practices of labour sending enterprises and the weak framework of laws and policies, the Vietnamese media - particularly the two newspapers for labourers in Vietnam, namely the Labour Newspaper and Lao dong Thu do Newspaper - are playing an informal but effective role in protecting Vietnamese domestic workers overseas. Vietnamese domestic workers have contacted media as their first and utmost unofficial channel to make their voices heard by the competent authority bodies. After the employers' maltreatment was revealed in the Vietnamese media, it is reported that some Vietnamese domestic workers were able to return to Vietnam without having to pay the compensation to the labour sending companies as previously threatened.

More commitments are needed from the Vietnamese Government to develop a specific legal framework to regulate its domestic workers overseas and a sufficient monitoring system to guarantee the legitimate rights and interests of the domestic workers overseas.

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*** The author would like to express her gratitude to Dimitri Mathys. Without his unfailing support and continuous encouragement, this article would not have been possible.**