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### Overcoming the Consequences of Covid-19 Pandemic on Household Workers in Vietnam

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#### Abstract

The COVID-19 pandemic negatively impacts the labor market. The number of employed people has dropped sharply, the unemployment and underemployment rate has increased, the average monthly income of workers has decreased, many businesses are in debt and bankrupt. Labor Organization International (ILO) forecasts that the global

labor market crisis caused by the COVID-19 pandemic will continue. This article analyzes the impact of the COVID-19 pandemic on domestic workers and proposes measures to overcome the consequences of the COVID-19 pandemic on household workers in Vietnam.

**Keywords:** Unemployment, Covid-19, Household Workers, Labour, Pandemic

#### 1. Introduction

Household work is a type of labor that has been around for a long time. In the world, this type of labor has existed since the slavery era. Currently, household work is a relatively common job, because as society develops, work pressure increases, leading to a narrowing of time spent with the family, creating a need to hire helpers. Household chores to reduce the increasing burden of work in the family. In a domestic worker relationship, there are two parties, one party needs to hire a household helper and the other party performs household chores.

According to Article 1 of ILO Convention No. 189 on "Decent work for household workers", "household work" is defined as work performed in one or more households; and "household worker" is a person who performs household work in the labor-employment relationship. "A person who occasionally or infrequently performs household work and does not do it as a profession is not a household worker." Thus, according to Convention 189, the nature of the work of household workers must be regular, that is, regular and uninterrupted; As for the nature of a career, it can be understood as fixed, that job is a job to make a living. To be called a household worker, the worker must perform and consider household work as a stable, long-term job, a job that brings the main source of income for themselves.

Since the ILO passed Convention No. 189 on Domestic Workers (2011) until now, household workers are still struggling to be recognized as workers and providers. essential services. In 2021, exactly 10 years since Convention No. 198 was adopted, the COVID-19 pandemic is raging all over the world, causing household workers to suffer a lot in the labor market.

#### 2. Overview and Research Methodology

##### Overview

Research on household workers has been attracting the attention of many scientists. Among the typical projects that can be mentioned are:

Ha Thi Minh Khuong (2012), "Decent employment for household workers", Journal of Family and Gender Research, No. 05/2012;

Tran Thi Hong (2011), "Some social issues of household workers in urban areas today", Journal of Family and Gender Research, No. 02/2011;

Nguyen Huu Long (2014), "Labor who is a household worker according to the 2012 Labor Code", Master's thesis;

Le Van Son (2020), "International legal regulations on management of household workers and practices in Vietnam", State Management Review (298);

Le Van Son (2020), "Perceptions of employees and employers about regulations related to household help", Journal of

Education and Society, 116 (117).

### Research Methodology

The article uses analysis, comparison and logical methods to clarify the content of household workers, the impact of the COVID-19 pandemic on household workers, and measures to overcome the consequences. The consequences of the covid-19 pandemic on household workers.

### 3. Research Results

#### Overview of Domestic Workers

According to ILO Convention No. 189 of 2011 on domestic workers, a domestic worker is “any person engaged in domestic work in an employment relationship”; “domestic work” means work performed in one or more households or for one or more households; “household worker” is a person who performs household work in a labor-employment relationship; Domestic workers must enjoy the same basic worker rights as other workers. Countries may take different legal and policy approaches to this issue.

In many countries around the world, domestic workers are not subject to nor covered by labor laws. A typical example is Asia, where many people work for households (21.5 million, accounting for more than 40% of the total number of domestic workers globally), but the majority of domestic workers are in This sector (61.5%) is completely not covered by national labor laws while 84.3% of them still work in informal jobs.

In Vietnam, domestic workers have been regulated by law since 1994. The 1994 Labor Code is the first legal document to regulate domestic workers (Articles 2 and 28 and 139). In 1998, domestic work was officially recognized as a profession in the simple labor group with code 9131. In 2007, domestic work was recognized in the Vietnamese economic system. The recognition of domestic workers as a profession has created an important foundation for the 2012 Labor Code to specifically regulate domestic workers from Article 179 to Article 183. Currently, the Labor Code in 2019, Section 5 of Chapter XI, including Articles 161 to 165, regulates domestic workers. In addition, a number of regulations in other chapters of the Labor Code as well as a number of provisions of the Civil Code also regulate this issue. Those laws focus on regulating work, form and content of contracts, and obligations of the parties, specifically:

Regarding work, family jobs include housework, housekeeping, child care, sick care, elder care, driving, gardening and other household work but not related to commercial activities. Depending on each family's needs, there will be different jobs.

In terms of form, the labor contract for a domestic worker must be made in writing, consisting of two copies, each party keeps one copy. When signing a labor contract with an illiterate employee, the employer reads the entire content of the labor contract so that the employee can listen and agree on the content before signing the labor contract; In case of necessity, the employee requests the employer to invite a third person who is not a member of the household to testify before signing the labor contract.

Regarding content, the labor contract for domestic workers must ensure the main contents prescribed by law such as: Name and address of the employer; Full name, date of birth, gender, residential address, identity card number or other legal documents of the employee; Work and work location;

Term of the labor contract; Salary level, payment method, salary payment period, salary allowances and other additional payments; Regime of wage increase; Working time, rest time; Labor protection equipment for workers; Social insurance and health insurance; Training, fostering and improving vocational skills.

Regarding the employer's obligations, when employing a domestic worker, the employer has the following obligations: Fully implement the agreement entered into in the labor contract; Pay social insurance and health insurance to domestic workers according to the provisions of law so that workers can proactively participate in social insurance and health insurance; Respect the honor and dignity of domestic workers; Arrange hygienic accommodation and meals for domestic workers if agreed upon; Create opportunities for domestic workers to participate in cultural and vocational education; Paying for travel expenses when the domestic worker quits her job and returns to her place of residence, except in cases where the domestic worker terminates the labor contract ahead of time.

Regarding labor obligations, domestic workers have the following obligations: To fully implement the agreements entered into in the labor contract; Must compensate as agreed or prescribed by law if the employer's property is damaged or lost; Timely notify the employer about the possibility and risk of causing accidents, threatening the safety, health, life, property of the employer's family and themselves; Report to competent authorities if the employer commits acts of abuse, sexual harassment, forced labor or other acts that violate the law.

Labor law prohibits employers from committing the following acts: mistreatment, sexual harassment, forced labor, and use of force against domestic workers; Assigning work to domestic workers not under a labor contract; Keep employee identification documents.

Thus, it can be seen that international law and Vietnamese law have relatively complete and clear regulations on domestic workers, creating a legal corridor for parties to establish labor relations as well as Protect the legal rights of domestic workers.

#### Impact of the COVID-19 Pandemic on Domestic Workers

In 2011, the International Labor Organization adopted the Convention on Domestic Workers (Convention No. 189, ILO) and Recommendation on Domestic Workers (Recommendation No. 201, ILO). These are the first international standards to be applied specifically to domestic workers, setting out protections for domestic workers, including minimum age requirements, measures prevent all forms of abuse, harassment and violence, and take measures to ensure that domestic workers enjoy equal terms of employment and living conditions to help domestic workers Families enjoy the same legal protection as other workers.

Since then, the world has made some progress in this field. The proportion of domestic workers not covered by labor laws and labor regulations has decreased by more than 16 points Percent. However, a large proportion of domestic workers (36%) are still not covered by labor law, which shows the urgency of narrowing this legal gap. Even when they are subject to labor and social security laws, the actual implementation of the laws remains a source of marginalization and informality. Only one-fifth (18.8%) of domestic workers enjoy social security benefits related to

productive employment.

In the labor market, domestic workers suffer many disadvantages and belong to the group of vulnerable workers. Asia is home to many people working for households, but domestic workers in this region are not subject to any restrictions on working hours (71%) or receive paid time off. week (64%) according to current labor laws. Here, domestic workers are often the lowest paid in the labor market, especially when they work in the informal sector.

Domestic workers were once considered the bottom class of society. They often have to work hard, are paid low wages, work hours are too long, have no weekends off, are sometimes physically and mentally insulted and even sexually abused. They used to be called servants, slaves, residents, osin. Today, housekeeping has become an indispensable profession in modern society, equal to other professions in society. However, many domestic workers do not have equality, but are also discriminated against and abused. The COVID-19 pandemic has caused domestic workers to suffer even more negative impacts. They are more likely to lose their jobs than other groups.

According to an ILO report, the working conditions of many domestic workers have worsened due to the COVID-19 pandemic. At the height of the crisis, job losses among domestic workers in most European countries, as well as Canada and South Africa, ranged from 5-20%. In the Americas, the situation is even worse with job losses reaching 20-50%. At the same time, job losses for other groups of workers were less than 15% in most countries. Data from the report shows that 75.6 million domestic workers worldwide (4.5% of the world's workers) have been suffering severe impacts, leading to their families, those who depend on them for their daily care needs, are also affected. The COVID-19 pandemic has exacerbated already poor working conditions, the report said. They become more vulnerable to the outbreak of the pandemic due to long-existing gaps in labor and social security. This is the situation of more than 60 million domestic workers working in the informal economic sector. In particular, the Asia-Pacific region is where domestic workers are greatly affected by the COVID-19 pandemic because informality remains high and lacks regulated protections. Prescribed by law leading to loss of employment. It is estimated that their risk of losing their jobs is 2-3 times higher than that of other workers.

In Vietnam, there are currently no comprehensive statistics on the impacts of COVID-19 on domestic workers during the pandemic. Initial assessment figures show that, during the pandemic, the rate of domestic workers has decreased significantly compared to before the COVID-19 epidemic. Compared to the fourth quarter of 2019, the proportion of domestic workers decreased by 17% in the second quarter of 2020. Meanwhile, the job loss rate of other groups of hired workers in the same period was only 6.1%. In parallel with some domestic workers losing their jobs, some others have had their working hours reduced. Both of these conditions lead to a significant decrease in total wages received. In the second quarter of 2020, the working hours of domestic workers in Vietnam decreased by 24.7% compared to the fourth quarter of 2019. Due to job loss and reduced working hours, the wages received by domestic workers in Vietnam have decreased by 26.2%. From evidence collected in

Vietnam, the ILO points out that the likelihood of domestic workers losing their jobs during the pandemic is 2-3 times higher than other workers.

Statistical reports are mainly estimates, without a full, detailed, in-depth assessment of the internal severity and related consequences of COVID-19 for domestic workers. However, it shows us that we need to take timely measures to support domestic workers because they are the workers who have to suffer many negative, even extreme, impacts due to job reduction and job loss. Sharply reduced income or completely lost income because of the crisis.

### **Some Recommendations**

To help domestic workers overcome difficulties and adapt safely and sustainably in the post-COVID-19 era, the following measures need to be taken:

#### *First, Continue to Implement Support Policies for Domestic Workers Affected by the COVID-19 Pandemic*

The Party and State of Vietnam have had many guidelines and policies to respond to the epidemic and support workers facing difficulties and affected by the COVID-19 pandemic such as: Resolution No. 68/NQ-CP on a number of policies to support employees and employers facing difficulties due to the COVID-19 pandemic, Decision No. 23/2021/QĐ-TTg regulating the implementation of a number of policies to support employees and employers facing difficulties due to the COVID-19 pandemic, Resolution No. 116/NQ-CP on policies to support employees and employers affected by the COVID-19 pandemic from the insurance fund Unemployment insurance, Decision No. 28/2021/QĐ-TTg regulating the implementation of policies to support employees and employers affected by the COVID-19 pandemic from the unemployment insurance fund... Here are policies to support employees and employers, especially those affected. However, the labor and employment situation in our country is still facing many difficulties and challenges, including domestic workers. Therefore, it is necessary to continue to support domestic workers and effectively deploy packages to help workers recover after the pandemic.

#### *Second, Improve Legal Regulations on Domestic Workers*

As analyzed above, Vietnamese labor law has quite fully regulated the content of labor contracts for domestic workers, covering the rights and obligations of the parties in this relationship. Protect the rights of domestic workers. However, in reality, domestic worker labor contracts are often agreed upon by the parties very simply, with only a few basic contents such as job, work location, salary, working time, living conditions (if living with family)... Therefore, it is necessary to stipulate a model labor contract for domestic workers.

In addition, because domestic work has a lot to do with people, temporary residence, etc., the law stipulates that it must be notified to the competent authority. But in reality, this regulation is rarely implemented. Employers, for many different reasons, such as only using domestic workers for short periods of time or constantly changing housekeepers, are reluctant to notify or only notify once without notifying when there is a problem. Changing housekeepers. Therefore, the law needs to regulate or have more effective measures in the management of domestic workers.

### *Third, Strengthen Measures to Comply with the Law on Domestic Workers*

Mr. Chang-Hee Lee, Director of ILO Vietnam said: “Although Vietnam has made significant progress, including bringing domestic workers under the protection of labor law, dynamic, but the challenge we face today is how to increase compliance with the law and close the gap between the protections set out in the law and the real-life experiences of domestic workers.” That means we need to strengthen measures to comply with the law on domestic workers. The management of domestic workers is extremely difficult, requiring agencies at all levels from central to local levels to coordinate closely with each other to manage domestic workers.

#### **4. Conclusion**

The role of the domestic labor force in society is increasingly affirmed. They have contributed to improving the quality of life, liberating women who work in society with high intensity from the burden of family work, having more time for their careers, studying, resting, and relaxing. The profession of domestic worker contributes to creating jobs, bringing relatively stable income to many workers. Recently, the covid-19 pandemic has left many severe consequences for domestic workers. Therefore, the Vietnamese government needs to take measures to support them to overcome difficulties and stabilize their lives.

#### **5. References**

1. Bui Thuy Dung. Impact of the COVID-19 pandemic on the Vietnamese labor market, Finance Magazine. 2022; 1.
2. ILO Convention No. 189 on domestic workers, 2011.
3. ILO, Making decent work a reality for domestic workers, Progress and prospects in Asia and the Pacific ten years after the adoption of the Domestic Workers Convention, 2011 (No.189), 2021.
4. ILO. After 10 years, domestic workers are still fighting for equality and decent work, Press release June 15, 2021, 2021.
5. [https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS\\_803031/lang-vi/index.htm](https://www.ilo.org/hanoi/Informationresources/Publicinformation/Pressreleases/WCMS_803031/lang-vi/index.htm)
6. Vietnam Labor Code 2019.