

**VIET NAM'S EFFORTS ON CHILD LABOR AND FORCED LABOR
ELIMINATION**

(Updated from January 2014 to December 2015)

During the recent time (from January 2014 to December 2015), thanks to the efforts to improve the legal system and policies, law enforcement as well as comprehensive inspection of violations involved and to provide protection, supports for community rehabilitation for victims, Viet Nam has achieved certain results in the prevention and reduction of child labor in Viet Nam, including:

I. Achievements in formulation of laws and policies in development of programs on child labor and forced labor prevention.

- On 7th November 2015, the National Assembly approved the Penal Code 2015 (amended), in which Article 296 regulates sanctions for offenses that violate regulations on the use of workers under 16 years old, that "Anyone who uses people under 16 years old to do the hard or dangerous work, or the work that is exposed to hazardous substances listed and regulated by the Government will be administratively fined or forced with custody or imprisonment.

- Submitted to the National Assembly for the revision and supplementation of the Law on Children replacing the Law on Child Care, Protection and Education in 2004 (Child Law) which regulates the child age (under 18) and the concept of "child labor", which facilitates the implementation of domestic laws in accordance with international commitments; supplemented the list of work and dangerous working conditions that prohibited minor workers from working;

- Submitted to the Government for the ratification of National Program on Prevention and Reduction of child labor for the period of 2016-2020 with the overall objective to prevent and eliminate the worst forms of child labor, towards the implementation of international commitments on elimination of the worst forms of child labor by 2016 and reduction of child labor and children participating in economic activities in 2020;

- Issued the Decree 27/2014/ND-CP dated 7 April 2014 of the Government regulating the implementation some articles of the Labor Code on domestic workers;

- Effectively implemented the National Program on Child Protection for the period of 2011 – 2015 with positive outcomes such as: a child protection service system for early intervention and support for the children at risk of special circumstances (exploitation) was developed; the prevention models of child labor at communities was introduced and currently, the National Program on Child Protection for the period of 2016-2020 is being submitted to the Prime Minister;

- Strengthened the programs of prevention and reduction of street children, children working in hazardous and dangerous work, the national programs of child

protection...in order to raise awareness of the society about child protection and help the children have a better life.

- Enhanced the state management of child labor and forced labor prevention through training the officials who worked in child protection, drug rehabilitation, inspection and especially setting up teams of collaborators at communities...

- Mainstreamed child labor prevention and elimination programs into other national programs such as employment, vocational training, poverty reduction programs...

- Worked closely with international partners and organizations (including United States) to promote the programs on elimination of the worst forms of child labor; Continued the implementation of 2000 MOU on Labor between MOLISA and DOL (conducted Labor Dialogue 2014 in Viet Nam and Labor Dialogue 2015 in Geneva, Switzerland.

- MOLISA and USDOL coordinated to develop the project “Technical Support for Enhancing capacity on prevention and reduction of child labor in Viet Nam” and the project document was approved and launched on 20 November 2015.

- Worked closely with Better Work to provide information and training for enterprises on management of working age and child labor.

II. Strengthen the inspection, investigation and handling of cases relate to child labor and forced labor

From 2014 to October 2015, Viet Nam has strengthened the inspection, investigation and labor law enforcement through regular inspection and mainstreamed child labor, forced labor in the inspection work, i.e, the inspection of labor law implementation has included inspection of implementation of labor laws for minor workers at 234 businesses through out 30 provinces and cities, the implementation of occupational safety and health at 162 units, the implementation of social security regulations at 5 corporates with 81 member businesses. In general, the number of inspection visits has increased year after year and the inspection visits shows that all the inspected businesses strictly followed the regulations on labor contracts, recruitment, probation, salary, working hours, rest hours, occupational safety and health and there was no cases of child labor, especially in state businesses and corporates.

During 2015, in order to raise the awareness of employers and trade unions about working condition improvement, to strengthen the law enforcement at the work places and inspection on law implementation at the businesses and especially the garment businesses, to guide and support the businesses to implement labor laws, with the support of ILO, Ministry Inspectorate conducted Inspection Campaign in garment businesses with two main activities including the promotion of communication and awareness raising and strengthening the inspection at garment businesses. The communication activities have helped to raise awareness and knowledge of law enforcement of both employers and employees. Through the Inspection Campaigns, the Ministry Inspectorate worked closely with partners to inspect 152 garment businesses through out 12 provinces/cities including: Vinh Phuc (10 businesses), Ha Noi (18 businesses), Hai Duong (12 businesses), Ha Nam

(14 businesses); Thanh Hoa (10 businesses); Thua Thien Hue (10 businesses), Da Nang (14 businesses); Binh Dinh (9 businesses); Ho Chi Minh City (18 businesses); Dong Nai (19 businesses); Can Tho (10 businesses); Ben Tre (8 businesses).

Through the inspection visits, the inspectors worked out numerous cases of violation of labor laws, however, there were no cases of child labor or forced labor.

Besides inspection visits, the Ministry Inspectorate focused on guiding DOLISA to timely investigate and handle the cases whenever they received any information relating to child labor, forced labor through media.

In coming time, the Ministry Inspectorate plans to strongly implement the following activities:

- To coordinate with relevant agencies and organizations to collect the data of child labor nationwide;
- To continue to strengthen the labor law enforcement, inspection of occupational safety and health, issuing self-inspection sheets at the businesses including the focus on inspection of child labor and forced labor in some occupations that may have child labor; strictly handle the violations of child labor;
- To conduct Inspection Campaign in construction in 2016 in order to raise awareness, prevent and handle the violations of child-related laws in order to remove garment and brick or of TVPRA reports of USDOL;
- To conduct trainings and capacity enhancing on child labor for localities in order to improve the effectiveness of inspection at the localities;
- To monitor and timely guide the relevant agencies to inspect and handle the violations relating to child labor.

3. Efforts of relevant industries and organizations

- Since 2012, Viet Nam Textile Apparel Association (VITAS) sent some letters to USDOL to affirm that all member businesses of VITAS always complied with Vietnamese labor laws as well as regulations of importing countries (COCs)

- The businesses joined the assessment of customers and organizations and were appreciated as “compliance”, this is the condition for garment businesses to join the global supply chain.

- Garment export turnover has increased rapidly in recent years as evidence of compliance labor laws, international regulations of the businesses, especially no use of child labor and forced labor.

- Garment export turnover through the years has been as follows: 2012: 17.02 billion; 2013: 20.10 billion; 2014: 24.69 billion; 2015 is expected to reach 27 to 27.50 billion dollars. In particular, exports of garment to the United States has also increased, particularly in 2014 was \$ 9.8 billion and in 2015 is expected to reach over \$ 11 billion.

- In recent years, VITAS has frequently included information for businesses about child labor and forced labor; policy advocacy about Viet Nam's latest labor

laws, the regulations of international/foreign customers, so that enterprises regularly were updated, raised awareness, understood and had strict implementation plan;

- The industry signed and implemented the 3rd sectoral collective labor agreement (the 1st CLA: 2010 – 2011, the 2nd CLA: 2011 – 2014; the 3rd CLA: 2014 – 2017) with higher regulations than labor laws.

In the implementation of sectoral CLAs, VITAS worked with trade unions of garment sector to conduct regular law communication, to investigate, guide and share experience among businesses in VITAS to ensure that no businesses had child labor and forced labor-related violations and other labor law – related violations.

- VITAS has actively participated in the projects of domestic and international organizations such as CSR of Unido, Sustainable corporate development, Roundtable of BSCI, Fair Wear Foundation projects, Fair Labor Association, Batik International, Better Work...in order to raise the awareness of garment businesses and enhance the advisory services for the businesses to work out the businesses' problems and solutions...Numerous businesses have been awarded CSR-related prizes, SA8000, WRAP

- Besides the businesses in formal sector who strictly comply with labor laws, VITAS has also extended garment factories in rural and remote areas, where exist a huge labor force in order to create jobs for the workers, contributing to the poverty reduction of the state and communities at all levels, to ensure that there are no poor households that are at risk of sending their children to work. Furthermore, VITAS has also promoted communication and encouraged the workers to report and work out the informal business units which use child labor to the local authorities.

III. Future orientations

- To enhance the inspection and monitoring for law enforcement related to children working in hard, dangerous or hazardous conditions.

- To reinforce the law communication system in different forms; working with local authorities, unions, associations in communicating the related laws to workers, business owners, handicraft villages, especially the regulations on minor workers.

- To issue legal documents which regulate the assistance and intervention procedures, corporate standards, children-friendly products and services.

- To cooperate with US DOL to implement the projects Technical Support for Enhancing the capacity of prevention and reduction of child labor in Viet Nam.

- To promote the ratification and implementation of national programs, projects about child protection.

- To continue the communication about the implementation of COC to employers in prevention and elimination of the worst forms of child labor in all provinces/cities.