

TERMS OF REFERENCE

Qualitative research on vulnerabilities to and risks of exploitation of Vietnamese migrant workers in the context of international labour migration

1. PROJECT BACKGROUND

About 1.5 million people enter the Vietnamese labour market each year. In the recent decades, the Government of Viet Nam recognizes the important nexus between migration, employment and poverty reduction. Labour migration is considered as an important development opportunity. Over the years, it has been playing a significant role in Viet Nam's economic development. Remittances from Vietnamese overseas workers have contributed to a significant portion of Viet Nam's GDP, a record-breaking 6.83% in 2015, 5.78% in 2016 and 6.15% in 2017.¹ The financial influx has transformative effects on Viet Nam, especially in the rural area, lifting many households out of poverty. In 2017, the Department of Overseas Labour (DOLAB) reported over 134,000 migrant workers deployed overseas, 23.8% over the national annual deployment plan.² The majority of Vietnamese workers migrating overseas do so using recruitment and placement agencies.

The recruitment model in Viet Nam allows that job seekers pay various costs for their recruitment. However, excessive recruitment and deposit fees create situations of indebtedness or debt bondage, which adds to the migrant workers' vulnerability before, during and after migration.

In response to the challenge, the International Organization for Migration (IOM) together with the International Labour Organization (ILO) and the Responsible Business Alliance (RBA), has launched a 12-month inception phase to develop and test strategies that aim to reduce instances of exploitative working conditions, forced labour and debt bondage experienced by Vietnamese women and men migrant workers. The project is funded by the Global Fund to End Modern Slavery with co-financing is provided by the IOM Development Fund.

The inception phase will create opportunities for ethical recruitment agencies to link to actors in the global supply chain that are committed to an ethical recruitment model, fostering opportunities to increase a better understanding of needs on both sides of the recruitment equation. The following outputs will be delivered through the project inception phase:

¹ The World Bank, https://data.worldbank.org/indicator/bx.trf.pwkr.dt.gd.zs?year_high_desc=true. Accessed February 19, 2019

² Molisa, Dolab conclusion for 2017 and 2018 workplan:
<http://www.molisa.gov.vn/vi/Pages/chitiettin.aspx?IDNews=27543>

- Mapping and engagement of relevant stakeholders to establish and formalise a network of ethical recruitment actors in Viet Nam and develop the business case;
- Preparing and piloting of tools and methodologies to inform a future investment in mutual monitoring and improvement of recruitment and supply chains;
- Development of the technical proposal planning for delivering on interventions tested during this inception phase.

2. STUDY BACKGROUND

To support preparation and piloting of tools and methodologies under the project, and with the objective of providing evidence on the migration journeys, vulnerabilities and risks to modern slavery of Vietnamese migrant workers, IOM will commission a qualitative research aimed to identify and analyse the risk factors, determinants and conditions of migrant workers' vulnerability that give rise to exploitation and abuse that can amount to modern slavery. Findings from this research will further inform the project design for the coming years by identifying patterns of migrant worker experiences that need to be disrupted to sustainably reduce instances of modern slavery, including forced labour and human trafficking.

3. PURPOSE AND RESEARCH QUESTIONS

The research is aimed to strengthen the evidence base for a better understanding of the journeys, vulnerabilities and risks to exploitation of Vietnamese migrant workers.

The research responds to the following questions:

- What are the processes, specific vulnerabilities and risks to modern slavery of migrant workers travelling from Viet Nam, in all phases of the labour migration cycle: recruitment, deployment, employment, and return or onwards migration? How are these processes experienced different by women and men migrant workers? What about other specific groups of migrant workers? Are there patterns determinable by sector or by destination?
- How and to what extent do the recruitment costs and fees impact on the vulnerabilities and risks to exploitation and forced labour of Vietnamese migrant workers?
- How do the vulnerabilities and risks in the recruitment process impact on the employment and return or onwards migration experiences?
- What lessons can be learned from those who have returned? What factors to migrant workers identify as increasing or decreasing their risk to exploitation?
- What are the recommendations for employers, labour recruiters and government in order to respond to the challenges in eliminating recruitment related abuses?

4. METHODOLOGICAL FRAMEWORK

The research will be qualitative and will include case studies, focus group discussions with returnees, in-depth interviews with returning migrant workers, key informant interviews with government authorities, recruitment agencies, and other relevant stakeholders.

The research will be preceded by a desk review of existing literature, scoping exercise, and consultations with IOM's key stakeholders in Viet Nam to inform finalization of a detailed research framework and methodology.

The research should ensure that gender and disability considerations are mainstreamed into research design and implementation.

5. SCOPE OF CONSULTANCY

The service provider will be responsible for implementation of the research and drafting analytical report summarizing key findings and recommendations.

6. SPECIFIC TASKS

Preparation stage

Conduct a scoping review to map out existing evidence and identify the research gaps, consult with IOM and be responsible for contacting, organizing and facilitating preliminary consultations with key relevant stakeholders including the Ministry of Labour, Invalids and Social Affairs (MOLISA), the ILO, and the RBA on the research scope and methodology. This will be the basis for the finalization and approval of a detailed research framework, methodology and research tools.

The service provider will be responsible for obtaining necessary administrative permissions from relevant authorities for conducting the research including for field-based data collection, identifying and interviewing returnees and ensuring research ethics. IOM will provide support to the extent possible.

Implementation stage

The service provider will be responsible for contacting and interviewing respondents in line with methodology agreed upon during the preparation stage. The service provider will also record audio or capture detailed, specific notes and transcripts from each interview in the local language and in English, ensuring anonymity of all participants. The service provider will submit the recordings and transcripts to IOM.

Service provider will conduct quality control to ensure reliability of data.

All primary research will be conducted in line with IOM’s Data Protection Principles³.

Data analysis and reporting stage

The service provider will conduct data analysis, develop and submit to IOM final research report in English and Vietnamese. The service provider will be responsible for organizing and facilitating a validation workshop in Hanoi with key project stakeholders.

7. INDICATIVE SCHEDULE OF ACTIVITIES AND DELIVERABLES

#	Activity	Deliverable	Deadline for completion (tentative)
0	Conduct selection and contracting	Service agreement between IOM and the selected service provider signed	12 April 2019
1	Conduct desk-based scoping review of existing literature related to the research questions	An inception report mapping out existing evidence, and identification of evidence gaps	26 April 2019
2	Organize and facilitate consultations with key stakeholders including MOLISA, ILO, and RBA on the research scope, methodology, tools and recommended locations for field-based data collection, after consulting with IOM.	<ul style="list-style-type: none"> - Notes from consultations demonstrating that the stakeholders support the research scope and methodology and inputs are taken into consideration in research design and implementation. - Appropriate and feasible locations for field-based data collection selected. 	31 May 2019
3	Finalize research framework, methodology, tools and detailed implementation plan	Final research methodology with tools and implementation plan submitted to IOM	31 May 2019
4	Obtain necessary administrative permissions for the research including field-based data collection	Letter(s) of support for the research from concerned government agencies	14 June 2019
5	Test the research tools	Datasets, pilot test report submitted to IOM	28 June 2019
6	Conduct field-based data collection	Update reports submitted to IOM per agreed schedule	31 July 2019
7	Draft research report	Draft report submitted to IOM	16 August 2019
8	Organize and facilitate a validation workshop in Hanoi	Workshop report submitted to IOM	6 September 2019

³ <https://www.iom.int/data-protection>

9	Revision of the research report incorporating validation workshop feedback	Final draft research report in English submitted to IOM	27 September 2019
10	Finalization of the research report	Final research report submitted to IOM	25 October 2019
11	Translation of the research report into Vietnamese	Final research report in Vietnamese submitted to IOM	22 November 2019

8. DURATION

The service provider is expected to commence on 15 April 2019 and successfully complete all the tasks by 22 November 2019.

9. MANAGEMENT, REPORTING, AND IOM SUPPORT

The service provider will report to IOM CREST Project Manager while working closely with the Project Team in charge.

10. QUALIFICATIONS AND EXPERIENCE

At minimum, the service provider should possess the following qualifications:

- Demonstrated organizational experience in carrying out similar research, with at least 3 research studies on labour migration or human trafficking within an ASEAN country; additional relevant studies will be considered an asset; experience doing studies in Vietnam will be an asset;
- Demonstrated capacity to secure necessary administrative permission and reach out to respondents for the field-based data collection; experience in organising consultations with government agencies in Vietnam including the Ministry of Labour, Invalids and Social Affairs and key stakeholders will be considered an asset;
- A team leader with at least 5 years of research experience; additional years of experience will be considered an asset;

A research team with at least 1 lead researcher/specialist with relevant expertise (labour migration, human trafficking, development, human rights, gender); additional specialists with relevant expertise will be considered an asset.

11. SUBMISSION OF APPLICATION

Interested service provider should send an application including a technical and a financial proposal via e-mail to hcmc@iom.int or by post to: **IOM Viet Nam, Sub-office in Ho Chi Minh city, 1B Pham**

Ngoc Thach, District 1, Ho Chi Minh city, Viet Nam, by midnight 10 March 2019 (GMT+7). The application should be titled: “Proposal_Qualitative research on vulnerabilities to and risks of exploitation of Vietnamese migrant workers”.

The technical proposal should include:

- An organizational profile which provides information about the background and mission of the organization and a list of the pertinent research studies it has successfully completed (including the organization contracting the research)
- A registration certificate for the organization
- CVs of the research team leader and key personnel

The financial proposal should include:

- A detailed breakdown of costs per activity
- Personnel costs
- Any other costs relating to the implementation of the tasks outlined under this TOR.

IOM standard forms for the technical and financial proposals are annexed to this TOR.

12. RESEARCH TERMINOLOGIES AND CONCEPTS

The meaning of the key terms and concepts to be used in the research are provided below (in alphabetical order):

Migrant worker

A person who is engaged in a remunerated activity in a State of which he or she is not a national (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990)

Recruitment agency/private employment agency

Any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

- (a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships [that] may arise therefrom;
- (b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to as a ‘user enterprise’), which assigns their tasks and supervises the execution of these tasks; or
- (c) other services relating to job seeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the

provision of information, that do not set out to match specific offers of and applications for employment (Private Employment Agencies Convention, 1997 (No. 181)).

Returned migrant worker

A person who has returned to their country of origin within the last two years after working in a country of which he or she is not a national.

13. ATTACHMENTS

- IOM Technical and Financial Proposal Standard Forms
- IOM Pro-forma Contract