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Article

The Impact Of Covid_19 On Child Labor In Vietnam

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ABSTRACT

In recent years, Vietnam is joining hands with various international organizations to eliminate child labor and achieve certain results. However, such results are being threatened by the severe effects of acute respiratory infections caused by the new strains of coronavirus (COVID-19). The COVID-19 pandemic has forced countries around the world, including Vietnam, to take instantaneous action to protect children from child labor and sustain national efforts to abolish it. By researching different studies, this article will suggest some ideas that conform with Vietnam's policy to combat child labor.

Key words: COVID-19, child labour, ILO, Vietnam

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COVID-19 AND CHILD LABOR IN VIETNAM

Child labor has prevailed for a long time across the world (particularly in Europe during the Industrial Revolution in the 19^{th} century and in developing countries in Asia, Africa, and Latin America [1]). A total of 160 million children were in child labor globally from 2020, accounting for nearly $\frac{1}{10}$ of all children around the world; 79 million of these were in hazardous work that directly endangered their health, safety, and moral development [2].

According to the ILO, the minimum age for employment is to be prescribed by national law and shall not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years [3]. Children aged 13–14, however, may be allowed to do light work in member states whose economy and educational facilities are insufficiently developed, after consultation with the organizations of the employers and workers concerned, where such exist, that initially specify a minimum age of 14 years [4]. Furthermore, hazardous work likely to jeopardize the health, safety, or morals of young persons must be strictly prohibited for children under 18 years old [5].

In general, although international conventions or standards do not prohibit child labor, the worst forms of child labor are activities that need to be banned, including all forms of slavery or practices similar to slavery: the use, procurement, or offering of a child for prostitution, the production of pornography, or pornographic performances; the use, procurement, or offering of a child for illicit activities; and work which, by its nature or circumstances under which it is carried out, is likely to harm the health, safety, or morals of children [6]. In short, 'forbidden child labor' is comprehended as a form of denial of the right to education [7], and it can endanger the physical, cognitive, and mental development of children [8]; alternatively, 'forbidden child labor' is a child and juvenile performing jobs in contravention of the law on labor, engaging in labor that obstructs or negatively affects their physical, mental, personality, and comprehensive development.

In Vietnam, juvenile employees (under 18 years of age) are allowed to perform any such tasks or work in any of the workplaces prescribed by labor laws [9]. This means that not all children who conduct economic activities are forbidden child labor–when children engage in unlawful jobs and those that interfere, prevent, or negatively affect the physical, mental, personality, and comprehensive development of children [10].

As can be seen, Vietnam's child labor laws comply with the provisions of international conventions of which Vietnam is a member as well as those of which Vietnam is not a member. Accordingly, Vietnam has proactively codified these regulations into the national legal system; ensured the consistency, synchronism, and harmonization of international law; and created a comprehensive legal corridor to deal with the issues of child labor.

According to the United Nations Children's Fund (UNICEF), in 2017, Vietnam had about 26.2 million children under 18 years old (accounting for 28% of the population) [11]. The number of multidimensionally poor children accounts for 21.1%, mostly concentrated in rural areas (26.6%) and ethnic children made up the majority (52,4%). Moreover, child labor

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(from 5–17 years old) accounts for 16% of the population, concentrating mostly in the northern mountainous regions and the central highlands, 36% and 25%, respectively. The use of child labor is not only common in the formal economic sector with labor relations, but also in the informal sector and groups without labor relations [12]. As reported by the 2018 National Child Labour Survey [13], 1,754,066 children are engaged in economic activities (accounting for 9.1%), of which 1,031,944 were doing child labor (512,139 children performed non-heavy, hazardous, or dangerous jobs and 519,805 children had to carry out heavy, hazardous, or dangerous jobs). A statistic of the Ministry of Labour, Invalids and Social Affairs from 2019 showed that the total number of children nationwide is 26.37 million, of which 1,442 million are exploited (including using child labor in contravention of the law) [14].

There are many factors that enable child labor. For example, according to Human Rights Watch, employers intentionally hire children for domestic jobs because they believe they are easier to control and can be paid less than adults [15]. Some forms of child labor are easy to discern, such as street children working for informal sectors in big cities or small enterprises with simple production technologies and relatively little capital [16]. In addition, other forms of child labor, such as domestic work, are obscured from the "vision" of society and are therefore particularly vulnerable, including physical affection and sex abuse [17]. This is because of beliefs about their suitability for certain jobs, and because more work can be extracted from them owing to their greater docility and lack of awareness regarding the ability to claim their rights [18].

The ILO estimated that, by 2020, 94 million cases of child labor have been resolved [19]. However, these tremendous efforts around the world are under threat due to the long-standing COVID-19 pandemic. COVID-19 appeared to reverse progress and make the global target to end child labor harder to accomplish [20]. The ILO predicts 8.9 million more children in child labor by the end of 2022 [21]. Globally, international trade has collapsed, with expectations for the slump to persist as it did after the 2008 financial crisis. The pandemic caused a 3% drop in global trade values in the first quarter of 2020 (a decline of 27%) [22]. In Vietnam, the pandemic has lingered since early 2020, causing a rate of foreign direct investment (FDI) to fall (as of September 20, 2020, the total newly registered capital, adjustment, and capital contribution and share purchase by domestic investors in FDI projects reached 21.20 billion USD, equaling only 81.1% as compared to the same period in 2019. The realized capital of FDI projects was estimated at 13.76 billion USD, equaling 96.8% over the same period in 2019 [23]) and poverty to increase. According to statistics in 2020, the COVID-19 epidemic has caused 4–5 million workers in Vietnam and many families to lose their jobs; here children are the most affected due to their parents' unemployment [24]. Vietnam is one of the few countries in the world with positive economic growth, but the pandemic has had long-term effects on households—the incomes of about 45% of households surveyed fell in the first half of January 2021, compared to January 2020 [25].

In light of the above, children's capacity to return to school is also more fragile when parents cannot pay for their school fees (due to the pandemic, many businesses cut down production, reduced working hours, and ceased trading, leading to a decrease in employees' incomes and, even worse, job losses [26]); this predisposes an increase in child labor, as households have to mobilize all family members to participate in production—households use every available means to make ends meet. Besides, it cannot be denied that changes in trade and FDI may alter the kinds of jobs available. Additionally, skill-intensive exports promote education, while unskilled labor-intensive exports discourage education and promote child labor [27]. If FDI is drawn into industries prone to hiring children, it will amplify the increase in child labor [28]. In lieu of working in formal sectors, most children (before they reach the minimum working age) have to work in the informal sector without labor relations (such as exported seafood, farming, agriculture, domestic work, etc.) to support their family's economy. Consequently, greater informal employment coupled with economic hardship could push many children out of school and into the labor market [29]. The widespread phenomenon clearly specifies challenges to effective research and action from the State.

SOLUTIONS TO DECREASE AND ELIMINATE CHILD LABOR

COVID-19 has had profound and broad impacts on the socio-economic life of Vietnam. According to the data of the Ministry of Labour, Invalids and Social Affairs, the number of employees working in the first quarter of 2020 decreased by more than 680,000 compared to the fourth quarter of 2019. The underemployment rate increased from nearly 590,000 (1.22%) to more than 970,000 (2.03%) [30]. Therefore, a primary concern is job loss due to economic recession if the COVID-19 pandemic and social distancing continue.

Moreover, an inevitable repercussion is that children will have to leave school and work to support their families (especially where the main breadwinners do non-participating jobs without a labor system or labor contracts, such as street vendors, small retailers, food service, and households).

Therefore, the family plays a vital role in minimizing child labor. It is necessary to raise household awareness about mobilizing children in production and business activities. An analysis must be conducted to make them aware that child labor is not a "survival strategy" as well as to raise awareness about the benefits of creating conditions for children to access vocational training and education for sustainable jobs in the future. As such, parents who are unable to protect and care for children must be offered assistance through a system of national policies, social security, and action programs to address urgent problems as well as protect and create equal development opportunities for all children in unfavorable conditions.

Local authorities must implement the government's policies[31] to support businesses and conquer the impact of COVID-19 for economic recovery and development. Only when enterprises "increase their immune system," gradually stabilize or adjust production and business plans accordingly, and increase digital transformation and trade promotion will unemployment be ensured; job suspension or job loss of employees is limited, contributing to stabilizing social security for citizens. At the same time, authorities need to implement good policies[32] to support affected people's benefits gained during the pandemic, conditionally allowing families to send their children to school while still having an alternative source of income than child labor; all forms of children labor must also be abolished (heavy, dangerous and long hour works), while ensuring that children can help their families in a certain period of time.

Social dialogue (tri-partite and bi-partite) and cooperation among governments, organizations of employers and those of employees (such as trade unions, internal employee organizations at the sector and enterprise levels[33]) are truly needed during the intricacies of the COVID-19 pandemic. They should be able to formulate effective schemes and policies to alleviate the socio-economic repercussions of the crisis. These can safeguard employees and their dependents, especially the most vulnerable, from the loss of jobs and income, in addition to helping enterprises, especially small and medium-sized enterprises (SMEs) with limited savings and credit, to avoid closure[34]. For example, the Spanish social partners met on 12 March, 2020, to discuss the crisis and submitted joint recommendations to the government that workers adversely affected by COVID-19 should be given 100% of their wages from day 1 until they have full recovery and get back to work; the government was supposed to bring in measures to support SMEs, which faced the greatest threat from the economic fall-out of the COVID-19 pandemic[35].

The collective bargaining agreement an effective means for representative organizations of employees and the employer to work together to deal with child labor during the COVID-19 pandemic. For example, an agreement was signed between The National Union of Plantation and Agriculture Workers (NUPAW) with Kakira Sugar Works Limited in Uganda. The agreement includes provisions that the company will not employ children under the age of 18. Another example is the program of the Confederação Nacional dos Trabalhadores na Agricultura (CONTAG) in Brazil; it conducts training courses for trade union leaders in incorporating child rights provisions (such as those against forced labor) into their collective bargaining agreements[36].

Although there is no "one-size fits all" dialogue in every country, the role of collective bargaining agreement and social dialogue has been effective for ages, and in the current period, has proven to be an irreplaceable tool to balance crisis management and applicable also to the government[37]. Therefore, it is required that the parties negotiate, renew, and update the content of the dialogue to improve working conditions and employment at the workplace as well as offer solutions to cope with the consequences of COVID-19[38]. Along with the fact that Vietnam's labor laws allow the establishment of internal employee organizations in an enterprise, we have the right to hope that these organizations will work with trade unions at the grassroots level to promote their representative roles of protecting employees in general and children in particular.

While social dialogue is an important tool for bridging differences and building consensus, it cannot solve all problems without sound public policies, regulations, and appropriate fiscal space[39]. For the laws on children's rights in general and child labor in particular to take effect, people of all classes (including children and families, employers and employers' organizations, human rights organizations, community organizations, the media, and others) must be disseminated and educated about children's policies and laws. It is time to pay special attention to law reform, translating relevant laws into local and ethnic languages,

legal education for community groups, and providing legal services to victims of child labor.

Some of the "good practices" identified in the national programs (including decrees and laws that enable child labor) to be monitored directly in the community include taking advantage of the effects of external factors (for example, adopting international tools) to change domestic policy. The government also needs to allow non-governmental organizations or trade unions to contribute their ideas to the drafting of laws and include child labor on the general agenda to strengthen the Vietnamese government's commitment to joining international standards and conventions[40]. In 2021, Vietnam needs to continue to further exploit its fundamental interests and fulfil commitments (including commitments in the labor field) in free trade agreements such as the European Union–Vietnam Free Trade Agreement (EVFTA), CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership), UKVFTA (Free Trade Agreement between Vietnam and the UK and Northern Ireland), and RCEPT (Regional Comprehensive Economic Partnership). Moreover, free trade agreements are expected to bring many opportunities for the Vietnamese economy through export expansion, investment, and application of science and technology, helping to improve the supply chain of Vietnam. At the same time, diversifying cooperation relations, adding growth drivers, reducing dependence too much on major economies, and recovering the economy after the COVID-19 pandemic and beyond is an opportunity for Vietnam to modernize labor laws and the industrial relations system[41] and reduce child labor.

Finally, to reduce the use of child labor in enterprises, the role of the labor inspector requires more attention. We need to be fully aware of the role of the labor inspector in this effort. This goes well beyond that of the law enforcer[42]. Labor inspectors can spread knowledge about the consequences of recruiting children and work with employers to improve the situation and trade unions or non-governmental organizations to ensure that children withdrawn from work receive appropriate support and rehabilitation[43]. A situation that we are facing is that the inspection processes and procedures specified in the Inspection Law are currently only applied to the formal economic sector. With compulsory procedures involving many strict steps, it is difficult to conduct unscheduled inspections and almost impossible to inspect and check a child labor enterprise as soon as it detects signs of violation[44]. The urgent need now is to strengthen the inspection and supervision of the implementation of child protection responsibilities by agencies, organizations, and local authorities. Accordingly, inspection teams of the National Committee on Children in ministries, sectors, and localities should be organized to ensure the exercise of children's rights, especially in the informal economic sector, industrial zones, and export processing zones.

CONCLUSION

In the increasingly complex situation of the COVID-19 pandemic that shows no signs of decline, implementing the above solutions will contribute to reducing child labor and ensuring basic rights for poor children who have to work early in poor areas and informal economic sectors. Therefore, partly solving the situation of children dropping out of school and having to work for a living are important prerequisites for promoting the better realization of children's rights in our country at present.

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