



LUND
UNIVERSITY

Lund University Master of Science in
International Development and Management
May 2020

Formalising the Informal

A qualitative case study of the formalisation of domestic work in Vietnam

Author: Lisa Elamson
Supervisor: Olle Frödin



This study has been carried out within the framework of the Minor Field Study (MFS) Scholarship Programme and the Travel Scholarship funded by the Swedish International Development Cooperation Agency (Sida).

The MFS Scholarship Programme gives Swedish university students the opportunity to carry out fieldwork in low- and middle-income countries, or more specifically in the countries included in the *DAC List of ODA Recipients*, in relation to their Bachelor's or Master's Theses.

Sida's main intention with these Scholarships is to stimulate students' interest in, as well as increasing their knowledge and understanding of, development issues. The Minor Field Studies provide students with practical experience of fieldwork in developing settings. A further aim of Sida is to strengthen the cooperation between Swedish university departments and institutes and organisations in these countries.

The Department of Human Geography at Lund University is one of the departments administering MFS Programme funds.

ABSTRACT

Domestic workers are an essential part of Vietnam's urban labour market. However, many are in informal employment, which means they lack needed legal and social protections. In 2014, legal protections were introduced to formalise domestic work in Vietnam. This study aims to increase understanding of the formalisation process of domestic workers in Vietnam. A framework that conceptualises formalisation as a continuum was applied to better understand how formalisation could help to move domestic workers from informal to formal work. Semi-structured interviews were conducted with domestic workers, employers and key informants in Ho Chi Minh City to explore which practices and perceptions among both domestic workers and employers in Vietnam may contribute to formalisation, or the continuous reproduction of informality. Despite existing regulations, these findings indicate a high level of informality among domestic workers in Vietnam, largely driven by a lack of social insurance and written employment contracts. It can also be shown that the recruitment of domestic workers through informal networks contributes to a personalised employment relationship. While a legal framework is a precondition for formalisation, the impact of regulations on the formalisation of domestic workers in Vietnam has so far been limited.

Key words: Vietnam, Domestic Work, Informality, Formalisation, Social Insurance.

Word count: 14,503

ACKNOWLEDGEMENTS

Writing this master's thesis has been an incredible learning experience, and I am grateful to all the people who have supported me along the way.

First and foremost, I would like to thank everyone that participated in this study and for taking the time to speak to me. I am infinitely grateful to Huong and KimAnh for helping me set up several of the interviews. *Xin cảm ơn.*

Also I want to pay tribute to my supervisor Olle Frödin from the department of Sociology at Lund University for his encouragement and support.

I would also like to express my gratitude to the Swedish International Development Agency for awarding me with a grant that enabled me to conduct this study.

Finally, I wish to extend a special thanks to my family and friends for their love and support.

LIST OF ABBREVIATIONS AND ACRONYMS

GFCD	Research Centre for Gender, Family and Community Development
GSO	General Statistics Office
HCMC	Ho Chi Minh City
ILO	International Labour Organization
MoLISA	Ministry of Labour, Invalids and Social Affairs
SDGs	Sustainable Development Goals
WIEGO	Women in Informal Employment: Globalizing and Organizing

LIST OF FIGURES

Figure 1: WIEGO Model of Informal Employment - Hierarchy of Earnings and Poverty Risk

Figure 2: The Informality-Formality Continuum in Domestic Work

TABLE OF CONTENTS

<i>ABSTRACT</i>	<i>III</i>
<i>ACKNOWLEDGEMENTS</i>	<i>IV</i>
<i>LIST OF ABBREVIATIONS AND ACRONYMS</i>	<i>V</i>
<i>LIST OF FIGURES</i>	<i>V</i>
1. INTRODUCTION	8
<i>1.1 DELIMITATIONS</i>	<i>10</i>
<i>1.2 OUTLINE</i>	<i>11</i>
2. BACKGROUND	12
<i>2.1 OVERVIEW OF DOMESTIC WORK IN VIETNAM</i>	<i>12</i>
<i>2.2 REGULATION OF DOMESTIC WORK IN VIETNAM</i>	<i>13</i>
<i>2.3 SOCIAL INSURANCE IN VIETNAM</i>	<i>14</i>
3. LITERATURE REVIEW	16
<i>3.1 THE INFORMAL ECONOMY</i>	<i>16</i>
<i>3.2 DOMESTIC WORK: WORK LIKE ANY OTHER, WORK LIKE NO OTHER</i>	<i>18</i>
<i>3.3 FORMALISING DOMESTIC WORK</i>	<i>19</i>
4. THEORY	21
<i>4.1 THEORETICAL PERSPECTIVES ON THE INFORMAL ECONOMY</i>	<i>21</i>
<i>4.2 THE INFORMALITY-FORMALITY CONTINUUM</i>	<i>22</i>
<i>4.3 PRACTICES AND PERCEPTIONS</i>	<i>24</i>
<i>4.4 LIMITS TO FORMALISATION</i>	<i>25</i>
5. RESEARCH METHODOLOGY	26
<i>5.1 THE RESEARCH DESIGN</i>	<i>26</i>
<i>5.2 ONTOLOGICAL AND EPISTEMOLOGICAL ASSUMPTIONS</i>	<i>26</i>
<i>5.3 DATA COLLECTION METHODS AND SAMPLING STRATEGIES</i>	<i>27</i>
5.3.1 INTERVIEWS WITH DOMESTIC WORKERS AND EMPLOYERS	<i>27</i>
5.3.2 KEY INFORMANTS INTERVIEWS	<i>28</i>
<i>5.4 DATA ANALYSIS</i>	<i>28</i>
<i>5.5 ETHICAL CONSIDERATIONS</i>	<i>29</i>
<i>5.6 POSITIONALITY AND REFLEXIVITY</i>	<i>30</i>

5.7 <i>VALIDITY, RELIABILITY AND LIMITATIONS</i>	31
6. FINDINGS AND ANALYSIS	31
6.1 <i>THIRD DIMENSION: SOCIAL INSURANCE REGISTRATION</i>	32
6.2 <i>FOURTH DIMENSION: FORMAL EMPLOYMENT PRACTICES</i>	35
6.2.1 <i>EMPLOYMENT CONTRACTS</i>	35
6.2.2 <i>RECORD OF PAYMENT</i>	38
6.2.3 <i>WAGES AND PAYMENT</i>	41
6.2.4 <i>HOURS OF WORK AND REST</i>	42
7. CONCLUSION	45
7.1 <i>SUGGESTIONS FOR FUTURE RESEARCH</i>	47
7. REFERENCES	48
8. APPENDICES	58
<i>APPENDIX A: OVERVIEW OF VIETNAM'S SOCIAL PROTECTION SYSTEM</i>	58
<i>APPENDIX B: INTERVIEW GUIDES</i>	58
<i>APPENDIX C: LIST OF PARTICIPANTS</i>	60
<i>APPENDIX D: SAMPLE INFORMED CONSENT FORM (ENGLISH)</i>	61
<i>APPENDIX E: SAMPLE INFORMED CONSENT FORM (VIETNAMESE)</i>	62

1. Introduction

More than 60 percent of the world's employed population - two billion women and men - make their living in the informal economy (International Labour Organization [ILO], 2018: 13). In Vietnam, about 78.6 percent (including agriculture) and 57.2 percent when excluding agriculture are employed in the informal economy (GSO & ILO, 2016: 12).¹ While workers in the informal economy are significant contributors to society and the economy, to be in informal wage employment is characterised by a lack of legal and social protection. However, this is not unique to informal workers - many workers in the formal economy also lack sufficient protection. As such, informal employment can be defined as “employment without legal and social protection - both inside and outside the informal sector” (Chen, 2016: 410).

Domestic workers, sometimes called the world's invisible workforce, is a category of workers with one of the highest share of informal employment. The typical characteristics of domestic work contribute to the high incidence of informality in the sector. For example, the employment relationship² takes place within the private domestic sphere, so it often falls outside the scope of national labour laws protecting workers rights (Murphy, 2013: 203). Domestic workers carry out highly intimate tasks, which contributes to a personalised employment relationship where the lines between ‘work’ and ‘non-work’ are often blurred, especially for live-in domestic workers (McCann & Murray, 2014: 325). Such features contribute to the high rates of informality in the sector; 90 percent of the world's 67 million domestic workers (excluding child domestic workers) lack social security (ILO, 2016a: ix).

Informality is an umbrella term used to describe the various employment practices that in some way fall outside government regulation (Delaney & Macdonald, 2018: 100). Informality and formality can be understood as two ends of a *continuum*. The ILO Recommendation on Transition from the Informal Economy Recommendation (hereafter R204), adopted at the International Labour Conference (ILC) in June 2015, provides support on how to assist the world's workers to transition from the informal towards the formal end of the continuum (ILO, 2017). Despite the existing international policy framework, more

¹ Vietnam's labour force totalled 53.3 million people in 2016 (GSO & ILO, 2016: 12).

² The employment relationship is a legal concept that denotes the link between employers and employees. It is through the recognition of the employment relationship that domestic workers gain rights and protection (ILO, 2016b: 14-15).

evidence is needed to promote implementation of national regulations. However, there is no ‘one size fits all’ approach to formalisation. All informal workers share a set of demands, such as legal and social protection, but formalisation may be interpreted differently depending on the sector. For street vendors, legal and secure access to public space is a priority in the process of formalisation, whereas for waste-collectors, the issuing of occupational identity cards is important to increase their recognition as an official part of cities’ waste management systems (Chen, 2008: 206-207).

Vietnam is a country that has seen an increase in the number of domestic workers in recent years (Nguyen, 2015: 36). Through the R204 the ILO called on member States to pay particular attention to domestic workers in the process of formalisation as there is a high incidence of informality in the domestic work sector (ILO, 2017: 15). The R204 also acknowledged the importance of monitoring patterns in the informal work sector and highlighted the need for more data on the specific needs of informal workers in different sectors (ibid.: 37). This study responds to this call by analysing the formalisation of domestic workers in Vietnam using a qualitative case study methodology.

The lack of legal and social protection generally drives informality in the sector. In Vietnam, the rights of domestic workers were recognised for the first time in the 2012 Labour Code (Liu et al., 2014: 2). Two years later, the Government of Vietnam passed Decree No. 27/2014/ND-CP (hereafter Decree No. 27), detailing the implementation of employment practices of domestic work as outlined in the 2012 national Labour Code. To address informality amongst domestic workers, Decree No. 27 stipulates that written employment contracts must be in place and include the terms and conditions of the employment, including items such as work scope, bonuses, wages, hours of work and minimum rest periods. Decree No. 27 also requires that the employer pays the domestic worker an additional sum for participation in Vietnam’s social insurance system (Socialist Republic of Vietnam, 2014).

Extending legal and social protections to domestic workers is an important step in the process of reducing informality (ILO, 2016b: 32). National efforts to do so have intensified since the ratification of Convention 189 (C189) on Decent Work for Domestic Workers³ (McCann & Murray, 2014: 319). However, legal reforms do not always result in formality, especially in

³ The Government of Vietnam has not yet ratified C189 but plans to do so in 2020 (GFCD, 2018: 15).

situations where perceptions and practices contradict what the law was designed to address. Despite these laws, the underlying perceptions of both domestic workers and their employers have been found to shape employment practices and in turn, prospects for formalisation of domestic work (Dejardin, 2014: 16). Perceptions and practices are therefore crucial to examine closer to understand reasons behind compliance or non-compliance of a certain law - in this case, Decree No. 27.

The Government of Vietnam's Decree No. 27 reflects global efforts to formalise domestic work. Through an analysis of semi-structured interviews with employers, domestic workers and key informants, the overall purpose of this study is to contribute to an increased understanding of the formalisation process of domestic work in Vietnam. More specifically, this study aims to analyse domestic workers and employers perceptions and practices about domestic work in Ho Chi Minh City (HCMC), in light of the introduction of Decree No. 27. The following research question has been formulated:

Which practices and perceptions among both domestic workers and employers in Vietnam may contribute to formalisation, or the continuous reproduction of informality?

By answering this research question, this study contributes to the literature on domestic work and formalisation, but also towards the visibility of a generally 'invisible' group of workers in the informal economy. By producing empirical material about domestic work, this study aspires to inform and improve legislation in this area. As countries set out to deliver on the Agenda 2030 and its Sustainable Development Goals (SDGs), specifically SDG 8 on decent work for all, this study also contributes to ensuring that no one is left behind in the transition towards formality.

1.1 DELIMITATIONS

The problems that domestic workers face are numerous. Vietnamese domestic workers who migrate abroad through the government's temporary labour program lack labour protections and are found to be at risk of forced labour (Bélanger, 2014). However, this study focuses on *national* domestic workers as the international aspect was beyond the means and scope of this study. Child labour is another issue within the informal economy. Although prohibited in Vietnam, it still occurs in the informal economy where some children are found to be

engaged in domestic work (ILO, 2006; VNS, 2019). However, child labour is a sensitive research area which deserves a separate study and was therefore not included within the scope of this study. Additionally, since domestic work takes place behind closed doors, domestic workers are especially vulnerable to abuse, discrimination and exploitation (Sargeant, 2014). Due to the sensitivity of such vulnerabilities in the employment relationship, these aspects were not possible within the scope of this study. Instead, this analysis focused only on the employment practices that Decree No. 27 seeks to regulate.

1.2 OUTLINE

This paper consists of seven chapters. Chapter 1 introduces the study. Chapter 2 discusses the basis for the study and provides an overview of the current contextual and legal situation of domestic work in Vietnam. It also summarises Vietnam's social insurance system. Chapter 3 consists of a literature review of the informal economy, domestic work and formalisation of domestic work. Chapter 4 discusses the key theoretical perspectives of the informal economy, which is followed by an introduction to the study's conceptual framework that guides the analysis of the study. This chapter also introduces two of the study's key concepts: practices and perceptions. The subsequent Chapter 5 outlines the research methodology employed in the study design and in the collection and analysis of the data. Chapter 6 presents and analyses the findings of the study. The concluding chapter, Chapter 7, summarises the main findings of the analysis and provides directions for future research.

2. Background

This chapter provides the background to domestic work in Vietnam and the current regulatory framework protecting domestic workers. It also gives a brief introduction to Vietnam's social insurance system. This is to provide information about the context of Vietnamese domestic workers and employers, which is crucial to understand which practices and perceptions that may contribute to formalisation or the continuous reproduction of informality.

2.1 OVERVIEW OF DOMESTIC WORK IN VIETNAM

Since the *doi moi* economic reforms in 1986,⁴ domestic workers have been a key feature of the urban labour market in Vietnam (Nguyen, 2015: 36). Following the reforms, Vietnam has experienced rapid socioeconomic change, and the country's middle-class workforce has risen from only one million in 2000 to an estimated 13 million today (ILO, 2015a: 2). At the same time, Vietnam's population is ageing rapidly and many working-age women are at risk of being 'sandwiched' between the care of children and their ageing parents (Tsuruga et al., 2019: 3-4). In HCMC, Vietnam's largest city and setting for this research, women are increasingly turning to domestic workers, many who have migrated from more rural areas, to care for their homes, children and ageing parents. This phenomenon is not unique to Vietnam has been observed across societies in other regions that are facing a care crisis.⁵

Vietnam has made legal commitments to improving gender equality since the country's first constitution in 1946 stated that women and men are equal (UN Women, 2016: 12-13). However, social norms have been influenced by Confucian culture for centuries which emphasise patrilineal family systems and women's role as primary caregivers (ISDS, 2015: 21). These Confucian ideals have overlapped with state promoted Socialist ideals which prioritised the participation of women in the labour market. In the years after *doi moi*, changes to the socialist welfare system led to a shifting of responsibility towards the private

⁴ The Doi Moi, commonly translated as 'renovation', is the name given to the economic reforms introduced by the Communist Party of Vietnam that transformed Vietnam from a centralised economy to a socialist-oriented economy (La et al., 2019: 213).

⁵ This phenomenon is conceptualized as 'global care chains', in which a woman fulfils her domestic responsibilities by purchasing another woman's labour, usually from abroad, who in turn leaves her children in someone else's care. However, this phenomenon also occurs at a national level, usually through rural-to-urban migration (Pérez Orozco, 2009: 4-5).

household. For example, the number of publicly-funded childcare centres dropped from 40,000 to 13,000 following the reforms (Nguyen, 2015: 49). State campaigns have since promoted women's responsibility to create a 'happy family' by working hard and simultaneously maintaining harmonious family relations (Horat, 2018: 58).⁶ Recruiting a domestic worker can help solve this double burden but is a practice that is often done through informal networks of friends and relatives, which often in informal employment arrangements (ILO, 2016b: 21).

There are many types of domestic workers in Vietnam with various forms of employment arrangements. According to Nguyen (2010: 19), *live-in* domestic workers - those who live and work in the same household - is a common form of employment arrangement. Another form of employment is to work as a *live-out* domestic worker. Among domestic workers who live out of the home, some work full-time for one family, while others work part-time for several households. A *triangular* employment relationship involves the domestic worker, a household and a third-party enterprise (ILO, 2016b: 14). The various forms of employment arrangements create subgroups within the sector, reflecting the heterogeneity of domestic workers as a group of informal workers. Although Vietnamese domestic workers have different backgrounds and are of different age groups, the majority of domestic workers are women (GFCD, 2018: 52). The Ministry of Labor, Invalids and Social Affairs (MoLISA), who are responsible for the management of Vietnamese domestic workers, projects that 350,000 people will be employed as domestic workers by 2020 (Quang, 2017).

2.2 REGULATION OF DOMESTIC WORK IN VIETNAM

In Vietnam, employment relationships are regulated under the 2012 Labour Code.⁷ While domestic work was first mentioned in the 1994 Labour Code, domestic workers' rights were recognised in national law for the first time in 2012 when MoLISA revised the Labour Code (Liu et al., 2014: 2). In section five of the 2012 Labour Code, Articles 179-183 are allocated to the rights and responsibilities of domestic workers and their employers. Article 179 of the 2012 Labour Code provides a legal definition of a domestic worker:

⁶ It should be noted that this study was carried out in the south, and any study of Vietnam must take geographical differences into consideration. Before socialism was spread throughout the country after reunification in 1975, South Vietnam was less influenced by Confucianism and more by Buddhism and French colonialism. This makes generalisations about gender in Vietnam difficult (Phuong, 2007).

⁷ A new Labour Code was adopted by the National Assembly in November 2019 and will take effect on 1 January 2021. A major change in this new Labour Code is the recognition of electronic employment contracts. However, written employment contracts for domestic workers are still required (Trinh & Trinh, 2020).

A domestic worker is a worker who regularly carries out domestic work for one or more than one households. Domestic work includes cooking, housekeeping, babysitting, nursing, caring for elders, driving, gardening, and other work for a household which is not related to commercial activities. (MoLISA, 2012: 76)

Article 180 mandates the employer to enter into an employment contract with the domestic worker (MoLISA, 2012: 76-87). The employment contract establishes the employment relationship between the employer and the domestic worker and is therefore fundamental for protecting the rights of domestic workers (Liu et al., 2014: 8). While the mentioning of domestic workers in the 2012 Labour Code represent a gradual step in the process of formalising domestic work, it did not immediately transition domestic workers into formality. Although the 2012 Labour Code stipulates the signing of employment contracts, approximately 90 percent of Vietnam's domestic workers still work without an employment contract (VNS, 2017).

How to implement Articles 179-183 of the 2012 Labour Code became more clear when the Prime Minister signed the Decree No. 27 in April 2014 (GFCD, 2018: 21). Decree No. 27 details the implementation of the 2012 Labour Code. Decree No. 27 regulates the employment relationship by specifying which items the employment contracts must include, such as working hours and wages, duration of contract, and accommodation expenses and bonuses. In addition, Decree No. 27 mandates that the employer must pay the domestic worker an equivalent sum for participation in Vietnam's social insurance scheme (Socialist Republic of Vietnam, 2014a). The Local People's Committee⁸ is responsible for the supervision of the employment contracts, but there is no enforcement system in place to monitor compliance (GFCD, 2018: 139). Labour inspection is a central means to verify compliance with the law but is challenging since domestic work takes place in private households (ILO, 2015b: 17).

2.3 SOCIAL INSURANCE IN VIETNAM

Vietnam's social protection system is organised around four main pillars: labour market policies, social insurance, social assistance and basic social services (see Appendix A for an overview of Vietnam's social protection system). Vietnam's social insurance scheme is

⁸ The local People's Committee is the local state administrative body responsible for maintaining law and order.

divided into two schemes; compulsory and voluntary. Those in the compulsory scheme are insured in the event of work accidents, illness, maternity leave and survivorship (a one-time payment in the case of death to the statutory beneficiary). Pension is also granted after at least 20 years of social insurance contribution (Liu & Dang, 2019: 8-9). According to Article 186 of the 2012 Labour Code, participation in this scheme is compulsory for both employers and employees (MoLISA, 2012: 78), but this only applies to employees holding an employment contract of at least one month (Castel & Pick, 2018: 13). As such, workers without an employment contract are excluded from social insurance.

Since 2008, informal workers have had the option to participate in a voluntary social insurance scheme. However, participants in the voluntary social insurance scheme are not entitled to the same benefits as those in the compulsory scheme. The voluntary social insurance scheme only provides insurance in the event of survivorship and after 20 years of contribution, participants are entitled to a pension. Given the low incomes of informal workers, many are hesitant to sign up to the voluntary scheme as the monthly contributions are also higher for this scheme compared to the compulsory scheme (Nguyen et al., 2014: 57). GSO and the ILO (2016: 45) found that only 1.9 percent of the informal workforce participate in the voluntary social insurance scheme. Another contributing factor for low participation is that the voluntary scheme is tied to the household registration system, *ho khau*,⁹ which ties individuals to their place of residence (GFCD, 2018: 139). According to Liu (2019: 37), migrants must meet strict requirements such as continuous employment to transfer one's *ho khau* from one place to another. *Ho khau* has therefore been identified as a key barrier for migrants in accessing social insurance entitlements in urban settings.

⁹ Imported from China, and extended to the South after the reunification in 1975, *ho khau* has been used as a tool to control the population and restrict migration to the cities. Following economic reforms, *ho khau* has become less rigid but still limits access to public services for those without a permanent address (Liu & Dang, 2019: 3-6).

3. Literature review

As stated in the introduction, domestic work is one of the sectors with the highest share of informal employment. As an informal workforce they are part of the informal economy, which has been the subject of much previous research. The first part of this chapter gives a brief introduction to what is known about the informal economy. The subsequent section situates domestic work in the informal economy through a review of previous research. The final section discusses the literature on the formalisation of domestic work.

3.1 THE INFORMAL ECONOMY

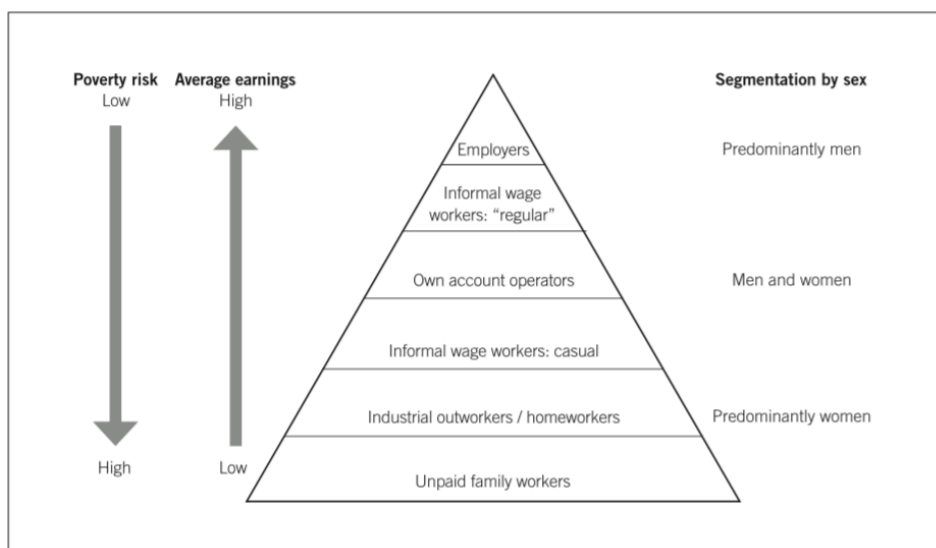
Notions about informality have changed over time. It was hotly debated already in the 1950s and 1960s by economists who argued that informality would gradually ‘disappear’ under modern capitalist development (Becker, 2004: 3). Any persistence of informality was perceived as ‘backwardness’ or ‘underdevelopment’ (Williams & Lansky, 2013: 363). Such thinking stems from economists such as Arthur Lewis who in his 1954 essay hypothesised that modern industrial development would eventually ‘absorb’ surplus labour in the developing South, also known as the ‘Lewis Turning Point’ (Chen, 2012: 2). However, the informal economy has not only persisted in the Global South, but it has also expanded in the Global North due to the informalisation of previously formal employment relationships and flexibilisation of the labour market. Consequently, different forms of precarious work have emerged, a phenomenon that is contradicting the European model of social security that was rolled out in the aftermath of the Second World War (Breman & van der Linden, 2014).

Generalisation of informality is difficult as it cuts across a whole range of economic activities. However, previous research has shown that a key characteristic of employment in the informal economy is a lack of social protection (Lund, 2006). Social protection can be understood as an umbrella term. It can roughly be divided into two broad categories: *social assistance*, which refers to non-contributory schemes such as cash transfers directed at people who are usually outside of the labour market, and *social insurance*, which are employment-based contributory schemes that provide workers with financial security in the event of, for example, unemployment, illness, maternity or old age (Barrientos, 2013: 25). Informal workers are often called the *missing middle* because they fall between these two categories of

social protection. They are not eligible for social assistance because they are not deemed to be ‘poor’, and they can be legally excluded from social insurance because their employment relationship is not recognised (Kidd & Damerau, 2016: 129). It should be stressed that the focus of this study is on domestic workers’ access to social insurance, not social assistance.¹⁰

As in the formal economy, the informal economy is segmented by gender. On a global level, 63.0 percent of men are employed in the informal economy compared to 58.1 percent of women (ILO, 2018: 20).¹¹ However, the informal economy is a greater source of employment for women in low- and middle-income countries (Chen et al., 2004: 26). Based on available data, the research network *Women in Informal Employment: Globalizing and Organizing* (WIEGO) developed a model to explore the links between informality, gender and poverty (see figure 1). WIEGO found that women, many of whom are migrants, are over-represented in the less visible and vulnerable segments of the informal economy. For example, many are employed as home-based workers or domestic workers, often working for piece-rate pay. The WIEGO model shows a hierarchy of poverty risk, in which women are more vulnerable to poverty during sudden economic shocks as they are less likely to be covered by social insurance¹² (Chen, 2012; Holmes & Scott, 2016).

Figure 1: WIEGO Model of Informal Employment - Hierarchy of Earnings and Poverty Risk (Chen, 2012: 9).



¹⁰ The terms social security and social insurance are sometimes used interchangeably. However, social insurance is a specific type of social security.

¹¹ These global results are heavily influenced by China and the Russian Federation.

¹² As such, extending social insurance to the informal economy’s missing middle is key for achieving the Sustainable Development Goal 1.3 on social protection coverage worldwide but also goal 5 on gender equality.

3.2 DOMESTIC WORK: WORK LIKE ANY OTHER, WORK LIKE NO OTHER

Working conditions of domestic workers differ from country to country, but previous research has shown that domestic workers share some key characteristics that contribute to informality. Research suggests that since the employment relationship takes place within the *private domestic sphere* - i.e., the employer's household - domestic work has been left unprotected and unregulated (Chen, 2011). According to Shahinian (2015: 133), the private sphere is socially constructed as a 'private matter', and therefore perceived to be beyond government regulation. Similarly, other studies suggest that because economic activities in the private sphere have not been considered to be 'productive work', in contrast to economic activities in the public sphere, it has left domestic work devalued and excluded from labour protections (Smith, 2011; Hatton, 2017).

Working in the private sphere, domestic workers are *invisible* as workers. Studies have shown that invisibility and isolation make domestic workers vulnerable to physical and psychological abuse (OSCE, 2010; Sunderland, 2006). Other research has shown that such vulnerabilities are further exacerbated by issues of ethnicity and class, particularly among migrant domestic workers (Anderson, 2004; Moukarbel, 2009). Invisible and isolated from others, domestic workers are one of the most challenging groups of workers to organise. However, other studies have shown how domestic workers are making the 'invisible visible' by organising themselves - another important aspect of formalisation¹³ (Jiang & Korczynski, 2016; Kraamwinkel, 2016).

Finally, domestic workers carry out intimate work that often creates a *personalised* employment relationship. Guarnizo and Rodrigues (2017) suggest that the more intimate and personal the employment relationship is, the more informal it becomes as familiarity can result in domestic workers having to accept longer hours or take on sudden, unplanned tasks. The personalised employment relationship "confuses and complicates the conceptual divide between family and work, custom and contract, affection and duty, the home and the world" (Qayum & Ray, 2003: 1). A study of domestic work in Turkey calls such an employment relationship an 'imaginary kinship', which often begins by recruiting someone through

¹³ Unions play an important part in the process of formalisation and the C189 recognises that domestic workers have a right to unionise. This aspect was not possible to assess in this study as the formation of independent labour organisations is prohibited in Vietnam, and there are currently no unions for domestic workers (Liu et al., 2014: 19).

informal networks of friends or relatives (Erdoğan and Toksöz, 2013). Consequently, domestic workers, particularly live-ins, are often perceived as ‘members of the family’, rather than as workers with rights. At the same time, other studies have shown that domestic workers often use the personalised employment relationship to improve working conditions in a disadvantaged context (Mendez, 1998).

3.3 FORMALISING DOMESTIC WORK

Formalisation is challenging due to the informal nature of domestic work. Nevertheless, countries’ efforts to do so have intensified since the ratification of the C189 (McCann & Murray, 2014: 319). Decree No. 27 reflects a global effort of formalisation, but no country-wide research has yet been carried out assessing its impact. In Vietnam, previous research on the informal economy has generally focused on the formalisation of small and medium-sized enterprises (Amadou, 2018; Rand & Torm, 2012). Despite little knowledge of the impact of Decree No. 27, the GFCF (2018: 26) argues that it has not yet facilitated access to social insurance since many domestic workers are migrants and are therefore excluded due to the *ho khau* system.

Previous studies have analysed the formalisation of domestic work in other contexts. A study by de Casanova et al. (2018) explored whether Ecuadorian domestic workers had obtained access to social security as had been stipulated by law in 2009. Results from a survey of 400 participants found that the majority of them had knowledge about their right to social insurance, but 79.2 percent were not registered in any scheme. A mix of reasons for low participation among the respondents was found, such as lack of time to enrol or the perception that there is no need to enroll. Some domestic workers also did not want to risk losing their job by insisting on their rights. Full-time workers were also more likely than part-time workers to be enrolled, indicating that even if domestic workers may be aware of their rights, their employment status may contribute to low enrollment. Similarly, de Melo Costa et al. (2016) analysed the effects of the formalisation of working hours for domestic workers in Brazil. Findings showed that the regulation of working hours had an impact on those working for only one household, but no observed impact was found for those working for several households. Through such findings, we can conclude that “the enforcement of laws is as important as the laws themselves” (de Casanova et al., 2018: 166), but also that regulations can have different effects depending on the employment relationship.

In contrast, many European countries have adopted an *industrialisation* approach to reduce informality in domestic work (Tomei, 2011: 189). This approach gives opportunities for the ‘professionalisation’ of domestic work through formal training and certification, which can strengthen domestic workers bargaining power (ILO, 2016a: 39). Rather than being directly employed by the household, domestic workers are employed through public or private enterprises, thereby establishing a *triangular* employment relationship. This does not necessarily eliminate the personalisation aspect. In Safuta and Camargo’s (2019) analysis of Belgium’s service voucher scheme, a policy that aimed to extend social insurance to domestic workers by triangulating the employment relationship, findings suggest that the introduction of third-party employment agencies did not remove personalisation. It is, however, argued that personalisation should not be seen as an obstacle to formalisation, but rather be acknowledged as a crucial aspect of domestic work, both for establishing lasting working relationships and for securing long-term employment.

In sum, previous research has shown that employment practices are highly informal, even in countries that regulate domestic work. However, little research has been carried out on the employment relationship between the employer and the domestic worker (ILO, 2014: 7). As domestic work takes place within the private domestic sphere, the employment relationship is often disguised as kinship (Dejardin, 2014: 8). As perceptions about domestic work can lead to justification for more informal employment practices, employers and domestic workers’ perceptions should be examined as this can help us understand what may contribute to formalisation, or the continuous reproduction of informality.

4. Theory

This chapter first aims to provide a theoretical context to the concept of formalisation. It does so by giving an overview of three traditional theoretical perspectives of informality, all of which have different approaches on how to bring about formalisation. It is argued that domestic work does not fit ‘neatly’ into any of these traditional macro perspectives. To analyse the formalisation process, the study used a framework that conceptualises formalisation as a continuum, which is introduced in the second section. Finally, the chapter discusses how domestic workers and employers practices and perceptions about domestic work as a way to increase the understanding of the formalisation process.

4.1 THEORETICAL PERSPECTIVES ON THE INFORMAL ECONOMY

The theoretical debate on the informal economy can be boiled down into three main perspectives. The *dualist* perspective, considered as the traditional view of informality, argues that the informal economy is a result of underdevelopment and inadequacy of modern job opportunities (Delaney & Macdonald, 2018: 103). The dualists view informal workers as comprising the ‘less advantaged’ sector of a dual or segmented labour market with few linkages to the formal economy. Today this notion is considered outdated as the informal economy is recognised as dynamically linked to the formal economy as it “produces for, trades with, distributes for and provides services to the formal economy” (Chen et al., 2004: 20). The dualist notion of formalisation was that informality would eventually disappear ‘naturally’ along with modernisation (Williams & Lansky, 2013: 360).

The *legalists*, sometimes referred to as the *neoliberal* perspective, argues that the continued existence of the informal economy is a result of government regulations and bureaucracy (Chen, 2012: 5). This perspective is often applied to explain the behaviour of entrepreneurs within the informal economy, and argues that these workers deliberately avoid costly government regulations when establishing or operating an enterprise. Advocates of this perspective argue that simplified bureaucratic procedures, often in the form of deregulation, will encourage enterprise entrepreneurs to operate formally and in turn facilitate formalisation (Chen, 2008: 204).

The *structuralist* perspective emerged as a critique of the dualist perspective, arguing that the informal economy is linked but subordinated to the formal economy (Chen, 2016: 408). According to the structuralists, the continued existence of the informal economy is a result of the nature of capitalist development itself, rather than a lack of economic growth. Rooted in Marxism, structuralists argue that businesses avoid government regulations by implementing flexible labour arrangements such as subcontracting, outsourcing and piecework - especially in the Global South (Turner, 2009: 369). Structuralists advocate for the government's role in regulating employment relationships to remove structural barriers to bring about formalisation. The aim of such an approach is not to 'eradicate' the informal economy per se, but rather to bring informal workers into the 'sphere of formality' by extending legal and social protection (Chen, 2008: 204; Williams & Lansky, 2013: 368).

According to Chen (2011: 174-175), domestic work does not fit 'neatly' into any of these three macro perspectives. Except for the structuralist perspective, the formalisation debate has been focused on the self-employed in informal enterprises (i.e. unregistered enterprises) and not on informal wage workers (i.e. workers who work in insecure and unprotected jobs without social insurance). The focus has also been on the cost of formalising enterprises, rather than focusing on the benefits of formalisation for informal workers. While domestic workers may be 'subordinated' to their employers as per the structuralist view, the employer is most often a private household and not a corporate business.

4.2 THE INFORMALITY-FORMALITY CONTINUUM

Economic activities were for a long time perceived as either formal or informal, but never simultaneously both (Williams & Nadin, 2012: 5). Such a notion stems from a dualist perspective, but today it is recognised that informality and formality are two ends of a *continuum*, rather than being mutually exclusive units.¹⁴

This study used a conceptual framework developed by ILO to analyse the formalisation process of domestic work in HCMC, Vietnam (see figure 2). In line with recent and more nuanced thinking of informality, the framework conceptualises formalisation as a continuum. At the one end, informality is the absence of legal recognition for certain workers in labour

¹⁴ The ILO promoted the dualistic perspective of informality in the 1970s. However, since the adoption of the statistical term informal *economy* at the ILC in 2002, which replaced the term informal *sector*, the existence of a continuum rather than a dichotomy has been emphasised by the ILO (Becker, 2004: 8).

legislation. On the other end, absolute formality is social security coverage or the existence of employment contracts. As one proceeds along the continuum, there are various degrees of informality and formality, meaning that while domestic work may be formal at the one end of the continuum, it can be informal at the other end. Formalisation can then be conceptualised as the gradual process of transitioning workers from the informal towards the formal end of the continuum (ILO, 2016b: 12-13). The framework was chosen because it captures both the social and legal aspects of formalisation. To only focus on one of these aspects in this study would risk ignoring crucial elements of the formalisation process as these socio-legal aspects are closely intertwined.

Figure 2: The informality-formality continuum in domestic work (ILO, 2016b: 13).

Dimensions	Indicators	Informality	Formality
Labour rights legal framework	i) Legal recognition of employee status with associated entitlements as an employee	Not recognized by law; or partly recognized	Recognized and governed by law
Social security rights legal framework⁴	i) Legal recognition of social security coverage of domestic workers ⁵ Note: Exclusions may still occur due to differences in entry and eligibility requirements (for example in case of exclusion of some categories of part-time workers, those with multiple employers, or those who work less than a certain number of hours per employer.)	Not recognized by law	Recognized and covered by law
Declaration & registration with public authorities (social security and administrative units depending on national regulatory system)⁶	i) Social security registration	Not registered	Registered
	ii) Payment of contributions to the social security system	Not paying	Paid
	iii) Registration with administrative unit (depends on national regulations)	Not registered; undeclared work	Declared work
Formal employment practices	i) Employment contract with terms of employment (tasks, wage, hours)	No agreement	Oral or written contract
	ii) Record of payment; payslip	No payslip	Payslip

While the background section of this study provided the legislative structure relevant to the framework's two first legal dimensions, the findings and analysis section focuses on the two remaining dimensions of the framework, namely, social security registration and formal employment practices. According to the framework, indicators of informal employment practices are, for example, the lack of an employment contract. This framework serves as a good guide to structure the analysis, but simply 'ticking off' indicators of informality/formality may risk simplifying the process of formalisation. It also says little about how the employment relationship manifests in terms of employment practices despite what is written in the law. Legal frameworks, such as Decree No. 27, is a precondition for formalisation, but all employment relationships operate through social norms which affect the formalisation process and must therefore also be considered.

4.3 PRACTICES AND PERCEPTIONS

An employment relationship is not just a legal structure but one that operates through social norms. Social norms can be understood as "the unwritten rules shared by members of the same group or society" (Legros & Cislighi, 2020: 62). Although closely interwoven, social norms differ from *attitudes*, which refer to an individual's preferences about something (ibid.). Social norms are informal and evolve naturally over time, but they can also change quickly. *Legal norms*, on the other hand, are formal and produced by governments that seek to change society (Vargas-Falla, 2013: 233).

Having clarified what social and legal norms are, it is time to clarify the concept of social practices as this is part of the study's analysis. Social practices can be understood as a result of social norms in action (Vargas-Falla, 2013: 234). Social practices are often studied within a certain group to understand reasons behind compliance or non-compliance of a certain law. Practices are therefore a central focus of the analysis. In this study, social practices will hereafter be understood as employment *practices* which are, for example, participation in social insurance schemes or the existence of an employment contract (ILO, 2014: 16). More specifically, the study will explore the employment practices that Decree No. 27 seeks to regulate. These employment practices are also part of the third and fourth dimension of the study's conceptual framework.

There are also underlying *perceptions* about the employment relationship that may shape employment practices. Employers and domestic workers' perceptions, in spite of what the law says, are important to explore in order to understand formalisation since legal reforms do not necessarily bring about social change. Since domestic work takes place in the private domestic sphere, perceptions about domestic work as not 'real' work may, for example, contribute to informality. In combination with a lack of non-compliance and enforcement, laws can also be left ineffective and does not lead to the intended social change. In some circumstances, legal reforms can even force practices underground (Legros & Cislighi, 2020: 75). Perceptions are therefore crucial to study to understand how these may influence the employment relationship and thus formalisation. Perceptions are defined as "the way one thinks about, or understands, something or someone" (Dejardin, 2014: 17). By focusing on practices and perceptions, this study takes a step away from the macro perspectives that have generally dominated studies of informality towards micro-level experiences of a macro-level change.

4.4 LIMITS TO FORMALISATION

There are limitations to formalisation that must be understood. To begin with, formalisation is not a one-time process made up of precisely defined steps. Rather, it is a slow, on-going process of different steps towards formality (Chen & Vanek, 2013: 396). Such a process does not proceed quickly, nor automatically. Local circumstances must also be considered and representatives from the sector should be consulted according to the R204 (Chen, 2008: 206; ILO, 2017: 33). Decree No. 27 can be seen as a legal reform but laws do not necessarily bring about changes in employment practices, especially where perceptions and social practices might contradict what the legal framework sets out to regulate (Vargas-Falla, 2013: 233). As such, domestic workers may enjoy a number of legal and social rights that in practice have no effect on their daily lives. In such circumstances "the continuum of informality-formality becomes clear when legal frameworks provide entitlements for domestic workers, yet are ineffective in practice" (ILO, 2016b: 12).

5. Research methodology

This section outlines the research methodology employed to design the study and to collect and analyse the data. Philosophical assumptions guiding the study, ethical considerations and limitations are also discussed.

5.1 THE RESEARCH DESIGN

A qualitative, single case study design was applied to analyse the formalisation process of domestic work in HCMC, Vietnam. The research previously carried out on this topic has so far been limited. A qualitative study design was therefore employed, which has been suggested as a suitable approach when embarking on an under-researched topic as it is more exploratory than a quantitative approach (Creswell, 2007: 35). A qualitative approach was chosen as it is more applicable for an investigation of practices and perceptions where this qualitative information can be difficult to capture using quantitative methods (Dejardin, 2014: 20). The case study design enabled the study to take an in-depth analysis of domestic work in Vietnam. Another advantage of the case study design was the use of several sources of data that captured different perspectives of the employment relationship (Denscombe, 2014: 63).

At the same time, qualitative research has often been criticised due to the limited generalisability of findings. It has also been criticised for being too subjective (Bryman, 2012: 405-406). While such weaknesses must be acknowledged, the study was based on a small sample that does not allow for generalisation. Rather, the focus of qualitative research regards the *transferability* of findings (Denscombe, 2014: 299). Transferability was enabled through providing a ‘thick description’ of both the context and the findings that allow the reader to assess the transferability of the presented results (Mertens, 2011: 29). With regards to the issue of subjectivity, the findings deriving from qualitative data is always the product of a process of interpretation. This means that the results are never free from the influence of the researcher (Denscombe, 2014: 300), which is discussed in the following section.

5.2 ONTOLOGICAL AND EPISTEMOLOGICAL ASSUMPTIONS

As the social world can be approached from different competing perspectives, the philosophical assumptions guiding the analysis must be acknowledged (Denscombe, 2010:

117). The ontological position of the study is anchored in a constructionist perspective that assumes that the social world is constructed through people's subjective perceptions, meaning that we do not experience the social world objectively. Such an ontological assumption means that research is aimed at examining different perceptions of the social world, rather than assuming that the social world is an objectively fixed reality that can be measured or tested empirically (Moses & Knutsen, 2012: 8-10).

As such, the epistemological perspective for this study is an interpretivist approach, meaning that we come to know about the social world by interpreting it (Denscombe, 2010: 119). The implications of departing from such a perspective mean that double interpretation has occurred as I, the researcher, will interpret others' interpretations (Bryman, 2012: 31). Such a standpoint may raise questions about the rigour of the research, but within qualitative research, it calls for a reflexive account of the researcher, which is found in section 5.6.

5.3 DATA COLLECTION METHODS AND SAMPLING STRATEGIES

Semi-structured interviews were the primary source of data collection method selected. I decided to use this interview approach as it has the advantage of providing a structure for the interview using pre-determined open-ended questions (see Appendix B for interview guides). At the same time, it allowed for me to be able to seek clarification on the answers given (May, 2014: 134). The number of research participants was not decided beforehand as case study research seeks depth, rather than breadth (Denscombe, 2014: 57). Data collection instead continued until data saturation was reached - defined as the point where no new findings are emerging (Stewart-Withers et al., 2014: 63). I carried out data collection from 20 November 2019 until 8 January (see Appendix C for the full list of participants).

In addition, secondary data was generated through a desk-top search of online databases such as LUB Search and Google Scholar. The secondary data consisted of academic articles on the informal economy, domestic work and formalisation of domestic work which was used in the analysis for triangulation of findings.

5.3.1 INTERVIEWS WITH DOMESTIC WORKERS AND EMPLOYERS

A total of nine female domestic workers were interviewed. The purpose of the interviews was to gain information about the nature of their employment relationship and working

conditions. Domestic workers can be considered as a ‘hard-to-reach’ population (Atkinson & Flint, 2001). They work long hours and most live-in domestic workers can only take Sundays off. Establishing contact was difficult, so I used a mix of snowball and convenience techniques. None of the domestic workers that I interviewed spoke English so I had to coordinate these interviews with an interpreter, which also presented challenges. The network that I had established the months before the data collection period was decisive for the study’s outcome. As a result, the final sample is made up of three live-in and six live-out domestic workers.

In addition, I interviewed three employers. These employers were all female and were purposively sampled based on their experiences of employing a live-in domestic worker. Exploring what Guarnizo and Rodrigues (2017: 1) calls the ‘demand-side’ - i.e., the employer’s perspective - can help us understand the dynamics of informality in the employment relationship. It was also easier for me to conduct these interviews as I did not have to use an interpreter. However, employers can also be considered a hard-to-reach population as they may want to protect their privacy because of non-compliance with, for example, minimum wage or other labour standards (Dejardin, 2014: 53). These interviews strengthened the study as I could use direct and longer quotes for the analysis in contrast to the interviews with the domestic workers as the interpreter used a non-literal translation technique.

5.3.2 KEY INFORMANTS INTERVIEWS

In addition to interviewing domestic workers and employers, three key informants were interviewed. The purpose of the key informant interviews was to gain information-rich samples, rather than finding representative samples (Moore et al., 2011: 253). The key informants were sampled through purposive sampling technique, in which respondents were deliberately selected based on their expert knowledge of the study context (Bryman, 2012: 418). The key informants provided information about the study’s context and information about barriers to formalisation in Vietnam that were used to triangulate the findings.

5.4 DATA ANALYSIS

A thematic analysis method was employed to analyse the collected data. This method was selected as it has the advantage of analysing the perspectives of several different participants

and can be used to summarise themes. However, a disadvantage of a thematic analysis method is a general lack of coherence when developing themes based on the data set, which can make it difficult to evaluate the trustworthiness of the data (Nowell et al., 2017: 2).

To ensure rigour, I followed a six-step method outlined by Nowell et al. (2017). It departs from Lincoln and Guba's criteria for conducting a trustworthy thematic analysis in which the researcher must ensure transferability, dependability, confirmability and reflexivity. Once familiarised with the data (phase 1), initial codes were generated (phase 2). Themes were then identified (phase 3), reviewed (phase 4) and finally named (phase 5). As I collected the data over a period of two months, data collection and analysis was conducted simultaneously, thus causing an overlap of some steps in the thematic analysis. I transcribed the interviews manually shortly after each of the interviews, which enabled familiarisation with the data. Topical-oriented themes of the employment relationship were mapped out according to the third and fourth dimensions in the study's conceptual framework. Once patterns between the themes were established, the final phase (6) consisted of a write up of the final analysis in which rich and thick descriptions sought to add validity to the findings as recommended by Creswell (2007: 178).

5.5 ETHICAL CONSIDERATIONS

Domestic workers are among the most vulnerable groups of workers due to a lack of legal and social protection. I therefore assessed the LUMID self-evaluation questionnaire prior to designing the study and found that the study would entail minimal risk. Therefore, it was not necessary for me to contact the LUMID Ethics Advisory Boards. However, to minimise any potential risks, the study was conducted in line with the Swedish Research Council's (Vetenskapsrådet) four basic requirements for conducting ethical research. These requirements are 1) information requirement; 2) consent requirement; 3) confidentiality requirement; and 4) use requirement (Vetenskapsrådet, 2002: 7-14).

Informed consent ensures that the participants have a full understanding of the purpose of the research and that they participate voluntarily knowing that they can withdraw at any time (Banks & Scheyvens, 2014: 164). All participants were provided with a consent form to sign before the interview began (see Appendix D and E for consent form in English and Vietnamese). Some domestic workers felt uncomfortable when they were given the consent

form, as this added a level of formality to the interview situation. In these cases, I was given verbal consent after the participants had read the consent form. The names of all participants have been changed to ensure their anonymity as I did not want to put their job security at risk. Recordings and transcripts were stored at a password-protected computer to ensure confidentiality.

5.6 POSITIONALITY AND REFLEXIVITY

Conducting development research in the Global South poses several challenges, particularly due to the power relations between the researcher and the 'researched' (Scheyvens & Leslie, 2000: 120). Acknowledging positionality and paying close attention to issues of reflexivity in one's research is therefore a critical element for conducting ethical research (Sultana, 2007: 376). As a white female master's student from a Northern European welfare state, the lived experiences between myself and the study's participants are wide. Vietnam is a post-socialist research context where the heritage from Confucianism have reinforced social hierarchies in terms of age, gender and status, and that discourage the questioning of authority (Scott et al., 2006). Differences were also further complicated by language barriers which can create further distance between the researcher and the research participants (McLennan et al., 2014: 157). I acknowledge that this may have affected the quality of the data and I ask the reader to take this into consideration.

As none of the domestic workers spoke English I carried out these interviews with the support of an interpreter. As such, the interpreter's positionality must therefore also be considered (Hammett et al., 2014: 151). Over the data collection period, I hired two different interpreters to assist with translation, and I considered it important to have a female interpreter because discussions around the employment relationship can be personal as some domestic workers may not want to be critical of their employer. The second interpreter, who helped conduct the majority of the interviews, was from the capital Hanoi. As the majority of the domestic workers had migrated from rural parts of South of Vietnam, there was not only a rural-urban divide but also a North-South divide between the interpreter and the interviewees which may have created additional distance between the interpreter and the interviewees. To further attempt to minimise problems that can arise from interpretation, I ensured that the interpreters were well informed about the purpose of the study and why certain questions

were asked before the interviews took place as recommended by McLennan et al. (2014: 157).

5.7 VALIDITY, RELIABILITY AND LIMITATIONS

The methodology employed in designing this study gave rise to several limitations that might weaken the validity and reliability of the data and these must be acknowledged. The interview language is a central aspect in the production of knowledge (Hammett et al., 2014: 151), and the usage of an interpreter may have brought additional biases to the data (Temple & Young, 2002: 163). Biases may have been brought to the data as the interpreter used non-literal translation instead of direct translation. To reduce potential biases and to ensure trustworthiness, a triangulation approach was used as a validation strategy (Creswell, 2007: 177). Another limitation regards the sample, in which the ho khau status¹⁵ of the domestic workers were never collected. The analysis does therefore not go into depth whether exclusions from social insurance occur due to the ho khau system, but it has been briefly mentioned in the study's background as it is important for understanding the country context.

Another limitation regards the conceptual framework employed in this study which was chosen for its depiction of the informality-formality continuum in domestic work. This framework is not an established academic framework per se, but rather a policy framework as it was published in an ILO publication. While this may limit the theoretical depth of the study, the framework departs from recent thinking of the informal economy, which argues that formality and informality are two ends of a continuum. It was therefore suitable for this particular study as it considers key indicators to consider in an analysis of the formalisation process. Although it can be considered a policy framework, it should be noted that the publication was developed by ILO specialists on domestic work with an academic background. However, practices and perceptions were explored in each indicator and dimension of the framework in order to strengthen the theoretical depth that the framework may lack.

6. Findings and analysis

¹⁵ As mentioned, access to public services depends on one's ho khau status, which consists of four categories: permanent (KT1 and KT2) and temporary registration (KT3 and KT4). While the KT3 have some services by paying, KT4 have no access to any form of social protection (Liu & Dang, 2019: 5-7).

This section presents an analysis of the findings of the study, under the framework of the informality-formality continuum framework and in line with previous research on this topic. This is to answer the research question which practices and perceptions among both domestic workers and employers may contribute to formalisation, or the continuous reproduction of informality. Following the logic of the framework, the first part of my analysis focuses on social insurance registration while the second section examines formal employment practices.

6.1 THIRD DIMENSION: SOCIAL INSURANCE REGISTRATION

According to the third dimension of the informality-formality framework, domestic workers' registration in a social insurance scheme is an indicator of formality. In Vietnam, Decree No. 27 stipulates that the employer must pay the domestic worker an equivalent sum for social insurance participation (Socialist Republic of Vietnam, 2014). The effects of this legislation, however, is not visible in the working situation that the study participants reported. None of the domestic workers interviewed for this study received extra pay for participation in social insurance. Neither did any of the employers interviewed pay their domestic workers an extra sum for social insurance participation. These findings indicates a high level of informality.

As mentioned in the background chapter, Vietnam has both a compulsory and voluntary social insurance scheme. Participation in the compulsory scheme is mandatory for all workers with an employment contract of at least one month (Castel & Pick, 2018: 13). In theory, domestic workers 'belong' to the compulsory social insurance scheme. However, as highlighted in the informality-formality framework, even if domestic workers are eligible to social insurance they often face barriers due to specific eligibility requirements. In Vietnam, an employment contract is required to be able to participate in the compulsory social insurance scheme (GSO & ILO, 2016: 47). As 90 percent of domestic workers lack employment contracts (VNS, 2017), a large majority of domestic workers are consequently excluded from participating in the compulsory scheme, due to this eligibility requirement. Like many other workers in the informal economy, domestic workers' remaining option to access social insurance is through the voluntary social insurance scheme.

However, as participation in the voluntary scheme is not required by law, taking part in the voluntary social insurance scheme requires that domestic workers are familiar with this opportunity. When asked about the voluntary social insurance scheme, none of the domestic

workers interviewed for this study were aware that this was an option available to them. These findings correspond with GFCD (2018: 139), who concluded that most domestic workers were not aware of the voluntary social insurance option. According to Nguyen et al. (2014: 58), the low awareness and participation can partially be explained by the fact that in Vietnam, informational campaigns on social insurance mainly target workers in Vietnam in the industrial manufacturing zones in the outskirts of urban centres. This might explain the lack of knowledge that is apparent among respondents in this study, even if this may be interlinked with other causes. It seems, however, that this knowledge gap is one significant contributor to the lack of social insurance among domestic workers.

Similarly, none of the employers interviewed for this study knew that they had to pay an additional sum for social insurance. Phuong, for example, who employs one female live-in domestic worker in her household in central *Binh Thanh* district stated that:

“I have not heard of any law about saying that I should pay her extra for social insurance. I didn’t know that this was law.” (Interview with Phuong, 22 December 2019)

This indicates that the lack of knowledge about rights and responsibilities goes both ways, among both employers and domestic workers.

Another perception that was communicated by respondents was scepticism towards the idea of social insurance - particularly towards the pension system. Anh, a live-out domestic worker in her mid-60s, took up domestic work when she could no longer make ends meet after her husband left her in 2016, which is why she is working as a domestic worker. Anh used to work within the formal economy and receives a monthly pension through her old work, but the monthly pension is not enough to live off. She explained that she thinks it is better to save that money herself, rather than pay monthly contributions to the voluntary social insurance scheme. She says she is lucky because “for now she is healthy” and therefore does not need any insurance (Interview with Anh, 8 January 2020). To receive a monthly pension, workers have to contribute to the scheme for at least 20 years (Nguyen et al., 2014: 57). The GFCD (2018: 139) argues that one of the main reasons that domestic workers do not participate is because they are in middle or older age and the duration to enjoy pension is too long which is reflected in the case with Anh.

In addition, two domestic workers explained that they expected to be taken care of by their children when they decide to retire. Such findings correspond with Nguyen et al. (2014: 59) who suggested that many people were not interested in social insurance as an established practice in Vietnam is the informal care of older people by their children, a practice influenced by Confucian traditions which emphasise care for ageing parents (Nguyen, 2018: 153). This was also confirmed by one key informant who explained that there is not yet an established culture of social insurance in Vietnam, particularly in regards to the pension system, as this is a relatively new concept in Vietnam before it became mandatory for all workers in the formal economy in 1995.¹⁶ In contrast, many European countries have a long history of such systems as social security was used as a tool for social reconstruction after the Second World War (Cichon, 2013: 25).

It should be noted that while the family may still function as retirement security in Vietnam, traditional norms around family structures are undoubtedly shifting. For example, a survey found that 62 percent of the working-age population expects the government to provide them with a pension, whereas only 22 percent expects to be dependent on their family (Tsuruga et al., 2019: 4). Nevertheless, notions about the family as a support system for older people paired with scepticism towards the pension system could be an important perception that may contribute to informality.

The indicator of informality in the third dimension of the conceptual framework is that domestic workers are registered in social insurance schemes. The results discussed above in relation to the framework's third dimension suggests that domestic work in Vietnam is informal as none of the respondents have social insurance. Domestic workers are excluded from the compulsory social security system as they do not have written employment contracts, which is explored in the second section of the analysis.

Despite legislation being in place, these findings suggest that a legal framework does not immediately translate into changed formal practices. While the low social insurance registration amongst the domestic workers can be explained by a lack of enforcement, findings also revealed perceptions about social insurance that may contribute to the

¹⁶ Vietnam's pension system stretches back to 1962, but it only covered employees in the state sector. The 1995 pension system reform made participation mandatory for workers in the private sector (Castel & Pick, 2018: 13).

continuous reproduction of informality. There is a lack of knowledge about the voluntary social insurance system but also a notion of scepticism towards social insurance in general, particularly towards the pension system. Additionally, the lack of knowledge about rights and responsibilities regarding social insurance is a significant contributor to informality according to this indicator of the framework. Consequently, the lack of social insurance leaves domestic workers unprotected in the event of a job loss during due to, for example, a sudden economic downturn.

6.2 FOURTH DIMENSION: FORMAL EMPLOYMENT PRACTICES

This section explores the fourth dimension of the framework, which encompasses formal employment practices. During the thematic analysis, a number of themes regarding employment practices emerged that are not mentioned in the framework, such as wages and hours of work. However, these were considered relevant to include in the analysis as Decree No. 27 seeks to regulate these practices and progress towards formalisation.

6.2.1 EMPLOYMENT CONTRACTS

According to the framework's fourth dimension, the practice of establishing a written employment contract that details the terms and conditions of the employment is an indicator of formality (ILO, 2016b: 13). Decree No. 27 stipulates that employers must enter into an employment contract with their employee (Socialist Republic of Vietnam, 2014). Despite this regulation being in place, only one of the nine respondents interviewed for this study had a written employment contract. Such findings also correspond with results from GSO and ILO surveys (2016: 42), which showed that 76.7 percent of workers in Vietnam's informal economy lacked employment contracts of any kind, either written or verbal.¹⁷

The respondents gave different reasons for not negotiating a written employment contract. Panh, who employs three domestic workers in her household in *district 7*, a more affluent area of HCMC, said that the usage of written employment contracts would affect the arrangements of having a live-in domestic worker:

Panh: "If you make it so formal with a contract... then it does not work... the relationship. It won't work."

¹⁷ A written employment contract is not only mandatory under Decree No. 27. Under the 2012 Labor Code, all employers must enter into a written employment contract with the employee (MoLISA, 2012: 15-20).

Interviewer: “What about it won’t work?”

Panh: “It won’t be a live-in anymore. Because when you live-in... It can’t just be an employee employer relationship... Because you are in the same house, in the same home even. So, in that sense I think that would change a lot. That there won’t be a culture of having someone live in your house. It would be more of the Western way of having people come for a few hours, like through a professional company. It would just strictly be cleaning. Because now we have emotional support from them as well, to help the kids grow.” (Interview with Panh, 4 January 2020)

One of the live-in domestic workers interviewed, Trinh, has been a live-in for the same family for six years. Her mother used to work for the same household before she moved in with the family. She has a verbal agreement with her employer, which includes her monthly salary and days off for the *Tet holidays* (Vietnamese New Year). Trinh explained that she has a “very close relationship” with the family she works for as they come from the same city in the Mekong Delta Region (Interview with Trinh, 20 November 2019). Recruiting a domestic worker from the same hometown can contribute significantly to the establishment of a personalised employment relationship, as can be reflected in the case with Trinh. According to the employer Panh, recruiting a domestic worker from your hometown is a common practice for Vietnamese urban households:

“She [the domestic worker] is three hours away from here. And she is from the same hometown as we are. Which is a very common thing for everyone, to take someone from their own hometown.” (Interview with Panh, 4 January 2020)

However, informal recruitment practices often lead to informal employment practices, such as the absence of an employment contract (ILO, 2016b: 21). The usage of informal networks of friends, relatives or colleagues or ‘word-to-mouth’ hiring practices were common when employing a domestic worker among the respondents. One employer explained:

“If someone has to move back [to their hometown], they will introduce us to someone else. It just works like that.” (Interview with Dung, 6 January 2020)

The use of informal networks is also largely due to the intimate nature of which domestic work is performed - the private household - which makes the basis of trust important for the employer. However, the usage of personal networks contributes to what Erdoğan and Toksöz (2013: 5) call an ‘imaginary kinship’ relationship. It is in this imaginary kinship relationship that the employer may perceive the employment contract as ‘worthless’ as the domestic worker can ‘trust’ the employer, as suggested by one employer who often referred to her employees as members of her family¹⁸ throughout the interview:

“That piece of contract... and what it’s supposed to offer is worthless compared to... if you are an informal member of the family. It is more secure than a contract.” (Interview with Panh, 4 January 2020).

The informal recruitment practices between urban households and friends and families in poorer rural areas also reflected the perception that employers were doing the domestic worker a favour by providing them with ‘just something’ so that the domestic workers can start their city lives, as can be reflected in the quote below:

“It’s like they are begging to come. They just want something to start with and some of them stick with the job as domestic workers and some move on, but that is like the beginning of the city life for them.” (Interview with Panh, 4 January 2020)

With the loosening of the *ho khau* system in post-*doi moi* Vietnam, rural migration towards the cities has increased. Women make up approximately 52 percent of all migrants, many of whom find employment as domestic workers (Anderson et al., 2017: 5). However, domestic work is often perceived as a temporary stepping stone to more formal parts of the urban labour market (ILO, 2016b: 25). Hien, a live-out domestic worker in her mid-twenties, explained that she plans to work with something else in the future. She perceives her current employment as “something to do for now” (Interview with Hien, 8 December 2019). Similarly, Yen, also a live-out domestic worker in the same age as Hien, stated that a verbal agreement makes her work more flexible as she can leave “whenever she wants” (Interview with Yen, 8 December 2019).

¹⁸ It should be noted that in Vietnam people address each other with family pronouns such as brother, sister, uncle, which changes depending on age, gender and level of familiarity with the person.

Domestic work is characterised by a high turnover of workers in which flexible verbal agreements make it easy for both employers and employees to start and end employment relationships (Erdođdu & Toksöz, 2013: 3). Flexibility can also give the domestic worker a perceived sense of control over the employment relationship, as reflected in the case with Yen. However, while domestic work may be perceived as an easy entry to temporary employment, many Vietnamese migrants are confined to work informally as their low levels of education will make it hard to access the more formal parts of the labour market (Anderson et al., 2017: 14). Both Yen and Hien had been working as domestic workers for two years, but their aspirations to work with something else highlights the importance of using a professionalisation approach towards formalisation so that domestic workers can receive skills training and certification that might support the advancement of their careers and strengthen their position within the employment relationship.

In sum, the absence of an employment contract detailing the terms and conditions in combination with a personalised employment relationship can lead to requests for sudden and unplanned tasks that were not initially included in the employment agreement. This may be a significant contributor to the reproduction of informality. However, this may be more problematic for live-in domestic workers than for live-out domestic workers who are not always dependent on a single employer and may therefore find it easier to end the employment relationship. Altogether, the absence of the employment contract is not perceived among the respondents as something completely negative. On the contrary, the majority of the respondents found the flexible relationship with their employer to be a possible advantage, particularly for live-out domestic workers who may not want to tie themselves to a single employer by signing an employment contract. Nevertheless, these perceptions and practices clearly reinforce the informal nature of the working situation.

6.2.2 RECORD OF PAYMENT

According to the framework, a record of payment, such as a payslip, is another employment practice that indicates formality (ILO, 2016b: 13). Similar to a written employment contract, a payslip can play an important role in the formalisation process as it helps to better document the employment relationship and for ensuring compliance with wage regulation. None of the respondents interviewed for this study, except for one, were given payslips.

However, Decree No. 27 does not regulate that payslips should be given to the domestic worker.

The practice of payslips can help the domestic worker to resolve practices regarding incomplete or delayed payments, which is common in domestic work (ILO, 2012: 84). However, some of the live-out domestic workers' payment practices with their employers were highly informal which could make the introduction of payslips difficult. Thao, a live-out domestic worker who is working for several employers, explained that one of her employers leaves money for her on their kitchen table at the end of each week. Sometimes her employers forget, and she must remind her by sending a text message (Interview with Thao, 17 December 2019).

Thao, like all domestic workers, performs invisible employment practices. According to Smith (2013: 455), carrying out invisible practices are challenging because it goes unnoticed by society. When invisible work is repetitively performed, it becomes routine and may fall into the background and are eventually taken for granted which was reflected in Thao's story. This is further exacerbated by the fact that domestic work takes place within the private sphere, far away from the public eye. Employment in private household, that is a key characteristic of domestic work, contributes to the isolation of domestic workers which can make it difficult for domestic workers to demand rights.

In addition, employers do not always perceive themselves as employers and the tasks that domestic workers perform as work (Chen, 2011: 181). Introducing more formal practices may therefore be challenging in employment relationships where the employer does not perceive it as a working relationship, as reflected in the quotes below:

“It's not a boss and employee kind of relationship. It's somewhere in between.”
(Interview with Phuong, 22 December 2019)

“I guess I am her boss but she is more like family, you know. I can talk to her about my kids and almost everything, because we know each other well.” (Interview with Dung, 6 January 2020)

Similarly, the employers' perception of live-in domestic workers as members of the family may contribute to the continuation of informality. When asked about payslips, one employer rhetorically asked:

“Would you have a labour contract or payslip with your family? No? It is the same.”

(Interview with Panh, 4 January 2020)

The one respondent that received a monthly payslip was Tuyen, who is the only domestic worker that is in a triangular employment relationship. She explained that she makes herself available for work through her company's app by which she receives bookings, similar to how drivers get bookings through *Grab* - Southeast Asia's Uber (Interview with Tuyen, 8 January 2020). Her employment relationship resembles the European approach in which the domestic worker is employed through a licensed enterprise instead of by a private household (Tomei, 2011: 189). Tuyen receives a monthly digital payslip and she is the only respondent who holds a written employment contract. Her employment arrangement can therefore be considered to be 'formal' according to the study's framework. However, she is not registered in social insurance because she is not reaching the required working hours each month. Although this triangular approach has potential for formalisation, domestic workers in a triangular employment relationship can still be considered to be informal due to the lack of social insurance, as reflected in Tuyen's story. This clearly highlights the continuum, where domestic work can be formal according to one indicator but informal according to another.

In contrast to the other domestic workers interviewed, Tuyen received skills training through the company she works for. This shows how the triangulation of the employment relationship enables opportunities for the professionalisation of the sector, which is an important aspect of the formalisation process as this can strengthen the domestic workers position in the employment relationship. Tuyen said the employment was a “good chance for practice and training” and she hoped that she soon gets a chance to improve her cooking skills through training (Interview with Tuyen, 8 January 2020). Despite working through a company, Tuyen's employment relationship reflected a close relationship. This indicates that personalisation does not go away with the triangulation of the employment relationship, as have been suggested previously (Safuta & Camargo, 2019). Personalisation is therefore not a barrier to formalisation and appears to be crucial for domestic workers to maintain good working relationships with their employers.

6.2.3 WAGES AND PAYMENT

Domestic workers are amongst the lowest-paid group of workers (ILO, 2016a: 5). According to Decree No. 27, wages must not fall below the minimum wage applicable in the zone where the domestic worker is employed (Socialist Republic of Vietnam, 2014). Legislated minimum wages are therefore thought to strengthen domestic workers' bargain power given the unequal employment relationship. The effects of the legislated minimum wage in Vietnam were noticeable for the employers interviewed in this study as seen in the quote below:

“It wasn't that hard a few years back to find anyone... It's a bit harder now because they expect a higher salary.” (Interview with Panh, 4 January 2020)

The sample of live-in domestic workers in this study is small, but their declared monthly wages correspond with previous research which suggests that wages for domestic workers are relatively high. According to Liu et al. (2014: 9), Vietnamese domestic workers earn on average 2,800,000 Vietnamese Dong (VND) per month (the equivalent of around \$120 USD). As such, domestic workers employed on a monthly basis earn relatively well. Liu (2014: 9-10) stresses that it is important that calculations for monthly minimum wages also apply to those employed on an hourly basis a few days per week. This was however not reflected in the employment situation of live-out domestic workers included in this study as several of the respondents stated that they were hired on a piece-rate pay, rather than an hourly basis. Such forms of payment can consequently turn into unpaid overtime hours. Thao explained that she must simply work until “the job is done”, although it often means to work overtime and unpaid (Interview with Thao, 17 December 2019).

Payments in-kind is also a common form of payment practice in domestic work, most often in the form of living costs, such as accommodation and meals (ILO, 2012: 78). According to Oelz and Rani (2015: 12), payments in-kind contributes to the undervaluing of domestic work in monetary terms. The loss of monetary compensation also prevents domestic workers' ability to provide for themselves, which contributes significantly to informality. Another form of payment in kind is the practice of gift-giving that was reported by respondents:

“During the Lunar New Year you give them more. And sometimes you give them clothes and stuff like that.” (Interview with Panh, 4 January 2020)

“We help her a lot with different things. And we give her things sometimes too, a phone and clothes.” (Interview with Phuong, 22 December 2019)

In work where raises are rare or when negotiating days off are difficult, employers often ‘compensate’ for low wages through the practice of ‘gift-giving’ (Moukarbel, 2009: 131). Gift-giving practices may also contribute to the perceptions of ‘familiarity’ and ‘intimacy’ in the employment relationship and help to establish a ‘bond’ between both parties. An employment relationship like this may of course favour the domestic worker in the form of assistance with personal problems or even favourable treatment, however, the hierarchical aspects of the employment relationship means that this assistance is dependent on the whims of the employer.

However, Guarnizo and Rogriguez (2017: 12) argue that familiarity and intimacy do not mean that the dynamics of hierarchy in the employment relationship are equal. Rather, it tends to work in favour of the employer. As such, familiarity can contribute significantly to informality as it established a ‘looser’ employment relationship, which can weaken the domestic workers bargaining power as it can be harder for them to draw the lines between labour and life (Moukarbel, 2009: 131).

6.2.4 HOURS OF WORK AND REST

Domestic workers, particularly those who live with their employers, often work long and unpredictable hours (ILO, 2016a: 5). According to Decree No. 27, live-in domestic workers have the right to at least eight hours of rest per 24-hour period (Socialist Republic of Vietnam, 2014). While the live-out domestic workers interviewed for this study expressed having more control over their working hours, the three live-in domestic workers interviewed stated that they work more than eight hours a day. These findings correspond with a survey conducted by the GFCD (2018: 60) which found that 61 percent of domestic workers reported that they worked more than eight hours a day and 35 percent reported working over 10 hours a day.

Like most live-in domestic workers, Thuy is available around the clock due to the multi-faceted nature of her work. When asked about her typical workday she said she does “everything” and although she can take some short breaks during the day, she is always

available which means that there is little time for a proper break (Interview with Thuy, 15 December 2019). To be available around-the-clock may increase stress and impact the physical and mental health of domestic workers who are already lacking social insurance that would otherwise protect them in cases of illness or injury. Findings from the employer interviews also suggest that employers expect their live-in domestic workers to be available around the clock, as indicated in the quote below:

“She works full-time, yes. More than full-time, because she is a live-in.” (Interview with Phuong, 22 December 2019)

For live-out domestic workers, on the other hand, the temporary nature of their employment seems to lead to the practice of more irregular working hours. Anh starts her workday at 6.30 am. and takes the family’s two kids to school. She then has the day off and waits to pick up the kids from school and works until 8 pm. Anh is paid an hourly rate, but the hours that the kids are in school are unpaid (Interview with Anh, 8 January 2020). While some of the live-out domestic workers interviewed for this study had a rolling week schedule like Anh, some of the respondents were also called upon by employers in irregular intervals, often with short notice. For example, one of Thao’s employers has an Airbnb which she helps to clean, in which the working hours vary from week to week depending on the bookings (Interview with Thao, 17 December 2019). In addition, irregular hours mean an irregular income which may also contribute to the need to constantly be ‘on-call’, as reflected in Thao’s story.

These findings indicate that domestic workers may clearly experience difficulties in deciding when their workdays start and end. Their work does not take place at an office where there are established schedules for when to come and go. Domestic work takes place within the private household where employers often expect them to be constantly available to perform various tasks. This becomes especially clear for domestic workers who are also living in the same house as their employers, where the line between ‘work’ and ‘non-work’ seems to become blurred due to the intimate nature of the work. Live-out workers express being more in control of their work schedule, an effect of being able to leave for the day at some point. Nevertheless, work hours and tasks may still be uncertain and irregular, which also contributes to informality.

In sum, indicators of formality in the fourth dimension of the conceptual framework is the existence of written employment contracts and record of payment. The findings also encompassed the terms of employment, such as the employee's wage and hours of work and rest. The findings discussed above in relation to the framework's fourth dimension suggests that domestic work is still informal as most of the respondents do not hold a written employment contract. The discussion of the study's results clearly shows how all these parts are connected and dependent on each other. The absence of an employment contract can contribute to insecurities regarding payment, lack of established work schedules and somewhat irregular work hours which consequently places the majority of domestic workers in this study towards the informal end of the continuum.

Findings indicate that the employment relationship is highly personalised, especially for the live-in domestic workers, in which the idea of an employment contract becomes perceived as something peculiar. The same is illustrated by the absence of the record of payment - with the employment contract missing, it is consistently unusual for the respondents to receive a payslip. As such, domestic workers perceptions and practices clearly contradict what the Decree No. 27 sets out to regulate which presents challenges for formalisation.

7. Conclusion

This study aimed to analyse the formalisation process of domestic work in HCMC, Vietnam, by investigating the practices and perceptions of domestic workers and employers that may contribute to formalisation, or the continuous reproduction of informality. The Decree No. 27 regulates employment practices, such as employment contracts and hours of work and rest, to bring about formalisation in the domestic work sector. A framework developed by the ILO that conceptualises formalisation as a continuum was used to structure the analysis of the formalisation process. As there is a legal framework in place recognising domestic workers' social and legal rights, domestic work can therefore be considered to be formal, according to the first and second dimension of this study's framework.

However, findings suggest that while a legal framework is a precondition in the process of formalisation, it does not immediately transition domestic workers towards the more formal end of the continuum. Although the sample size was small, this study has highlighted a number of practices and perceptions that contribute to the continuous reproduction of informality. This was achieved by examining the formalisation process from both an employer and domestic worker perspective, which show the dynamics of informality in the employment relationship. As the respondents' employment relationships are characterised by a high incidence of informality, findings indicate that the Decree No. 27 has had limited impact on bringing about formalisation.

A key indicator of informality among the respondents was the lack of social insurance registration. This contributes significantly to informality as the absence of social insurance leaves workers unprotected in the case of illness, work accident or unemployment. Domestic workers will also be vulnerable to poverty in old age, as they have no employment-based pension. Another indicator of informality among the respondents was the absence of written employment contracts. The absence of an employment contract contributes to informal employment practices such as unpaid overtime hours of work. Another consequence of this is that domestic workers without a written employment contract are excluded from participating in Vietnam's compulsory social insurance scheme. The responsibility is put on the domestic worker, instead of the employer, to register in the voluntary social insurance scheme - a scheme that most domestic workers seem to lack knowledge about in the first place. A

voluntary approach can therefore be considered to be ineffective in extending social insurance to domestic workers.

Undoubtedly, formalisation is complicated by the uniqueness of the employment relationship. As can be reflected in the findings, the employment relationship is blurred by perceptions of familiarity and intimacy as it takes place within the employers' household. A highly personalised employment relationship may contradict what the law set out to regulate, and can help us understand the reasons behind non-compliance with legislation. These findings reveal that an employment contract may be perceived as something too formal to introduce within the private sphere, especially with someone who is perceived to be a family member. A contributing factor to this perception can be the personal and informal networks that many use when hiring a domestic worker. In such cases, there may even be a sense of personal connection before employment even begins, which can later turn into more informal employment practices.

Similarly, the perception that domestic work is often thought to be something temporary until another job comes along may discourage domestic workers from demanding more formal employment practices, such as a contract or hourly pay instead of piece-rate pay. Such discouragement may also be a result of the high job turnover rate and the low levels of unionisation among domestic workers. However, the latter aspect was not possible to assess in this study. For some live-out domestic workers verbal contracts can even be a preferred practice as this might give the domestic worker a sense of control over what is often an unequal employment relationship.

By producing empirical material of the formalisation of domestic work in Vietnam, this study may serve to inform and improve legislation in this area. The analysis reflects clear differences between the respondents' employment relationships, which makes generalisations about the findings difficult. However, the heterogeneity among the study's population is typical of domestic work and clearly shows why formalisation is challenging for this sector. Any policymaker should consider the heterogeneity of domestic workers when designing regulations for this type of work. The personalised employment relationship reflects some problematic aspects regarding hierarchical structures, but personalisation should not be targeted as a barrier to formalisation. Personalisation can in fact be crucial for the domestic

worker to maintain and establish new employment relationships as informal means of recruitment is a common practice in the sector. The focus for policymakers should rather be ensuring that wages and working conditions meet international labour standards by establishing enforcement mechanisms and disseminating information about labour and social protection to both employers and domestic workers.

Despite being a source of employment for millions of people, the majority employed in this sector lack social insurance. As such, some of the findings of this study are unfortunately not unique and reflect the challenges for domestic workers around the world. Even in countries where domestic workers may be covered, administrative and legal barriers still exist. There is also a lack of information about rights and responsibilities among both domestic workers and employers. Nevertheless, findings underscore the importance of moving domestic workers towards the formal end of the continuum, a process that Vietnam has started but where more needs to be done.

7.1 SUGGESTIONS FOR FUTURE RESEARCH

As the Government of Vietnam plans to ratify the C189 in 2020 (GFCD, 2018: 15), it commits to raising employment standards for domestic workers as outlined in the Convention. These include, to name a few, the right to social security and a written employment contract. A limitation of this study is the small sample size. Future research could, by using quantitative methods investigate a larger sample to analyse compliance or non-compliance of domestic workers' rights in Vietnam in the light of ratification of the C189. Additionally, this study focused on national domestic workers as international migrant domestic workers are not covered by Decree No. 27. As Vietnam has seen a rise in international migrant domestic workers in recent years (ILO, 2015a: 2), future research should seek to include an international perspective in such research.

Another suggestion for future research is to explore the triangulation of the employment relationship further. So far, previous research has focused on this trend in a European context. However, there is no surprise that this phenomenon has emerged in HCMC, which is one of Southeast Asia's most dynamic technology hubs. Future research should examine this trend in the context of formalisation of domestic work as it will be necessary to scrutinise domestic worker's employment conditions in this emerging employment relationship.

7. References

- Amadou, B. (2018). On the Short- and Medium-Term Effects of Formalisation: Panel Evidence from Vietnam, *Journal of Development Studies*, vol. 54, no. 4, pp. 641-656, Available through: <https://doi.org/10.1080/00220388.2017.1342817> [Accessed 10 January 2020]
- Anderson, B. (2004). Migrant Domestic Workers and Slavery, in C. van den Anker (eds), *The Political Economy of New Slavery*, London: Palgrave Macmillan, pp. 107-117
- Anderson, K., Apland, K., Dunaiski, M. and Yarrow, E. (2017). *Women in the Wind: Analysis of Migration, Youth Economic Empowerment and Gender in Vietnam and in the Philippines*, Hamburg: Plan International, Available through: https://youtheconomicopportunities.org/sites/default/files/uploads/resource/women_in_the_wind_-_eng_-_24pages_pages_-_final_v4.compressed.pdf [Accessed 10 January 2020]
- Atkinson, R. and Flint, J. (2001). Accessing Hidden and Hard-to-Reach Populations: Snowball Research Strategies, *Social Research Update*, no. 33, p. 1, Available through: https://www.researchgate.net/publication/46214232_Accessing_Hidden_and_Hard-to-Reach_Populations_Snowball_Research_Strategies [Accessed 10 January 2020]
- Banks, G. and Scheyvens, R. (2014). Ethical Issues, in R. Scheyvens (eds), *Development Fieldwork: A Practical Guide*, London: SAGE Publications, pp. 160-187
- Barrientos, A. (2013). Social Protection for Poverty Reduction: Approaches, Effectiveness and Challenges, in K. Bender, M. Kaltenborn and C. Pfeleiderer (eds), *Social Protection in Developing Countries: Reforming Systems*, London: Routledge, pp. 24-31
- Becker, K.F. (2004). *The Informal Economy: Fact Finding Study*, Stockholm: Swedish International Development Cooperation, Available through: <https://www.rrojasdatabank.info/sida.pdf> [Accessed 10 March 2020]
- Bélangier, D. (2014). Labor Migration and Trafficking among Vietnamese Migrants in Asia, *The Annals of the American Academy of Political and Social Science*, vol. 653, pp. 87-106, Available through: <https://doi.org/10.1177/0002716213517066> [Accessed 10 March 2020]
- Breman, J. and van der Linden, M. (2014). Informalizing the Economy: The Return of the Social Question at a Global Level, *Development and Change*, vol. 45, no. 5, pp. 920-940, Available through: <https://doi.org/10.1111/dech.12115> [Accessed 10 March 2020]
- Bryman, A. (2012). *Social Research Methods*, Oxford: Oxford University Press.

- Castel, P. and Pick, A. (2018). *Increasing Social Insurance Coverage in Viet Nam's SMEs*, Paris: OECD Development Policy Papers No. 13, Available through: https://www.oecd.org/dev/inclusivesocietiesanddevelopment/Increasing_social_insurance_coverage_in_Vietnam_SMES.pdf [Accessed 10 March 2020]
- Chen, M.A., Vanek, J. and Heintz, J. (2006). Informality, Gender and Poverty: A Global Picture, *Economic and Political Weekly*, vol. 41, no. 21, pp. 2131-2139, Available through: https://www.researchgate.net/publication/262126347_Informality_Gender_and_Poverty_A_Global_Picture [Accessed 10 November 2019]
- Chen, M.A., Vanek, J., Commonwealth Secretariat, International Development Research Centre (Canada), Carr, M. and Women in Informal Employment: Globalizing and Organizing. (2004). *Mainstreaming Informal Employment and Gender in Poverty Reduction: A Handbook for Policy-makers and Other Stakeholders*, London: International Development Research Centre.
- Chen, M.A. (2008). Informalization of Labour Markets: Is Formalization the Answer?, in S. Razavi (eds), *The Gendered Impacts of Liberalization*, New York: Routledge, pp. 191-218
- Chen, M.A. (2011). Recognizing Domestic Workers, Regulating Domestic Work: Conceptual, Measurement, and Regulatory Challenges, *Canadian Journal of Women and the Law*, vol. 23, no. 1, pp. 167-184, Available through: <https://www.wiego.org/publications/recognizing-domestic-workers-regulating-domestic-work-conceptual-measurement-and-regula> [Accessed 10 November 2019]
- Chen, M.A. (2012). *The Informal Economy: Definitions, Theories and Policies*, Cambridge: WIEGO Working Paper No. 1, Available through: https://www.wiego.org/sites/default/files/publications/files/Chen_WIEGO_WP1.pdf [Accessed 10 November 2019]
- Chen, M.A. (2016). Informal Employment: Theory and Reality, in S. Edgell, H. Gottfried and E. Granter (eds), *The SAGE Handbook of the Sociology of Work and Employment*, Los Angeles: SAGE Publishing, pp. 407-427
- Chen, M.A. and Vanek, J. (2013). Informal Employment Revisited: Theories, Data & Policies, *Indian Journal of Industrial Relations*, vol. 48, no. 3, pp. 390-401, Available through: https://www.jstor.org/stable/23510786?seq=1#metadata_info_tab_contents [Accessed 25 February 2020]
- Cichon, M. (2013). The Social Protection Floors Recommendation, 2012 (No. 202): Can a Six-Page Document Change the Course of Social History?, *International Social Security Review*, vol. 66, no. 3-4, pp. 21-43, Available through: <https://doi.org/10.1111/issr.12017> [Accessed 10 November 2019]
- Creswell, J.W. (2007). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, Thousand Oaks: SAGE Publishing.

- de Casanova, E., Rodriquez, L. and Roldán, R.B. (2018). Informed but Insecure: Employment Conditions and Social Protection among Paid Domestic Workers in Guayaquil, *Latin American Perspectives*, vol. 45, no. 1, pp. 163-174, Available through: <https://doi.org/10.1177/0094582X17717989> [Accessed 10 November 2019]
- de Melo Costa, J., Neves de Holanda Barbosa, A.L. and Hirata, G. (2016). *Effects of Domestic Worker Legislation Reform in Brazil*, Brasília: International Policy Centre for Inclusive Growth Working Paper No. 149, Available through: https://ipcig.org/pub/eng/WP149_Effects_of_domestic_worker_legislation_reform_in_Brazil.pdf [Accessed 10 November 2019]
- Dejardin, A.K. (2014). *Qualitative Research on Employment Relationship and Working Conditions: Preliminary Guidelines*, Geneva: International Labour Organization, Available through: https://www.ilo.org/travail/whatwedo/publications/WCMS_248899/lang--en/index.htm [Accessed 10 March 2020]
- Delaney, A. and Macdonald, F. (2018). Thinking about Informality: Gender (in)equality (in) Decent Work Across Geographic and Economic Boundaries, *Labour & Industry*, vol. 28, no. 2, pp. 99-114, Available through: <https://doi.org/10.1080/10301763.2018.1475024> [Accessed 10 January 2020]
- Denscombe, M. (2010). *Ground Rules for Social Research: Guidelines for Good Practice*, McGraw Hill: Open University Press.
- Denscombe, M. (2014). *The Good Research Guide: For Small-Scale Social Research Projects*, McGraw Hill: Open University Press.
- Erdoğan, S. and Toksöz, G. (2013). *The Visible Face of Women's Invisible Labour: Domestic Workers in Turkey*, Geneva: International Labour Organization, Available through: https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_222892.pdf [Accessed 10 January 2020]
- GFCD. (2018). *Monograph Vietnamese Domestic Workers*, Hanoi: Research Centre for Gender, Family and Community Development, Available through: https://www.rosalux.de/fileadmin/images/publikationen/engl/Vietnamdomestic/MONOGRAPH_VIETNAMESE_DOMESTIC_WORKERS.FINAL_ENG.pdf [Accessed 10 November 2019]
- GSO and ILO. (2016). *2016 Report On Informal Employment in Viet Nam*, Hanoi: General Statistics Office and the International Labour Organization, Available through: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_638330.pdf [Accessed 10 November 2019]
- Guarnizo, L.E. and Rodrigues, G. (2017). Paid Domestic Work, Globalization, and Informality, *Population, Space and Place*, vol. 23, no. 7, pp. 1-16, Available through: https://www.researchgate.net/publication/318173518_Paid_domestic_work_globalization_and_informality [Accessed 10 November 2019]

- Hammett, D., Twyman, C. and Graham, M. (2014). *Research and Fieldwork in Development*, Oxford: Routledge.
- Hatton, E. (2017). Mechanisms of Invisibility: Rethinking the Concept of Invisible Work, *Work Employment and Society*, vol. 31, no. 2, pp. 336-351, Available through: <https://journals.sagepub.com/doi/abs/10.1177/0950017016674894> [Accessed 10 January 2020]
- Holmes, L. and Scott, L. (2016). *Extending Social Insurance to Informal Workers: A Gender Analysis*, London: Overseas Development Institute Working Paper No. 438, Available through: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/10620.pdf> [Accessed 10 January 2020]
- Horat, E. (2018). Rearranging Care, Reconfiguring Gender: Family and Household Business in Post-Doi Moi Vietnam, *The Asia Pacific Journal of Anthropology*, vol. 19, no. 1, pp. 55-71, Available through: <https://www.tandfonline.com/doi/full/10.1080/14442213.2017.1394909> [Accessed 10 January 2020]
- ILO. (2006). *Survey Report: Child Domestic Workers in Ho Chi Minh City*, Geneva: International Labour Organization, Available online: https://www.ilo.org/hanoi/Whatwedo/Publications/WCMS_144365/lang--en/index.htm [Accessed 10 January 2020]
- ILO. (2012). *Effective Protection for Domestic Workers: A Guide to Designing Labour Laws*, Geneva: International labour Organization, Available through: https://www.ilo.org/travail/areasofwork/domestic-workers/WCMS_173365/lang--en/index.htm [Accessed 10 January 2020]
- ILO. (2013). *Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal Protection*, Geneva: International Labour Organization, Available through: https://www.ilo.org/travail/Whatsnew/WCMS_173363/lang--en/index.htm [Accessed 10 January 2020]
- ILO. (2015a). *The Growing Trend of Vietnamese Migrant Workers*, Hanoi: International Labour Organization, Available through: https://www.ilo.org/wcmsp5/groups/public/--asia/--ro-bangkok/--ilo-hanoi/documents/publication/wcms_376172.pdf [Accessed 10 January 2020]
- ILO. (2015b). *Labour Inspection and other Compliance Mechanisms in the Domestic Work Sector: Introductory Guide*, Geneva: International Labour Organization, Available through: https://www.ilo.org/wcmsp5/groups/public/--ed_protect/--protrav/--safework/documents/publication/wcms_429836.pdf [Accessed 10 January 2020]
- ILO. (2016a). *Social Protection for Domestic Workers: Key Policy Trends and Statistics*, Geneva, International Labour Organization, Available through: <https://www.refworld.org/docid/56e7c7d84.html> [Accessed 10 November 2019]

- ILO. (2016b). *Formalizing Domestic Work*, Geneva: International Labour Organization, Available through: <https://www.refworld.org/docid/5847dabe4.html> [Accessed 10 November 2019]
- ILO. (2017). *Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204): Worker's Guide*, Geneva: International Labour Organization, Available through: https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_545928.pdf [Accessed 10 November 2019]
- ILO. (2018). *Women and Men in the Informal Economy: A Statistical Picture*, Geneva: International Labour Organization, Available through: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_626831.pdf [Accessed 10 November 2019]
- ISDS. (2015). *Social Determinants of Gender Equality in Vietnam*, Hanoi: Institute for Social Development Studies, Available through: https://vietnam.embassy.gov.au/files/hnoi/ISDS_Report_Binh%20dang%20gioi_EN_PDF-2.pdf [Accessed 10 November 2019]
- Jiang, Z. and Korczynski, M. (2016). When the 'Unorganizable' Organize: The Collective Action of Migrant Domestic Workers in London, *Human Relations*, vol. 69, no. 3, pp. 813-838, Available through: <https://journals.sagepub.com/doi/10.1177/0018726715600229> [Accessed 10 November 2019]
- Kidd, S. and Damerau, V. (2016). The Political Economy of Social Protection for Informal Economy Workers in Asia, in S.W. Handayani (eds), *Social Protection for Informal Workers in Asia*, Manila: Asian Development Bank, pp. 120-163
- Kraamwinkel, M. (2016). Organizing in the Shadows: Domestic Workers in the Netherlands, *Theoretical Inquiries in Law*, vol. 17, no. 1, pp. 351-367, Available through: <https://doi.org/10.1515/til-2016-0013> [Accessed 10 November 2019]
- La, H.A., Tran, T.B. and Nguyen, U. (2019). Housing Gaps Between Rural-Urban Migrants and Local Urban Residents: The Case of Vietnam, in A.Y.C. Liu and X. Meng (eds), *Rural-Urban Migration in Vietnam*, Cham: Springer International Publishing, pp. 1-30, pp. 211-243
- Le, L. (2019). The Expendable Female Workers of Vietnam's Growing Economy, *New Naratif*, 13 December, Available online: <https://newnaratif.com/journalism/the-expendable-female-workers-of-vietnams-growing-economy/share/xuna/89a82bfdadb7b2ee56416a986b0376ae/> [Accessed 10 November 2019]
- Legros, S. and Cislighi, B. (2020). Mapping the Social-Norms Literature: An Overview of Reviews, *Perspectives on Psychological Science*, vol. 15, no. 1, pp. 62-80, Available through: <https://journals.sagepub.com/doi/full/10.1177/1745691619866455> [Accessed 10 April 2020]

- Liu, A., Le, T.N., Le, T.T., Nguyen, P.A. and Nguyen, A.N. (2014). *Protecting the Rights of Domestic Workers: Policy Recommendations & Best Practices in South East Asia*, Ottawa: HealthBridge, Available through: [https://healthbridge.ca/images/uploads/library/Protecting_Domestic_Workers_Policy_Paper_25July2014_\(2\).pdf](https://healthbridge.ca/images/uploads/library/Protecting_Domestic_Workers_Policy_Paper_25July2014_(2).pdf) [Accessed 10 April 2020]
- Liu, A.Y.C. (2019). Segregated and not Equal? Occupation, Earnings Gap between Urban Residents and Rural Migrants in Vietnam, *International Journal of Manpower*, vol. 40, no. 1, pp. 36-55, Available through: <https://www.emerald.com/insight/content/doi/10.1108/IJM-06-2017-0114/full/html> [Accessed 10 January 2020]
- Liu, A.Y.C. and Dang, D.A. (2019). Rural–Urban Migration in Vietnam: Trend and Institutions, in A.Y.C. Liu and X. Meng (eds), *Rural-Urban Migration in Vietnam*, Cham: Springer International Publishing, pp. 1-30
- Lund, F. (2006). Working People and Access to Social Protection, in S. Razavi, Palgrave Collect (Online service) and S. Hassim (eds), *Gender and Social Policy in a Global Context*, Basingstoke: Palgrave Macmillan, pp. 217-233
- Maloney, W.F. (2004). Informality Revisited, *World Development*, vol. 32, no. 7, pp. 1159-1178, Available through: <https://www.sciencedirect.com/science/article/abs/pii/S0305750X04000555> [Accessed 10 November 2019]
- May, T. (2011). *Social Research: Issues, Methods and Process*, McGraw Hill: Open University Press.
- McCann, D. and Murray, J. (2014). Prompting Formalisation Through Labour Market Regulation: A ‘Framed Flexibility’ Model for Domestic Work, *Industrial Law Journal*, vol. 43, no. 3, pp. 319-344, Available through: <https://doi.org/10.1093/indlaw/dwu018> [Accessed 10 November 2019]
- McLennan, S., Storey, D. and Leslie, H. (2014). Entering the Field, in R. Scheyvens (eds), *Development Fieldwork: A Practical Guide*, London: SAGE Publications, pp. 143-159
- Mendez, J.B. (1998). Of Mops and Maids: Contradictions and Continuities in Bureaucratized Domestic Work, *Social Problems*, vol. 45, no. 1, pp. 114-135, Available through: https://www.jstor.org/stable/3097146?seq=1#metadata_info_tab_contents [Accessed 10 November 2019]
- Mertens, D.M. (2011). Ethics in Qualitative Research in Education and the Social Sciences, in S.D. Lapan, M.T. Quartaroli and R.J. Riemer (eds), *Qualitative Research: An Introduction to Methods and Designs*, Hoboken: Wiley Publishing, pp. 19-40
- MoLISA. (2012). *Labour Code 2012*, Ministry of Labour, Invalids and Social Affairs, Available through: <https://ilo.org/dyn/natlex/docs/MONOGRAPH/91650/114939/F224084256/VNM91650.pdf> [Accessed 10 November 2019]

- Moore, T.S., Lapan, S.D., and Quartaroli, M.T. (2011). Case Study Research, in S.D. Lapan, M.T. Quartaroli and R.J. Riemer (eds), *Qualitative Research: An Introduction to Methods and Designs*, Hoboken: Wiley Publishing, pp. 243-270
- Moses, J.W. and Knutsen, T.J. (2012). *Ways of Knowing: Competing Methodologies in Social and Political Research*, London: Palgrave Macmillan.
- Moukarbel, N. (2009). *Sri Lankan Housemaids in Lebanon: A Case of 'Symbolic Violence' and 'Everyday Forms of Resistance'*, Rotterdam: Amsterdam University Press.
- Murphy, C. (2013). The Enduring Vulnerability of Migrant Domestic Workers in Europe, *The International and Comparative Law Quarterly*, vol. 62, no. 3, pp. 599-627, Available through: <https://doi.org/10.1017/S0020589313000195> [Accessed 10 January 2020]
- Nguyen, T.N.M. (2010). *Migrant and Non-migrant Domestic Workers in Hanoi: The Segmentation of Domestic Service*, Norwich: The School of International Development Working Paper No. 22, Available through: <https://ueaeprints.uea.ac.uk/id/eprint/18842/1/WP22.pdf> [Accessed 10 January 2020]
- Nguyen, T.L.H., Luu, Q.T., Meissner, M., Bui, S.T., Dang, D.Q. and Nguyen, H.Y. (2013). *Social Protection for the Informal Sector and the Informally Employed in Vietnam: Literature and Data Review*, Bochum: Institute of Development Research and Development Policy Working Paper No. 199, Available through: <https://www.econstor.eu/bitstream/10419/183553/1/wp-199.pdf> [Accessed 10 January 2020]
- Nguyen, D.L., Nguyen B.G., Tran, T.H., Vo, T.M.L. and Nguyen D.N. (2014). *Employment, Earnings and Social Protection for Female Workers in Vietnam's Informal Sector*, Hanoi: East Asian Development Network Working Paper 84, Available through: https://mpr.ub.uni-muenchen.de/61989/1/MPRA_paper_61989.pdf [Accessed 10 January 2020]
- Nguyen, T.N.M. (2015). *Vietnam's Socialist Servants: Domesticity, Class, Gender and Identity*, New York: Routledge.
- Nguyen, H.M. (2018). Changes in Family Structure and Care Relations in Vietnam, in P. Wongboonsin and J.P. Tan (eds), *Care Relations in Southeast Asia: The Family and Beyond*, Leiden: Brill Publishers, pp. 155-196
- Nowell, L.S., Norris, J.M., White, D.E. and Moules, M.J. (2017). Thematic Analysis: Striving to Meet the Trustworthiness Criteria, *International Journal of Qualitative Methods*, vol. 16, no. 1, pp. 1-13, Available through: <https://journals.sagepub.com/doi/full/10.1177/1609406917733847> [Accessed 10 March 2020]
- Oelz, M. and Rani, U. (2015). *Domestic Work, Wages, and Gender Equality: Lessons from Developing Countries*, Geneva: International Labour Office, Gender, Equality and Diversity Branch Working Paper No. 5, Available through:

- https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_430902.pdf [Accessed 10 March 2020]
- OSCE. (2010). *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*, Vienna: Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Available through: <https://www.osce.org/secretariat/75804?download=true> [Accessed 10 March 2020]
- Pérez Orozco, A. (2009). *Global Care Chains*, Santo Domingo: Gender, Migration and Development Series Working Paper No. 2, Available through: <https://trainingcentre.unwomen.org/instraw-library/2009-R-MIG-GLO-GLO-EN.pdf> [Accessed 10 March 2020]
- Phuong, T.P. (2007). Work and Family Roles of Women in Ho Chi Minh City, *International Education Journal*, vol. 8, no. 2, pp. 284-292, Available through: <https://files.eric.ed.gov/fulltext/EJ834267.pdf> [Accessed 10 March 2020]
- Qayum, S. and Ray, R. (2003). Grappling with Modernity: India's Respectable Classes and the Culture of Domestic Servitude, *Ethnography*, vol. 4, no. 4, pp. 520-555, Available through: <https://www.jstor.org/stable/24047932?seq=1> [Accessed 10 March 2020]
- Quang, M. (2017). Gov't Project Trains Domestic Workers on Skills, Rights, Viet Nam News, 23 September, Available online: <https://vietnamnews.vn/society/394310/govt-project-trains-domestic-workers-on-skills-rights.html> [Accessed 10 November 2019]
- Ramm, G. and Ankolekar, M. (2015). *The Role of Microinsurance in Social Protection: A Country Study of Vietnam*, Luxembourg: Microinsurance Network, Available through: [https://microinsurancenetwork.org/sites/default/files/MICRO_Network-Vietnam%20Paper%20A4%20\(3\)final_0.pdf](https://microinsurancenetwork.org/sites/default/files/MICRO_Network-Vietnam%20Paper%20A4%20(3)final_0.pdf) [Accessed 10 November 2019]
- Rand, J. and Torm, N. (2012). The Benefits of Formalization: Evidence from Vietnamese Manufacturing SMEs, *World Development*, vol. 40, no. 5, pp. 983-998, Available through: <https://www.sciencedirect.com/science/article/abs/pii/S0305750X11002269> [Accessed 10 November 2019]
- Safuta, A. and Camargo, B. (2019). The More Things Change, the More They Stay the Same? The Impact of Formalising Policies on Personalisation in Paid Domestic Work - the Case of the Service Voucher in Belgium, *Comparative Migration Studies*, vol. 1, no. 1, pp. 1-18, Available through: <https://doi.org/10.1186/s40878-018-0111-5> [Accessed 10 January 2020]
- Sargeant, M. (2014). Domestic Workers: Vulnerable Workers in Precarious Work, *E-Journal of International and Comparative Labour Studies*, vol. 3, no. 1, pp. 1-19, Available through: http://ejcls.adapt.it/index.php/ejcls_adapt/article/view/152 [Accessed 10 January 2020]
- Scheyvens, R. and Leslie, H. (2000) Gender, Ethics and Empowerment: Dilemmas of Development Fieldwork, *Women's Studies International Forum*, vol. 23, no. 1, pp. 119-130, Available through:

<https://www.sciencedirect.com/science/article/abs/pii/S0277539599000916> [Accessed 10 January 2020]

- Shahinian, G. (2015). Traditions, Law and Practice: Migrant Domestic Workers in Lebanon, in S. Mullally (eds), *Care, Migration and Human Rights: Law and Practice*, New York: Routledge, pp. 131-149
- Smith, P.R. (2011). Work Like any Other, Work Like No Other: Establishing Decent Work for Domestic Workers, *Employee Rights & Employment Policy Journal*, vol. 15, no. 1, pp. 159-200, Available through: <https://ssrn.com/abstract=2085583> [Accessed 10 January 2020]
- Smith, V. (2013). *Sociology of Work: An Encyclopedia*, Thousand Oaks: SAGE Publications.
- Socialist Republic of Vietnam. (2014). *Guidelines for Regulations of the Labor Code on Domestic Servants*, Available through: https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/97061/114995/F610533781/VN_M97061%20Eng.pdf [Accessed 10 January 2020]
- Stewart-Withers, R., Glenn, B., McGregor, A. and Meo-Sewabu, L. (2014). Qualitative Research, in R. Scheyvens (eds), *Development Fieldwork: A Practical Guide*, London: SAGE Publications, pp. 59-80
- Scott, S., Miller, F. and Lloyd, K. (2006). Doing Fieldwork in Development Geography: Research Culture and Research Spaces in Vietnam, *Geographical Research*, vol. 44, no. 1, pp. 28-40, Available through: <https://doi.org/10.1111/j.1745-5871.2006.00358.x> [Accessed 10 January 2020]
- Sultana, F. (2007). Reflexivity, Positionality and Participatory Ethics: Negotiating Fieldwork Dilemmas in International Research, *ACME*, vol. 6, no. 3, pp. 374-385, Available through: https://www.researchgate.net/publication/228497658_Reflexivity_positionality_and_participatory_ethics_Negotiating_fieldwork_dilemmas_in_international_research [Accessed 10 January 2020]
- Sunderland, J. (2006). Swept Under the Rug: Abuses Against Domestic Workers Throughout the World, *Human Rights Watch*, vol. 18, no. 7, pp. 1-93, Available online: <https://www.hrw.org/reports/2006/wrd0706/wrd0706web.pdf> [Accessed 10 January 2020]
- Temple, B. and Young, A. (2004). Qualitative Research and Translation Dilemmas, *Qualitative Research*, vol. 4, no. 2, pp. 161-178, Available through: <https://journals.sagepub.com/doi/10.1177/1468794104044430> [Accessed 10 January 2020]
- Tomei, M. (2011). Decent Work for Domestic Workers: Reflections on Recent Approaches to Tackle Informality, *Canadian Journal of Women and the Law*, vol. 23, no. 1, pp. 185-211, Available through: <https://muse.jhu.edu/article/433412> [Accessed 10 January 2020]

- Tsuruga, I., Meira, N., da Cunha, S. and Nguyen, Q.A. (2019). *Summary Note on Options for the Design of a Multi-tier Pension System in Viet Nam*, Hanoi: International Labour Organization, Available through: https://www.ilo.org/hanoi/Whatwedo/Publications/WCMS_729536/lang--en/index.htm [Accessed 10 January 2020]
- Trinh, K.T. and Trinh, N.N. (2020). How Vietnam's New Labour Code Will Affect Employers and Employees, *Bangkok Post*, 3 March, Available online: <https://www.bangkokpost.com/business/1870679/how-vietnams-new-labour-code-will-affect-employers-and-employees> [Accessed 10 March 2020]
- Turner, S. (2009). Economy, Informal, in R. Kitchin and N. Thrift (eds), *International Encyclopedia of Human Geography*, Oxford: Elsevier, pp. 367-371
- UN Women. (2016). Facts and Figures on Women and Men in Viet Nam 2010-2015, Hanoi: United Nations Entity for Gender Equality and the Empowerment of Women, Available through: <https://www2.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2016/12/thuc-tien-ve-so-lieu-eng.pdf?la=en&vs=5823> [Accessed 10 January 2020]
- Vargas-Falla, A.M. (2013). Legal and Social Norms for Development: Why Legal Reform of the Informal Economy Failed to Influence Vulnerable Groups in Developing Countries, in M. Baier (eds), *Social and Legal Norms: Towards a Socio-legal Understanding of Normativity*, Farnham: Ashgate Publishing, pp. 221-246
- Vetenskapsrådet. (2002). *Forskningsetiska principer inom humanistisk-samhällsvetenskaplig forskning*, Stockholm: Elanders Gotab AB.
- VNS. (2017). Domestic Workers Still Lack Labour Contracts, *VietNam News*, 7 December, Available online: <https://vietnamnews.vn/society/employment/418968/domestic-workers-still-lack-labour-contracts.html> [Accessed 10 January 2020]
- VNS. (2019). Việt Nam Seeks to Eliminate Child Labour, *VietNam News*, 7 August, Available online: <https://vietnamnews.vn/society/523679/viet-nam-seeks-to-eliminate-child-labour.html> [Accessed 10 January 2020]
- Williams, C.C. and Lansky, M.A. (2013). Informal Employment in Developed and Developing Economies: Perspectives and Policy Responses, *International Labour Review*, no. 3-4, pp. 355-380, Available through: <https://doi.org/10.1111/j.1564-913X.2013.00196.x> [Accessed 10 January 2020]
- Williams, C.C. and Nadin, S. (2012). Work Beyond Employment: Representations of Informal Economic Activities, *Work, Employment and Society*, vol. 26, no. 2, pp. 1-10, Available through: <https://journals.sagepub.com/doi/10.1177/0950017012437006> [Accessed 10 January 2020]

8. Appendices

APPENDIX A: OVERVIEW OF VIETNAM'S SOCIAL PROTECTION SYSTEM¹⁹

Active labour market policies	Social insurance ⁴⁵ Contributory (Financed by contributions)		Social assistance	Basic social services and others
Financed by taxes & contributions	Compulsory Insurance	Voluntary Insurance	Financed by taxes	Financed by taxes or insurance fee
Poor ⁴⁶ & disadvantaged groups ⁴⁷	Formal economy, public servants, defence/police	Informal economy	Poor & special disadvantaged groups	Poor & special disadvantaged groups
Vocational training	Pension	Pension	Regular assistance	Social services: e.g., education, health care, clean water supply, housing
Training	Survivor benefits	Survivor benefits	Emergency assistance	Poverty reduction programmes
Credit	Health insurance: contributory and subsidised for poor & near-poor ⁴⁸	Health insurance		Risk pooling, e.g., insurance, social risk funds
Labour mobility support	Maternity Allowance			Others
Job introduction	Occupational accident/disease			
Temporary/public work	Unemployment benefits Sickness benefits			

APPENDIX B: INTERVIEW GUIDES

	Interview guide domestic workers
Introduction	<ul style="list-style-type: none"> • Introduction of researcher, translator and project • Obtain written or verbal consent for interview and recording
Background	<ul style="list-style-type: none"> • Would you like to begin by telling me a little bit about yourself? <i>Where are you from? When did you move to Ho Chi Minh City?</i>
Employment practices	<ul style="list-style-type: none"> • Can you tell me a bit about your work? <i>For how long have you been working as a domestic worker? What does a typical day look like? How did you find this job?</i> • Do you work full-time or part-time? <i>If part-time, do you work in several households?</i>

¹⁹ Social protection in Vietnam according to the government's social protection strategy 2011-2020 (Ramm & Ankolekar, 2015: 15).

	<ul style="list-style-type: none"> • Do you live with your employer? <i>If yes, are costs for accommodation deducted from your monthly wage?</i> • Do you have a written employment contract? <i>If yes, what does this contract include? (Hours, rest/breaks, holiday, contract, salary)</i> • Do you receive extra pay for social insurance? <i>If no, do you have social insurance? Which one/Why not?</i> • Have you heard about the voluntary social insurance programme? <i>If no, give a brief explanation</i> • How would you describe your working relationship with your employer? <i>What do you like the most about your work?</i>
Wrapping up	<ul style="list-style-type: none"> • What are your plans for the future? <i>Is there anything else you would like to work with?</i> • Thank the interviewee. • Is there anything else you would like to add?

Interview guide employers	
Introduction	<ul style="list-style-type: none"> • Introduction of researcher and project • Obtain written or verbal consent for interview and recording
Background	<ul style="list-style-type: none"> • Can you tell me a bit about yourself?
Employment practices	<ul style="list-style-type: none"> • Can you tell me a little bit about the domestic worker you currently hiring? <i>Where is she from? Does she work full-time or part-time? How long has she worked for you? How did you hire her?</i> • How come you need to hire a domestic worker? <i>Are you happy with your domestic worker? Are there any challenges?</i> • Is there an employment contract in place? <i>If no, can you tell me a bit about your verbal agreement (Hours, rest/breaks, holiday, contract, salary)</i> • What do you know about Vietnamese law regarding hiring a domestic worker? <i>Briefly explain the Decree No. 27.</i> • Do you pay extra for social insurance participation? <i>If no, why not?</i>
Wrapping up	<ul style="list-style-type: none"> • Is there anything else you would like to add? • Thank the interviewee

Interview guide key informants	
Introduction	<ul style="list-style-type: none"> • Introduction of researcher and project • Obtain written or verbal consent for interview and recording
Background	<ul style="list-style-type: none"> • Would you like to begin by telling me a bit about your work and your organisation? <i>What role does your organisation play in extending labour and/or social protection to informal workers/domestic workers in</i>

	<i>Vietnam?</i>
	<ul style="list-style-type: none"> • What specific challenges do informal workers face when accessing social insurance in Vietnam? <i>What about domestic workers specifically?</i> • It is stipulated that there must be an employment contract in place. However, research shows that most lack a contract. What are the reasons for non-compliance? • Can you tell me a little bit about the voluntary social insurance programme? <i>What are the reasons for such low participation? Are there any changes would you like to be made to the scheme?</i>
Wrapping up	<ul style="list-style-type: none"> • Thank the interviewee. • Is there anything else you would like to add?

APPENDIX C: LIST OF PARTICIPANTS²⁰

Key informants			
Name	Organization	Title	Date
Ms. Dung Doan Thuy	International Labour Organization	National Project Coordinator	11/12/2019
Ms. Le Thuy Hanh	Oxfam Vietnam	Programme Manager	16/12/2019
Mr. Dat Nguyen Hai	International Labour Organization	Programme Officer, Extending Social Security Coverage in ASEAN	23/12/2019

Name	Sex	Age span	Type of employment	Date
Trinh	F	25-30	Live-in	20/11/2019
Giang	F	40-45	Live-out	20/11/2019
Duong	F	30-35	Live-in	15/12/2019
Thuy	F	25-30	Live-in	15/12/2019
Thao	F	25-30	Live-out	17/12/2019
Hien	F	20-25	Live-out	8/12/2019
Yen	F	20-25	Live-out	8/12/2019
Tuyen	F	20-25	Live-out (triangular)	8/1/2020
Anh	F	60-65	Live-out	8/1/2020

Employers		
Name	Sex	Date
Phuong	F	22/12/2019
Panh	F	4/1/2020
Dung	F	6/1/2020

²⁰ The names of the domestic workers and employers have been changed to ensure their anonymity.

APPENDIX D: SAMPLE INFORMED CONSENT FORM (ENGLISH)

CONSENT FOR PARTICIPATION IN A RESEARCH INTERVIEW

Thank you for agreeing to be interviewed as part of this research. The purpose of this consent form is to ensure that you understand what this research is about and to ensure that you understand the purpose of your involvement.

The purpose of this research is to gain knowledge about Vietnamese domestic workers social insurance coverage and working conditions. The information that you will provide will contribute to the completion of a master's thesis. This is a semi-structured interview, meaning that the researcher have some questions prepared but may also ask follow-up questions to your responses. You are encouraged to freely express your opinions and please be assured that there are no right or wrong answers. By signing this form you agree to the following conditions:

- The interview will be recorded and a transcript will be produced;
- The transcript of the interview will be used only for this research;
- Upon request you will be sent the transcript and given the opportunity to correct any factual errors.

Quotation agreement

Some parts of the interview may be quoted directly. With regards to being quoted, please initial next to any of these statements that you agree with:

- I agree to be quoted directly.
- I agree to be quoted directly if my name is not published and a made-up name is used.
- I do not agree with my words being quoted directly.

By signing this form I agree that:

- I am voluntarily taking part in this research. I understand that I do not have to take part, and I can stop the interview at any time;
- The transcribed interview or extracts from it may be used as described above;
- I do not expect to receive any benefit or payment for my participation;
- I can request a copy of the transcript for my interview;
- I have been able to ask any questions I might have, and I understand that I am free to contact the researcher with any questions I may have in the future.

Name and signature of the participant _____

Date _____

I would like to receive a transcript of the interview Yes No

If yes, please provide your email address _____

Name and signature of the researcher _____

Date _____

For further questions or concerns about this research, please contact:

Lisa Elamson elamsonlisa@gmail.com + 46 73 97 59 809

APPENDIX E: SAMPLE INFORMED CONSENT FORM (VIETNAMESE)

PHIẾU CHẤP THUẬN THAM GIA PHÒNG VẤN NGHIÊN CỨU

Cảm ơn anh/chị đã đồng ý tham gia phỏng vấn cho bài nghiên cứu. Mục đích của đơn chấp thuận này là để đảm bảo rằng anh/chị đã hiểu về chủ đề nghiên cứu và vai trò của anh/chị đối với bài nghiên cứu.

Mục đích của cuộc phỏng vấn này là để tìm hiểu về mức độ tiếp cận các chế độ bảo trợ xã hội của người lao động giúp việc gia đình tại Việt Nam. Thông tin anh/chị cung cấp sẽ góp phần hoàn thành một luận án thạc sĩ. Bài phỏng vấn mang tính bán cấu trúc, có nghĩa là người nghiên cứu có một số câu hỏi được chuẩn bị và có thể hỏi thêm một số câu hỏi dựa trên thông tin thu được. Anh/chị có thể tự do bày tỏ ý kiến của mình và hãy yên tâm rằng không có câu trả lời đúng hay sai. Bằng cách ký vào mẫu này, bạn đồng ý với các điều kiện dưới đây:

- Cuộc phỏng vấn sẽ được ghi âm và lập thành văn bản;
- Thông tin của buổi phỏng vấn sẽ chỉ được sử dụng cho nghiên cứu này;
- Mọi thông tin cá nhân của anh/chị sẽ không được công bố công khai, trừ trường hợp có sự đồng ý trước;
- Anh/chị có thể yêu cầu xem lại bản nội dung lại thông tin đã cung cấp và chỉnh sửa thông tin theo đúng thực tế.

Thỏa thuận về trích dẫn:

Một số phần của cuộc phỏng vấn có thể được trích dẫn trực tiếp. Liên quan đến việc được trích dẫn, vui lòng chọn một trong những trường hợp dưới đây:

- Tôi đồng ý được trích dẫn trực tiếp.
- Tôi đồng ý được trích dẫn trực tiếp nếu tên của tôi không được công bố và tên giả được sử dụng.
- Tôi không đồng ý trích dẫn trực tiếp.

Bằng cách ký vào mẫu này, tôi đồng ý rằng:

- Tôi tự nguyện tham gia vào nghiên cứu này. Tôi hiểu rằng tôi không bị bắt buộc tham gia và tôi có thể dừng cuộc phỏng vấn bất cứ lúc nào;
- Bản ghi hoặc đoạn trích từ bản ghi của cuộc phỏng vấn có thể được sử dụng như mô tả ở trên;
- Tôi không mong đợi nhận được bất kỳ lợi ích hoặc sự thanh toán nào cho sự tham gia của tôi;
- Tôi có thể yêu cầu một bản sao nội dung cuộc phỏng vấn của mình;
- Tôi có thể hỏi bất kỳ câu hỏi nào tôi có thể có, và tôi hiểu rằng tôi có thể tự do liên hệ với người nghiên cứu với bất kỳ câu hỏi nào tôi có thể có trong tương lai.

Tên và chữ ký của người tham gia: _____

Ngày _____

Tôi muốn nhận bản điểm của cuộc phỏng vấn Có Không

Nếu có, vui lòng cung cấp địa chỉ email của bạn _____

Tên và chữ ký của nhà nghiên cứu: _____

Ngày _____

Đối với câu hỏi hoặc mối quan tâm thêm về nghiên cứu này, xin vui lòng liên hệ:

Lisa Elamson elamsonlisa@gmail.com + 46 73 97 59 809