



International
Labour
Organization

► International experiences and good practices in the organization and operation of employment services: Benchmarking for the effective implementation of the Employment Law (Revision) in Viet Nam

Terms of reference for international consultancy

ILO Country Office for Viet Nam (CO-Hanoi)

June 2024

► Terms of reference

Background¹

In Viet Nam, employment services play an increasingly critical role in the effective and efficient organization of the labour market through job facilitation that connects employers and jobseekers. Employment service organizations in Viet Nam include employment service centers (established by state agencies and socio-political organizations) and employment service enterprises. According to Article 37 of the Employment Law 2013, employment service centers are public service units, distinguishing them from employment service enterprises or private employment agencies (See Annex).

At the core of Viet Nam's public employment service system are 63 employment service centers under the Ministry of the Labour, Invalids and Social Affairs (MOLISA). Apart from the head office, the centers also comprise of a network of 227 branches and job transaction points with approximately 3,200 personnel located in residential areas and industrial-export processing zones to ensure swift and convenient service delivery for jobseekers and businesses. The employment service centers provide a range of integrated services, as mandated by Article 38 of the Employment Law 2013, including job matching and counselling; provision of labour market information; administration of unemployment insurance; labour market forecasting, administration of employment programmes and vocational training.

Employment service centers are autonomous and responsible for the implementation of tasks, organizational structure, staffing and financial management. Despite progress in strengthening the system of employment service centers during the past decade, especially in regard to enhanced qualifications of officials, other challenges remain. These include, for example, a lack of a standard organizational model among the centers, gaps in the administration of key functions (such as counselling, job facilitation and data collection), staff limitations in operationalizing programmes, limited employment security for employees, weak reporting compliance of centers, and financial budget constraints, among others.

The employment service system, covering both public centers and private agencies, is guided by provisions outlined in the Employment Law 2013. As well, on 28 December 2018, the President of the Socialist Republic of Viet Nam H.E. Nguyen Phu Trong signed Decision No. 2515/2018/QĐ-CTN for accession to the ILO Employment Service Convention, 1948 (No. 88). Ratification of Convention 88 aims to further institutionalize the Party's direction; improve the state's policies and laws on labour and employment in general and employment services in particular; contribute to the development of employment service system towards professionalism, meet the development demands of the labour market toward modernization and to demonstrate Viet Nam's international commitments.

The ILO is supporting MOLISA in the compilation of international experiences and good practices in legislation and policies to support the effective implementation of the Employment Law (Revision) in Viet Nam. These Terms of Reference (TOR) outline the work to benchmark legislative and policy frameworks in other countries and draw lessons from international experiences in the area of the governance, organization and operation of employment services.

The ILO support and collaboration with MOLISA in this exercise is aligned with the Decent Work Country Programme (DWCP) 2022–2026, Outcome 1.1, and the promotion of the decent work agenda in Viet Nam.²

¹ Background information and data cited from: ILO and Ministry of Labour, Invalids and Social Affairs (MOLISA), *Assessment on the organisation and operation of the employment service centres network*, undated.

² Outcome 1.1: "National capacities are strengthened to formulate and implement evidence-based policies and strategies, and enhance enabling ecosystems for inclusive, transformative, and sustainable agriculture, industry, and service sectors for decent work." See: ILO, *Decent Work Country Programme Viet Nam 2022–2026: The future of work we create*, 2023.

Objective

The objective of this consultancy is to study international experiences in the organization and management of employment service systems, including for both public and private agencies, in order to provide recommendations and technical guidance to enhance the effective management and operationalization of employment services in Viet Nam. The final output, in the form of an ILO policy brief, is also expected to serve as a valuable information source of international good practices that would be beneficial for other countries, including in the Association of Southeast Asian Nations (ASEAN)³ subregion, that strive to strengthen their employment service system.

This exercise will involve surveying different employment service systems, with explanation of the strategies taken, rationale, lessons learned and variations in good practices across countries.

The output will be structured according to pertinent headings with description of strategies, options and possible recommendations following the contents of similar statutes.

To the extent that information is available, the annotations and presented strategies will draw lessons from policy evaluations that have been completed of the laws and their implementation experience.

Tasks of the international consultant

Drawing on the existing frameworks in relevant countries, the international consultant will benchmark legislation and policy frameworks that guide the management, organization and administration of employment service systems. The consultant will directly review literature, regulations and assessments; synthesize and consolidate good practices; and provide technical recommendations. Notable experiences in Asia – including in the ASEAN subregion, China, Japan, Republic of Korea, Taiwan (China) – as well as relevant cases in Latin America and Europe will be considered and covered, while ensuring inclusion of upper middle-income countries such as Malaysia.

The research – and hence, the benchmarking of the strategies and approaches taken by various countries in the organization and management of the employment service system, with a focus on the following areas:

- 1. Public employment service governance:** With reference to the elements of Employment Service Convention, 1948 (No. 88), what are the approaches of other countries in governing the organization of employment services? Which agencies are responsible for management and operation? What are the regulations on operating conditions and the resources for operations of public employment services? What activities and responsibilities should be centralized and what is best decided and implemented locally? What are good practices in reviewing and modernizing PES systems when important changes in the labour market occur? Who are the target beneficiaries and what are the services provided? In regard to non-discrimination and equal opportunity, what are good lessons learned in making employment services more accessible for women, persons with disabilities, rural youth and other vulnerable groups?
- 2. Operation of private employment services:** What are the requirements and conditions in other countries for the establishment and operation of private employment agencies, including in regard to facilities, personnel, financial requirements? How is the performance of private employment services monitored and evaluated? To what extent are regulations aligned with the ILO Private Employment Agencies Convention, 1997 (No. 181)?
- 3. State management of the overall system and partnerships:** What are the regulations and policies that guide how the state should facilitate and coordinate the collaboration between public and private employment services? What is the legal basis to facilitate coordination of the labour supply and demand?
- 4. Public employment service core functions and services:** What are the good practices in other countries in regard to the administration and provision of unemployment insurance, labour market information and career guidance and job counselling and what are the institutional responsibilities of the state? How is

³ The Member States of the Association of Southeast Asian Nations (ASEAN) currently include: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand and Viet Nam.

career guidance and job counselling managed in training institutions (vocational schools, colleges, universities) and what are the responsible state agencies? What are the principles for this management role and the conditions for operation? What are effective mechanisms to increase the responsiveness of PES services to employers' needs and expand the outreach and inclusion of PES services, including to vulnerable groups (e.g., young workers, persons with disabilities)?

5. **Services on Self-Employment and entrepreneurship for jobseekers.** What are the practices in other countries in regard to the provision of services and counselling for aspiring entrepreneurs and/or jobseekers which opt for self-employment. Is there coordinated work with other government institutions? What are the services provided? Is there any training provided? What type of services? coordinated with incubation centers? Any access to financial means or seed capital?
6. **Employment services center personnel** (both public and private): In other countries, what are the standards for the personnel working in the public and private employment service centers? Are there any minimum education and/or technical qualifications? What are the requirements in terms of personnel, particularly in the area of career guidance and job counselling? What are effective mechanisms to continuously capacitate existing and new employment services personnel?
7. **Financing public employment services:** How do other countries finance their employment services system? In the case of China, for example, public employment services are financed through local government budgetary allocations. Given that financing mechanisms will depend heavily on a country's operational model, is there a good model for Viet Nam? To what extent is it publicly funded and free of charge or fee based? Where does public funding come from: the central government or local? Do countries legislate or have guidelines for the level of financing of PES (as a % of GDP, for example)?
8. **Service delivery channels:** How do other countries manage the various forms of service delivery, including in-person, itinerant, telephone and online service provision? Are there innovative approaches that could be considered in Viet Nam, including through technology in PES back-end and front-end operations?

The consultancy will be technically backstopped by the ILO Employment Policy Department, Labour Market Services for Transitions Unit (EMPLAB/SERVICES) and the ILO Decent Work Team for East and South-East Asia and the Pacific and the Regional Office for Asia and the Pacific (ILO-Bangkok), and in coordination with the ILO Country Office for Vietnam (CO-Hanoi).

Qualifications

The international consultant will have the following qualifications:

- Advanced university degree in law, social sciences or related subject matter.
- At least 7 years of experience in legislative or policy development and/or the area of public employment services, including on issues of gender inclusion.
- Demonstrated professional experience working with government officials and in tripartite settings.
- Excellent written and spoken English.
- Excellent communication and drafting skills.
- Ability to work effectively and diplomatically in a multicultural and physically dispersed team environment.
- Experience working in Viet Nam and knowledge of the Viet Nam employment service system are an advantage.
- Experience working with the ILO is an advantage.

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