AGREEMENT ON THE EMPLOYMENT OF WORKERS BETWEEN THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM AND THE GOVERNMENT OF THE KINGDOM OF THAILAND

Pursuant to Article 5 of the Memorandum of Understanding between the Government of the Socialist Republic of Viet Nam and the Government of the Kingdom of Thailand on Labour Cooperation, 2015; the Government of the Socialist Republic of Viet Nam represented by the Ministry of Labour, Invalids and Social Affairs and the Government of the Kingdom of Thailand represented by the Ministry of Labour (hereinafter referred to jointly as the "Parties" and individually as a "Party"),

Have reached the following understanding:

Article 1

Purpose

The purpose of this Agreement on the Employment of Workers (hereinafter referred to as the "Agreement") is to develop and expand cooperation between the Parties and establish a concrete framework for facilitation contractual employment of workers in the territory of the Parties in an efficient, transparent and cost effective manner.

In this regard, both Parties shall take necessary measures to ensure that:

a. Proper procedures for employment of workers are followed;

b. Procedures on repatriation of workers who have completed the terms and conditions of employment contract to their country of origin are effective;

c. Workers are entitled to obtain legal protections and shall abide by laws of the other Party.

The Parties shall cooperate on the employment of workers in the construction and fishing sectors as a pilot project.

Article 2

Definitions

For the purpose of this Agreement

a. "Worker" means a citizen from either Party who is recruited by his/her Government agency(ies) to work in the territory of the other Party;

b. "Employer" means a business enterprise or a business owner that employs the workers from the sending Party pursuant to the relevant rules and laws of the receiving Party;

c. "Employee" means a worker from the sending Party who voluntarily enters the territory of the other Party for employment and agrees to work legally for an employer to earn wages in return under the definite term of employment contract;

d. "Sending Agency" refers to the Government Agency authorized by the competent authority and the agency(ies) approved by competent authority or by such authorized Government Agency to recruit and send the workers to work in the receiving country under this Agreement;

e. "Receiving Agency" refers to the Government Agency authorized by the competent authority and the agency(ies) approved by competent authority or by such authorized Government Agency to receive the workers from the sending agency to work in the receiving country under this Agreement.

Article 3

Competent Authorities

For the purpose of implementation of this Agreement, the competent authorities shall be:

a) Ministry of Labor, Invalids and Social Affairs on behalf of the Socialist Republic of Viet Nam;

b) Ministry of Labour on behalf of the Government of the Kingdom of Thailand.

Article 4

Rights and Obligations of workers and employees

1. Workers who entered the territory of the receiving country for employment under this Agreement shall be entitled to the same fair treatments as enjoyed by local workers based on the basic principles of non-discrimination and equality, regardless of gender, ethnic and religious differences.

2. Workers who entered the territory of the receiving country for employment under this Agreement shall obtain protection, rights and benefits in accordance with the employment contracts, labour laws and regulations in force in the receiving country.

3. Employees can transfer their money and rightful property.

4. Employees shall abide by laws, rules and regulations; respect local customs, traditions of the receiving Party and shall not take part or interfere in political affairs or any other internal matters of the receiving Party.

5. Employees shall contribute to the funds, if any, in pursuant to the laws and regulations of both countries.

6. Employees shall pay taxes or others as required by the laws and regulations of both countries.

7. If the employment contract has been terminated before its due date resulted from the fault of the employee, he/she shall return to their country of origin on his/her own expense.

8. Employee is allowed to work only after they are granted the work permits by the competent authority of the receiving country and the employee shall work only for the permitted employer and in the permitted areas.

Article 5

Rights and Obligations of employers

The competent authority shall establish measures to ensure that:

1. Employers are responsible for applying for visa, work permit as well as complying with the laws of the receiving country concerning social security and workmen's compensation.

2. In the event of an accident or serious illness or death of the employees during the term of employment contract, the employers shall notify the competent authority of the receiving country and the embassy of the sending country located in the receiving country. Such employers shall make all the procedures to claim insurance for the workers and arrange for the repatriation of the employee's remains and personal belongings to their country of origin in case of death.

3. For the reason of safety and health of foreign workers, employers shall arrange the proper accommodation for employees and employees should accommodate in the arranged premises.

4. If the employee's employment contract has been terminated before its due date and the termination is not from his/her fault, the government authority shall make effort to find the new employer for the duration remains in his/her work permit or the employer must be responsible for an economy class ticket for him/her to return to his/her country.

Article 6

Sending and Receiving Process

1. Recruitment of workers and their entry into the territory of the other Party for employment shall be regulated in accordance with relevant laws, rules and procedures of both Parties.

2. The sending agency shall have the transparent and efficient system for the registration of workers who are willing to be recruited to work abroad under this Agreement.

3. The receiving agency shall inform the sending agency of the name list of permitted employers who have indicated their intention to employ foreign

workers, including the number of workers, qualification of workers required, condition of employment and offered remuneration.

4. The sending agency shall conduct the matching process between the permitted employers and the registered workers or facilitate the permitted employers on the workers selection process.

5. The sending agency shall inform the receiving agency of the name list of workers who pass the recruitment process and the medical checkup as agreed by the Parties. The selected workers shall be offered an employment contract before travelling to the receiving country.

Article 7

Employment Contract

1. The employment contract, approved by the competent authority of the receiving country, shall be concluded between the worker and the employer for the duration of 2 (two) years. The term of employment contract is extendable, if necessary, for another 2 (two) years. After completion of the term of employment, the worker shall return to their country of origin.

In the case of re-applying for employment in the receiving country, a worker needs to return to their country and a 30 (thirty) days break is required before re-applying for employment.

2. The sending agency shall provide the workers with a copy of the employment contract.

Article 8

Authentication

The employment contract and all other documents relating to the employment of workers shall be done in Vietnamese, Thai and English, and authenticated by the Embassy of the sending country located in the receiving country.

Article 9

Orientation and Preliminary Education of Workers

1. The competent authorities of the Parties shall provide their counterparts with the information on language, religion, living and working conditions in the receiving country including information on workers' rights, duties and benefits under the laws and regulations of the receiving country.

2. The competent authority of the sending country or sending agency shall conduct a mandatory orientation for the workers concerning the information as prescribed in Paragraph 1 of Article 9 including contents of the employment contract or written offer of employment sent by the employers to the workers to ensure that workers have clear understanding of the terms and conditions of their employment.

Article 10

Visa, Work permit and Health services

The competent authorities shall coordinate with their authorities concerned to ensure that workers, who have been selected and duly permitted pursuant to the laws and regulations of the sending country, have fulfilled in pursuant of the laws and regulations of the receiving country, inter alia, the following requirements;

1. Visa;

2. Work permit;

3. Health insurance or health services as required.

Article 11

Return and Repatriation

1. The Parties shall extend their fullest cooperation to ensure that the employee who has completed their term of employment contract or whose employment contract has been terminated before its due date resulted from the fault of the employee shall return to their country of origin.

2. The competent authorities of both Parties shall be responsible for administrating the name list of employees permitted to work under this Agreement. The Competent Authorities shall keep the name list of employees who have returned to their country of origin at the end of their employment term for the purpose of reference and review.

3. The competent authority shall establish measures to ensure that the employers shall notify the competent authority of the receiving country the name list of employees who have left their employment either by the completion of their employment term or any other reasons. The competent authority of the receiving country shall, in turn, provide such name list directly to the competent authority of the sending country.

Article 12

Dispute Settlement

Any dispute occurred between the employees and employers regarding the employment shall be settled in accordance with laws and regulations of the receiving country.

Article 13

Cooperation on Implementation

1. The Parties shall take all necessary measures, in their respective territory, to prevent and suppress illegal border crossing, human trafficking for employment and illegal employment of foreign workers.

2. The competent authorities of the Parties shall conduct a meeting on the implementation of the Agreement periodically for senior officials.

3. The competent authorities of the Parties through the coordinating officers shall work together to solve problems as well as to protect rights and benefits of workers in accordance with employment contract including laws and regulations of the receiving country.

Article 14

Amendment

1. Any changes of this Agreement shall be made by mutual consent through negotiation between both Parties.

2. The Parties may revise, amend or modify this Agreement by mutual consent through diplomatic channel.

Article 15

Entry into force and Termination

1. This Agreement shall enter into force on the date of signature by the Parties.

2. This Agreement shall be effective for 2 (two) years, and may be renewed upon mutual consent and shall remain effective during its renewal process unless either Party requests to terminate its effectiveness.

3. Either Party may request to terminate this Agreement or suspend the implementation of this Agreement on any reasonable ground by presenting written notice to the other Party.

4. The termination shall take effect 60 (sixty) days after the date of presenting written notice to the other Party.

5. The termination of this Agreement shall not affect the validity and duration of any employment contract until the completion of such contract.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE in duplicate at Bangkok, Thailand on this 23rd day of July 2015, in the English language.

FOR THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM	FOR THE GOVERNMENT OF THE KINGDOM OF THAILAND
Pham Thi Hai Chuyen Minister of Labor, Invalids and Social Affairs	General Surasak Karnjanarat Surasak Karnjanarat Minister of Labour