

Code of Conduct gives Viet Nam hope to address workplace sexual harassment

A Code of Conduct on Sexual Harassment in the Workplace for Viet Nam was launched in Hanoi in May with an aim to help tackle the legal gaps in preventing and addressing this issue.

Developed and endorsed by the Ministry of Labour, Invalids and Social Affairs (MoLISA), Viet Nam General Confederation of Labour (VGCL), Viet Nam Chamber of Commerce and Industry (VCCI), the Code encourages the nation-wide application by all companies, in both public and private sectors, on a voluntary basis.

The development of the Code was supported by the ILO with reference to existing codes of practice on sexual harassment around the world.

Sexual harassment at the workplace is prohibited in the 2012 Labour Code. However, according to MoLISA Vice Minister Pham Minh Huan, the laws are not specific enough, making the implementation a difficult task.

“This Code of Conduct aims to help employers and workers to develop their own policy or regulation, or integrate this content into their existing policies and regulations, which serves as a ground for preventing and addressing sexual harassment, in order to promote healthy, safe, quality and productive workplaces,” he said.

The Code gives practical guidance to the Government, employers’ organizations, trade unions and workers on what is meant by sexual harassment

in the workplace, how it can be prevented, and what steps should be taken if it occurs.

ILO Viet Nam Director Gyorgy Sziraczki called the launch of the Code “a step forward by Viet Nam in the fight against gender-based violence in the workplace”.

“Sexual harassment can result in emotional and physical stress for the victims, affecting their job performance, and also reduce productivity and competitiveness of businesses,” he said. “The ILO will stand side by side with Viet Nam in the process of improving the legal gaps in dealing with this sensitive issue in the workplace for both workers’ benefits and business sense.”

VGCL Vice Chairman Mai Duc Chinh and VCCI Vice President Hoang Quang Phong also agreed on the importance of the Code and committed to joining hands in effectively implementing it in order to create a workplace culture that does not tolerate sexual harassment.

According to a survey carried out by the ILO and Navigos Search earlier this year, 17 per cent of the interviewed candidates for mid-career posts said that they or someone they know have been “asked for sexual favours by a superior in return for some kind of work benefit”. A MoLISA report supported by the ILO in 2012 also pointed out that most of the victims of sexual harassment in Viet Nam were female workers

aged between 18 and 30. However, the culture and fear of losing jobs prevented many of them from reporting the cases.

Inspection tour to cover apparel industry



The 2015 Labour Inspection Campaign in the garment sector is taking place with an aim to improve law compliance and working conditions in this important industry.

Implemented by MoLISA’s Labour Inspectorate with ILO support, the campaign was kicked off in May and will end in September 2015.

A total of 150 garment factories in 12 cities and provinces across the country will be inspected on working hours, rest periods, wages, personal protective equipment, fire prevention, working environment, and occupational safety and health planning and training.

The campaign will also focus on raising awareness among employers, trade unions and workers and equipping them with essential knowledge to comply with labour laws and policies.

Laws are just part of the story, compliance is key

What are the priorities of the Dutch Embassy in Viet Nam in the areas of labour and employment now and the next few years?

Labour issues are one of the areas that the Netherlands is actively working on throughout the world. In Viet Nam, many Dutch companies benefit from its promising market. Garments and footwear, sustainable agriculture, water sanitation and energy are just some sectors where you can find major Dutch investments in Viet Nam. Many of our companies have a strong Corporate Social Responsibility (CSR) profile. This ranges from ensuring good labour conditions to minimizing environmental impact. CSR is a top priority for the Dutch Government and Foreign Trade Minister Lilianne Ploumen plays a special leading role in promoting better conditions in the textile industry. Dutch clothes stores are strongly encouraged to take responsibility for their footprint in the whole supply chain. This starts with knowing and checking how their products are made and which social and environmental impact their production creates in countries often far away. Besides encouraging companies to focus on social responsibility, the Netherlands also directly funds projects that improve labour conditions in Viet Nam. The Better Work programme executed by the ILO is probably the best example.

The Dutch Government is the donor of ILO's on-going project to help improve the effectiveness of labour inspection to increase workplace compliance and one of the donors of the Better Work Viet Nam. What do you think about the importance of workplace compliance in the country?

Workplace compliance is indeed very important. Good laws do not automatically result in good working conditions. Laws are just a part of the story of better work. Implementation compliance is key. It helps to have people check on this on a regular basis. The labour inspectorate has a key role to play, to monitor and to advise. I'm sure Viet Nam realizes this but it's also a matter of developing the capacity and skills to do this effectively. Therefore it is important to train the inspectors adequately so that they know exactly how to implement the law and stimulate companies to abide by it. This demands more than simply ambition, but also expertise and of course experience. Through the ILO-project that the Netherlands funds, we



Dutch Ambassador Nienke Trooster shares the Embassy's priorities in labour areas and her views on workplace compliance and gender issues.

hope to contribute to more effective inspections, resulting in better work for employees, employers and for the Vietnamese economy at large.

The MoLISA, VGCL and VCCI have launched a Code on Conduct on Sexual Harassment in the Workplace with ILO support. Can you share your country's experience in dealing with this issue?

Codes of Conduct are an important first step to combat sexual harassment in the workplace. However, the code itself is not the goal, it's just a tool to help change behavior and a starting point for dialogue. When combatting sexual harassment, it might appear simple yet crucial to know what it entails, how to recognize it and in what ways to deal with it. An act of sexual harassment is not always perceived as such and can be dealt with in different ways in different circumstances. So I think it is of fundamental importance to talk

with one another on the content of such a code and what it means in practice, to speak about the dilemmas one can be confronted with. In the Netherlands, combatting sexual harassment is part of a broader approach in which integrity is the key concept. Integrity involves a set of rules and behavior which is encouraged from work floor level all the way up to the director. Good and responsible leadership at all levels is an essential condition to realize the desired behaviour written down in any code of conduct.

We know that you are interested in gender issues. In your opinion, what else needs to be done to improve gender equality in the world of work?

Official statistics show that about 72 per cent of women are part of the labour force in Viet Nam, which means that a lot more Vietnamese women have jobs than in most developing countries. Viet Nam has a strong track record of promoting gender equality and women's empowerment, which is reflected in several important Vietnamese laws. However, the implementation of legislations and policies remains a challenge. Vietnamese women continue to face serious obstacles in their daily lives, including at work. They continue to earn considerably less than men across economic sectors, are less likely to be promoted and to receive training than men and are overrepresented in the informal sector. I think we should devote more effort to showing that promoting gender equality in companies pays off. Employers who hire, retain and train female workers will benefit from a larger pool of talent which in turn results in increased productivity and better competitiveness. It is morally sound and economically sound to treat men and women equally.



Putting the spotlight on minimum entitlements for **Vietnamese domestic workers**

By **Gyorgy Sziraczki**
Director of ILO Country Office for Viet Nam

Four years ago, on 16 June, the International Labour Conference adopted the Domestic Workers Convention, 2011 (No 189), a milestone in improving protections for the 53 million domestic workers employed globally. The Convention and its accompanying Recommendation were the first international standards to be applied specifically to domestic workers, including migrant domestic workers.

In the coming years Vietnamese workers are likely to make up an increasing number of the world's domestic workers. Key factors driving growth in the domestic work sector within Viet Nam are the rapidly growing middle-class and limited healthcare services. This growth at the national level has also resulted in increased awareness of opportunities for migrants to undertake domestic work abroad, building on strong existing interest in diverse destinations, such as Macau (China),

Taiwan (China) and Cyprus.

There continues to be a high demand for domestic workers in advanced economies due to internal labour shortages. However, it is important to recognize that as new opportunities arise for Vietnamese migrant domestic workers abroad, neighbouring countries, including the Philippines, Indonesia, Myanmar and Cambodia have all, at various times, suspended their migrant domestic workers from travelling to certain destinations due to evidence of maltreatment.

In the present context, Viet Nam continues to pursue migration targets and there have been recent bilateral developments with key labour markets where there is existing demand for domestic workers. For example, Taiwan (China) has agreed to lift a 2005 suspension on the recruitment of new Vietnamese domestic workers; the Thai Government has agreed to allow irregular Vietnamese domestic workers to register for one-year work permits; and Saudi Arabia and Viet Nam have recently signed an MOU covering the recruitment of domestic workers.

Strong minimum entitlements and transparent and accountable recruitment practices need to be at the forefront of policies facilitating an increase in Vietnamese migrant domestic workers working abroad. This is critical given domestic workers are especially vulnerable to abuse compared with other workers employed in other sectors.

Factors contributing to this vulnerability include the highly gendered nature of domestic work, and the prevalence of live-in work arrangements which can increase dependence and abuse, and limit access to family, support services and unions that

protect and provide for domestic workers' needs.

The loss of connection with family is a particular issue keenly felt by many Vietnamese migrant domestic workers given that many Vietnamese workers are women with children and who travel overseas for the sole purpose of working to support their family.

Further, domestic workers, and migrant domestic workers in particular, are regularly excluded from national workplace laws or afforded lesser protections than other workers, including in Taiwan (China), Thailand and Saudi Arabia. At present, there are 5,000 Vietnamese migrant domestic workers currently employed in Saudi Arabia who have limited legislated protections, for example under Saudi Arabian law their minimum rest period is only 9 hours per day and they are required to follow their employer's orders at all times.

In the near future Viet Nam will be negotiating a model contract with Saudi Arabia to detail basic employment conditions for migrant domestic workers and it is crucial that this provides for strong minimum entitlements to ensure workers are adequately protected. Viet Nam should leverage its own national experience during negotiations, noting it has already taken practical steps to improve entitlements for domestic workers in Viet Nam through Decree No. 27 which mandates the inclusion of certain minimum entitlements in employment contracts.

International Domestic Workers' Day is an opportunity to recognize the contribution of all Vietnamese domestic workers, including migrant workers, as the sector continues to expand. It is critical this recognition brings with it a call for strengthened rights and minimum entitlements.

Tourism in need of skills reboot as ASEAN Economic Community approaches

Viet Nam needs a skills council for tourism sector to best seize opportunities from the accelerated regional and global integration, heard a workshop co-organized by the General Department of Vocational Training (GDVT) and the ILO in Hanoi in June.

Tourism is one of the eight occupations that have been identified by mutual recognition arrangements within the ASEAN Economic Community which will be introduced at the end of 2015.

Workers with adequate skills and qualification in this industry will be able to better serve the growing number of tourists or move to work in the industry elsewhere in the ASEAN region.

“To meet the socio-economic development requirements, and accelerate the international integration and mutual recognition arrangements among the ASEAN countries for labour movements in the region and in the world, Viet Nam’s vocational training needs to go through a comprehensive reform and vibrant development,” said GDVT Director General Duong Duc Lan.

The significant growth of tourism – a US\$10.7 billion industry – has been a major source of income and job creation. According to the Viet Nam Administration of Tourism, this sector employs about 1.7 million workers, including 550,000 direct jobs.

However, skills mismatch and the non-relevance of skills to business needs are major concerns in Viet Nam and across the region.

In the 2014 skills need survey carried out by the departments of tourism in Hue and Quang Nam and the ILO, all of over 200 interviewed employers in tourism sector said that graduates from vocational schools do not meet their requirements. One of the major reasons for this is weak industry par-

ticipation in training activities.

“A tourism skills council involving the representatives of businesses, the Government, training institutions and other stakeholders could help identify the way forward to improve training and skills de-

velopment in this promising industry in the context of economic integration and increasing competition,” said ILO Viet Nam Director Gyorgy Sziraczki. “Industry-level skills councils have become an important component of successful sectoral policies in many countries around the world.”

Winners announced for 2nd Media Award on Labour and Employment

The second national Media Award on Labour and Employment found its new winners in April with four prizes worth VND100 million (nearly US\$5,000) in total handed to journalists of *Can Tho*, *Sai Gon Giai Phong*, *Tuoi Tre* and *Dan Tri* newspapers.

However, no first prize was selected among nearly 200 entries competing for the award.

Two second prizes worth VND30 million (nearly \$1,500) each and two third prizes of VND20 million (nearly \$1,000) in cash each were voted by a board of judges including representatives of the Central Committee for Propaganda and Education, the Academy of



Journalism and Communication (AJC), the Viet Nam Journalists Association, MoLISA, VGCL, VCCI and ILO.

The award, which was the second one of its type, was co-organized by the AJC, the Central Committee for Propaganda and Education and the ILO with an aim to encourage and recognize the efforts by journalists to write and produce better and more in-depth stories on the world of work.

Upcoming events

- Trainings on Code of Conduct on Sexual Harassment in the Workplace for employers, business associations and trade unions, Hoi An, Hai Phong, Da Nang, Da Lat, Vung Tau, 6-17 July
- Training on organizing as a catalyst for promoting decent work for informal and non-unionized workers, Hanoi, 8-9 July
- Launch of “Crafted in Quang Nam” brand for locally-made products, Quang Nam, 9 July
- Expert consultations on the implementation of the Law on Contract-based Overseas Workers, Hanoi, 17 and 21 July
- Workshop to roll out migrant workers’ resource centres for northern provinces, Hanoi, 20 July
- Training on strategic planning for labour inspection managers, Da Nang, 27-29 July
- Launching of study on working conditions of entertainment workers, Hanoi, July
- Better Work Vietnam focus group meeting, HCM City, July
- Tripartite technical committee meetings on development of legal regulations under the Occupational Safety and Health Law, July
- Consultation workshop on the draft Social Dialogue Manual, July
- Skills upgrading courses for teachers of vocational schools in Quang Nam and Thua Thien-Hue, Hue City, July-August
- Launch of a Triem Tay community-based tourism village, Quang Nam, 27 September

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