



Anti-sexual harassment in the workplace

A practical guide for employers

Country	Viet Nam
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Category	GG1 - Gender Mainstreaming Project

1. Promoting gender equality (40% of marks)

Which objectives and results have been achieved? Describe the context, the organizational unit, the sector or the situation in your country or region. Tell us which approaches have proven effective, which results have already been generated and which specific impacts you expect in the short, medium and long term.

In Vietnam, sexual harassment in the workplace is prevalent yet often seen as a “sensitive” issue. Majority of the victims are women, and many of them opt to remain silent or only talk about the perpetrators once they have left the company. The underlying reason is the fear of retaliation or job loss, particularly the power imbalance when perpetrators hold higher positions. For example, a study in apparel and footwear sector in Vietnam in 2021 revealed that common forms of gender-based violence in the workplace are yelling and cursing by managers (64.5%)^[1]. Furthermore, the existing culture of victim blaming & shaming presents a significant barrier to reporting if the infringement and misconduct reporting system in the company does not function properly. In 2015, with technical support from the International Labour Organisation (ILO), the Ministry of Labour, Invalid

and Social Affairs (MOLISA), the Vietnam Chamber of Commerce and Industry (VCCI) and the Vietnam General Confederation of Labour (VGCL) published the first ever Code of Conduct (CoC) on sexual harassment in the workplace. Enterprises were encouraged to use this CoC as a reference on a voluntary basis for developing their policies and regulations for preventing and addressing sexual harassment issue. However, the effectiveness of this CoC was hindered by gaps in the legal framework.

In recent years, Viet Nam government has further acknowledged the needs to take measures in preventing and addressing the sexual harassment in the workplace. This commitment is clearly demonstrated in the revised Labour Code 2019 which came into force in January 2021, along with its accompanying Decree 145 issued in December 2020. These documents provide detailed regulations on sexual harassment in the workplace, making the first time such conduct has been defined in the labour code. Moreover, the Convention No.190 concerning the Elimination of Violence and Harassment in the World of Work was adopted in 2019 further underscores the importance of implementing these measures on the ground. Given these progressive changes,

[1] [00 - 27 sustainability report eng \(fairwear.org\)](#) conducted by Public-Private Partnerships Working Group for the Sustainable Apparel and Footwear sector in Vietnam



enterprises should be well advised to update their policies and regulations for preventing and addressing sexual harassment issues, as well as to promote a healthy, safe and productive workplace. In line with these development, in 2021, MOLISA proposed collaboration with the GIZ^[2] and other organisations including the ILO and Fair Wear Foundation, seeking technical support to update the CoC and develop a technical guidance for enterprises to implement regulations on sexual harassment in the workplace.

Long-term objective:

- To improve due diligence in manufacturing industries in Viet Nam by mitigating human rights risks that aligns with global corporate supply chain development context.

Medium objective:

- To increase the commitment and capacity of textile, garment and footwear (TGF) and electronic companies in preventing and addressing sexual harassment in the workplace.
- To foster a workplace culture that actively discourages sexual harassment by promoting the mutual respect, diversity and inclusion.
- To enhance enterprises' competitiveness in the supply chain.

Short-term objective:

- To update the existing CoC on sexual harassment in the workplace which serves as an official tripartite^[3] recommendation for both employers and workers on developing and implementing their policies and practices on anti-sexual harassment in the workplace for a harmonious industrial relations and safe working environment.
- To develop a technical manual on sexual harassment in the workplace to strengthen the enforcement of the 2019 Labour Code and its Decree 145 which serves as a guideline for employers to deal with specific situations related to sexual harassment.
- To strengthen capacity of employees at all levels and enhance effective measures on addressing sexual harassment in garment/ footwear and electronics manufacturing companies.

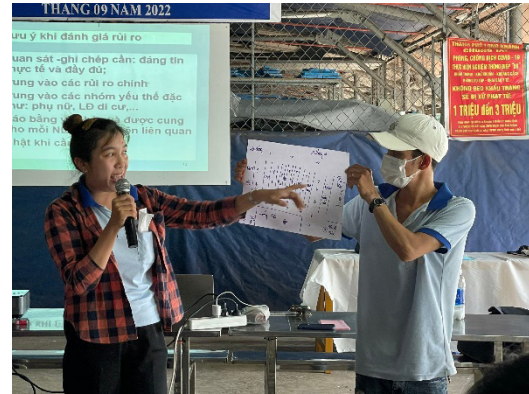
Intervention approach:

Complemental approaches have been implemented to promote the adoption and application of the CoC and manual on anti-sexual harassment in the workplace.

- *Technical assistance for updating the CoC and developing the manual on anti-sexual harassment:* Alongside revision of the Code of Conduct 2015, the manual on anti-sexual harassment in the workplace was developed through a consultation process involving diverse stakeholders. These included Civil Society Organisations (CSOs), government officers at national and provincial levels (i.e. MOLISA and DOLISAs), industrial park management boards, Labour Federations, Trade Union at different levels, and representatives from enterprises. The collaborative effort took place throughout the year 2021.
- *Piloting the implementation of the manual:* To enhance the manual's practical application by end-users, a pilot implementation was conducted in 2022 at TGF companies. The pilot involved training and advisory services focused on reviewing internal policy and regulations on anti-sexual harassment, identification of sexual harassment risks, educating workers on the subject; setting up and/or improving internal procedures for receiving and addressing complaints/ concerns internally.
- *Roll-out trainings on the manual in electronics companies:* Building on the pilot conducted in TGF companies in 2022, the Manual was finalized and approved by MOLISA for rolling out in second sector. The roll out trainings in 2023 were primarily centered on electronics companies – an industry where issues on sexual harassment have been reported serious concern. The trainings targeted to mid-managers, human resource officers, workers' representatives, compliance and training officers. The roll out training employed a blended approach, incorporating in-person training, online sessions and on-site services as needed. Training contents encompass issues of sexual harassment within human resource development framework; policy and regulations; complaint & redress procedures; as well as training and communication at factory level.
- *Cross sector dissemination:* It is planned to extend the implementation of the manual beyond TGF and electronics starting December 2023. Thematic deep-dive training sessions (online) will be utilized to disseminate detailed information and knowledge of the manual to a broader audience.

[2] It was implemented by "Promoting sustainability in textile and garment industry" (FABRIC) project and then Global Solidarity Initiative (IGS) project. In May 2021, GIZ was commissioned by BMZ to implement the Global Solidarity Initiative (IGS) project which also supported the garment and textile industry with focus on sustainability requirements linked to upcoming EU/German law on supply chain due diligence.

[3] Include the Ministry of Labour, Invalid and Social Affairs (MOLISA), the Vietnam Chamber of Commerce and Industry (VCCI) and the Vietnam General Confederation of Labour (VGCL).



Pilot training of the manual for electronics companies (left) and TGF companies (right)

- **Sensitization of different stakeholders:** Various stakeholders at different levels (national/ provincial levels, enterprises and other relevant actors) are being sensitized to the manual for its implementation. Sensitization events were convened targeting key actors including officers at DOLISAs, industrial park management boards, trade union at different levels, and others. The events aimed to assist above mentioned stakeholders in advising enterprises on this topic when required, often during the registration of companies' regulations at provincial levels, engaging in the remedy process in case of any violations.
- **Promotion of the manual:** A package of materials of the manual will be digitalized and further refined to facilitate dissemination and usability of the guidebook for various user groups. Most relevant and key sections of the manual will be selected for material production which will be presented in digital (preferred) and/or printed formats optimize utilization of the materials. The ultimate goal is to ensure that end-users can easily apply the materials in their daily work. The materials will be disseminated through different channels ([MOLISA Labour Code web portal](#); [Responsible Business Helpdesk Vietnam](#); [Asia Garment Hub](#) and others relevant platforms).

Results so far

- Revision of the CoC has been completed and currently pending for final tripartite endorsement by the National Committee on Industrial Relations. The **technical manual was approved mid 2023 by MOLISA for further roll-out at enterprise level**. The official launch of the documents is expected in 2024.
- Throughout the manual pilot (2022) and roll-out training (2023), the collaboration effort directly engaged **260 officers (including 190 women) from 123 manufacturing companies** in the training and interventions on addressing sexual harassment at work. Majority of the direct beneficiaries are compliance officers while others from Human resources department, workers' representatives, and mid-level management positions. **Representing more than 330,000 workers (including 231,000 female workers)**, those participating companies have been advised on strengthening policies

and policies and regulations on sexual harassment at workplace as well as from improving internal procedures on receiving and addressing complaints on this subject matter. Following up of the roll-out trainings, benefited companies are now working on action points of their priorities to regularly strengthen measures to prevent sexual harassment at the workplace.

- In addition, **130 local authorities and other stakeholders (including 87 women) from provincial DOLISAs, Labour Federation, Industrial Park Management Board, and Women Union** were sensitized about the manual and equipped with knowledge and skills of better supporting enterprises in adopting business policies and regulations on sexual harassment and processes to address any violation as per their mandates and responsibilities.
- The intervention approach is getting interest from private sector and brands seeking effective solutions to collaborate with their suppliers in addressing identified risks that opens up the possibility to expand impact in manufacturing supply chain.

2. Gender as a quality feature of our work (20% of marks)

Our gender-differentiated approach and unfailing commitment to equal opportunities for everyone, regardless of their gender, sexual orientation or gender identity, are among the values GIZ upholds as an actor, partner and service provider for sustainable development. Is or has your work in the field of gender been particularly acknowledged by your clients, partners and commissioning parties? How is that reflected or shown?

GIZ's efforts to promote the fight against sexual harassment in the workplace have gained recognition and appreciation from partners and other stakeholders. For example, they often mention GIZ or use logo as a partner of providing technical support in their news on related activities. Furthermore, [GIZ Vietnam's animation showing different forms of sexual harassment in the workplace](#) was used in the trainings for companies, who then approached GIZ to adapt it for their internal trainings. In response to this demand, GIZ uploaded the animation on Youtube and included it in the manual for wider sharing and dissemination.



Examples on News/ media:

- Consultation on COC revision and development of manual on anti-sexual harassment in the workplace
 - » MOLISA's website: <https://www.molisa.gov.vn/baiviet/229945?tintucID=229945>
 - » ILO's website: https://www.ilo.org/hanoi/Informationresources/Publicinformation/newsitems/WCMS_833928/lang--vi/index.htm
- Roll-out training for enterprises.
 - » Thai Nguyen business association 's website <http://hhdn.thainguyen.vn/?tab=news&lang=vi&pid=1&cid=1&id=1364>
 - » Web portal of Hau Giang Provincial People's Committee [Cổng Thông tin điện tử Tỉnh Hậu Giang \(haugiang.gov.vn\)](http://congthongtin.tinhhaugiang.gov.vn)

various stakeholders (including local authorities, CSOs, industrial park management boards, Labour Federations, workers' representatives at different levels, and, employers), played crucial roles in updating and developing these documents. Their engagement extended to the pilot implementation and roll-out training of the manual. This collaborative approach proves mutual benefits for both employers, workers' representatives and other local actors in addressing and advising enterprises on the ground. Furthermore, in 2023 roll-out, the partnership extended to the Center for Development and Integration (CDI), a local NGO, who took on specific training roles. There is on-going consideration for CDI to apply the training concept and collaborate with MOLISA in their subsequent training of enterprises.

3. Implementing feminist core principles (20% of marks)

The feminist core principles of the federal government include human rights-based approaches, the targeted dismantling of structural causes for inequality, disadvantages and exclusions (gender-transformative approaches) as well as intersectional and gender-inclusive, post-colonial and power-critical approaches. What role do these principles play in your work and what concrete contribution does your project/team make to the application and implementation of these principles?

The core feminist principles have been consistently applied during the implementation of this work package. These include:

- *Human right based approach:* The most important principle governing the development and application of the CoC and the manual is rooted in human rights, particularly the rights of workers. Both documents consistently emphasize that every employee, regardless of gender, has the right to be free from sexual harassment in the workplace and is entitled to a safe and healthy working environment.
- *Intersectional approach:* The interventions targeted TGF^[4] and electronic companies^[5], recognized as labour intensive sectors with high share of female workers. The workers, predominantly migrant individuals, classified as one of the vulnerable groups in Viet Nam, stand to benefit from safe and healthy workplace when their employers' awareness and commitment increase, and infringement and misconduct reporting system in the company function effectively.
- *Post-colonial & power critical approach:* The initiative to update the CoC and develop the manual originated from MOLISA who holds state management function in providing technical guidance for companies to implement regulations outlined in the Labour Code. Local experts, through extensive consultation with

4. Cooperation (20% of marks)

The promotion of gender equality and even more, the implementation of feminist development and foreign policy, is a joint task - how did you go about it? Who did you cooperate with: colleagues, partners, donors, civil society representatives, etc.? What united you in all your efforts to enhance gender equality (shared or same goals, strategies, international or other obligations and requirements, etc.)? What were the major challenges you encountered individually or together? What were the three key success factors?

This is a joint series of activity engaging multi-stakeholders (ILO, Fair Wear Foundation, CDI) and the key partner is MOLISA. The interventions depend largely on the MOLISA's plan and agenda therefore have faced serious delay in implementation due to out-of-control situation and at some points, the sensitivity of the topic.

Success factors:

- *Ownership of government partner:* MOLISA takes on pivotal roles in coordinating with various stakeholders to facilitate the work package.
- *Collaborative action:* The partnership distributes responsibilities based on the strength of each organization. For example, ILO leverages specialists in Geneva to share insights on international conventions related to sexual harassment in the workplace and experiences from other countries. Fair Wear Foundation contributed industry expertise while CDI brought substantial experience in working with workers in TGF and electronics companies.
- *Implementation model of multi-stakeholder partnership:* This work package has been implemented through close engagement with government actors, CSOs and private sectors (via MSI, enterprises). This approach facilitates the translation from legal framework and policy requirements to practical guidance for enterprises.

[4] In 2021, in Viet Nam, there are about 5 million workers in the textile, garment and footwear (TGF) industry, of whom above 70% are women (ref: [Lao động nữ dệt may chịu tác động nặng trong đại dịch - Cổng Thông Tin Hội Liên hiệp Phụ nữ Việt Nam \(vnu.vn\)](#)).

[5] In 2021, there were 1.3 million workers in electronics industry, of whom there are more than 60% female employees (ref: [Hướng phát triển ngành công nghiệp điện tử Việt Nam - VnExpress Số hóa](#)).