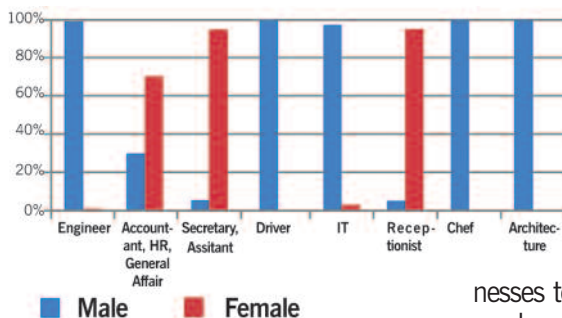


## Ending gender discrimination in recruitment and work environment will promote business success



Gender-based discrimination remains common in recruitment practices in Viet Nam's private sector whereas a fairer degree of gender equality is recorded in working environment and promotion opportunities.

These are the main findings from a new policy brief entitled "Gender equality in recruitment and promotion practices in Viet Nam" which comes from the latest study conducted by the ILO in co-operation with Navigos Search.

One in five out of 12,300 job postings in the country's four largest job portals – Vietnamworks, JobStreet, CareerBuilder and CareerLink – between mid-November 2014 and mid-January 2015 included gender requirements.

Among such job advertisements with gender preference, 70 per cent requested that the positions be filled by men whereas only 30 per cent wanted female applicants.

Men were most often targeted for more technical and highly skilled jobs or jobs that require more outdoor activities, such as architects, drivers, engineers and IT professionals.

Meanwhile, women were often preferred for office and support work, such as receptionists, secretaries, accountants, human resources and general affairs.

"Job advertisements should avoid any men-

tion of gender as this represents a direct form of gender-based discrimination, and such "glass walls" will result in gender segregation by occupation and job functions," said ILO Viet Nam Director Gyorgy Sziraczki. "This will limit the ability of businesses to fully benefit from the talent of newly recruited employees."

By advertising gender preference, women's and even men's access to certain types of jobs is restricted, thereby depriving them of important opportunities in the labour market.

"The majority of occupations where male workers are preferred are higher-skilled and better paid than most of those for women," said Nguyen Thi Van Anh, Managing Director of Navigos Search.

Gender segregation along the career ladder within an occupation was also shown by the job advertisements for managerial positions. Up to 83 per cent of management job postings with gender preference required male applicants. Significantly, all of the director posts were exclusively for men.

As part of the study, a survey with employers in the private sector in January 2015 revealed that apart from academic qualifications and work experience – the two most important factors in recruiting decisions, two thirds of employers ask questions about the applicants' availability to work outside of normal working hours. Up to 43 per cent of employers also seek to discover applicants' marital status and 30 per cent tried to find out their future plans to have children. Another survey with candidates for mid-career posts showed that far more female candidates were asked about their future childbearing plans and family responsibilities than men.

However, once landing in their job, the majority of candidates for senior positions, who are typically at least 28 of age and in their mid-career, did not see gender-based discrimination in the working environment and promotion opportunities.

The study found a fair degree of equal salary increase for women (with only 8 per cent of female interviewees reporting to be refused a pay rise because of their gender), reinforcing the fact that gender wage gap is relatively small in Viet Nam. The gap is 9.4 per cent in the 2013 Viet Nam Labour Force Survey, compare to 4 to 36 per cent less in women's averages wages against men's globally.

Two thirds of the mid-career candidates also believed that women and men have an equal chance of being promoted in their company.

However, the study still saw room for improvement.

Only 60 per cent of the employers interviewed count maternity leave period as part of the length of service as required by the laws. With the length of service being the second most important factor when employers make promotion decisions, this represents a significant disadvantage for women to progress in their careers.

"Creating a gender-sensitive business environment that promotes work-life balance must be a priority. This would benefit workers, companies and the society as a whole – a mutual gain to everyone," said the ILO Viet Nam Director.

Some recommendations from the policy brief included putting in place specific regulations to prohibit gender-based discrimination practices, such as advertising gender preference in job postings; improving law enforcement; raising awareness on the social and economic benefits of gender equality to break long-standing stereotypes; and allowing flexible arrangements for employees to manage work and family time commitments in line with labour laws.

See the full policy brief at <http://bit.ly/1Dvx3BU>

# Freedom of association benefits workers, enterprises and national economy

*Karen Curtis, Chief of ILO Freedom of Association Branch, explains the true meaning of freedom of association and its potential gains for Viet Nam.*



## **What does freedom of association mean?**

Freedom of association means that the voice of workers and employers will be effectively represented for collective bargaining purposes, to promote meaningful solutions and accurately reflect the needs of the economy. In this way, regulation through collective bargaining frees the Government from playing a constant role in putting out fires, amending laws and regulations, but rather places the responsibilities on those directly concerned to find more rapid and flexible solutions.

ILO Convention No 87 (Convention on Freedom of Association and Protection of the Right to Organize) sets out the framework for workers – and employers – to form and join the organization of their own choice; and the rights of these organizations to draft their constitutions, formulate their programmes, carry out their activities, and elect their officers in full freedom.

While Convention No 87 warns against interference from the authorities, the Collective Bargaining Convention No 98 complements this by highlighting the necessity of workers' organizations and their members being free from employers' interference. If this protection cannot be assured, workers' organizations cannot effectively play their critical role in conducting meaningful collective negotiations as envisaged by this Convention, and the harmonious nature of industrial relations cannot be fulfilled.

So freedom in this sense means clarity around the representative nature of organizations. It does not mean that there can be no relationship between a

trade union and a political party. Indeed, the Resolution on the Independence of the Trade Union Movement adopted by the ILO in 1952 clearly recognizes such relationships. The conditions for independence in the political sphere simply mean that such a relationship should be voluntarily chosen by the trade union itself, not imposed by the Government, and that the primary objective of the organization to protect workers' interests should not be subjugated to any purely political aim.

## **What is the impact of freedom of association on the ground?**

First, it offers benefits at enterprise level because workers are not beholden to their employers and unable to express their concerns, for instance on occupational safety and health issues or for elaborating channels of efficient communication with management. Having true representatives to reflect worker concerns serves as a solid basis for developing a constructive relationship with employers and results in workers being more productive, knowing that they can engage when there are issues to be addressed.

For that reason, there is an impact on the broader spectrum of macro-economic development of a country. This can come directly from the higher productivity achieved by clear terms and conditions set out in collective agreements and their impact on worker well-being, and also through greater use of collec-

tive negotiations at a higher level. Sector-level bargaining ensures that a basic minimum standard is applicable across enterprises in the same sector, thereby creating fairer competition and delivering to the needs of the sector. Sectoral bargaining has a particularly important impact in this regard in the case of export industries.

Clearly today, the fundamental principles and rights at work set out in the ILO 1998 Declaration, including freedom of association, are recognized globally as basic minimum rights at work and also as fundamental human rights. This recognition means that buyers are constantly keeping an eye on whether in a given country and at the supplier company, these fundamental principles and rights are being respected. So it is very difficult for external partners to actually engage with an enterprise in a country where these rights are being systematically violated or laws and procedures are insufficient for their protection.

## **What is its role in international trade negotiations?**

International trade is like the case of buyers at a broader level. The States know that during engagement in trade agreements with other countries, if the engagement appears to be merely a race to the bottom, merely facilitating a shift in production centres to a place where labour is cheap and working conditions poor, it will be hard to justify back →



# Viet Nam, Malaysia's trade unions ink agreement to strengthen protection of migrant workers



Leaders of Viet Nam's and Malaysia's trade unions on 16 March agreed to co-operate to protect the former's workers in Malaysia – one of the top four destination countries for Vietnamese migrant workers.

With support from the ILO, the Viet Nam General Confederation of Labour (VGCL) and the Malaysian Trade Union Congress (MTUC) signed a Memorandum of Understanding (MoU) which covers a range of important issues such as the bilateral co-operation and awareness raising on labour migration. They also include engaging in dialogues to promote the ratification of relevant ILO conventions, raising the concerns of migrant workers to the authorities and policy-makers, and addressing occupational safety and health issues, particularly in hazardous sectors.

Viet Nam has sent more than 220,000 workers from all over the country to Malaysia over the past 10 years. Recently on average, about 12,000 workers, mostly low-skilled ones, depart for this South-east Asian country for work per year. There are now some 80,000 Vietnamese nationals working in 12 out of 13 states of Malaysia, mainly in manufacturing, garment and construction.

"Both the sending and receiving countries have tried their best to create favourable conditions for the workers to live and work in Malaysia. However, in reality, Vietnamese workers in Malaysia meet some difficulties and to tackle them, strong co-operation between the two trade unions is much needed," said VGCL Chairman Dang Ngoc Tung at the signing ceremony.

Some issues faced by Vietnamese migrant workers in Malaysia include high costs of migration; having their passports retained by employers; illegal recruitment; contract substitution; delay of salary payment, unauthorized wage deductions, or the withholding of salary; and being denied days of rest.

"Trade unions can offer significant assistance to migrant workers in addressing the challenges during the migration process, including increasing their capacity to be well-prepared and deal with workplace issues such as underpayment of wages or poor safety standards, and reducing their vulnerability to the most serious forms of exploitation – forced labour and human trafficking," said ILO Viet Nam Director Gyorgy Sziraczki.

Therefore, the MoU is expected to open a new chapter in the co-operation between the two trade unions in the area of labour migration, which will become increasingly important due to demographic changes, income gaps and economic integration to be particularly pushed forward by the introduction of the ASEAN Economic Community (AEC) at the end of 2015.

Viet Nam started to send workers to Malaysia in 2002. The two countries signed an MoU on recruitment of workers to migrate to Malaysia in December 2003.

Within the framework of the Tripartite Action to Protect Migrants Workers from Labour Exploitation (TRIANGLE) project funded by AusAID, the ILO also published a pre-departure manual for Vietnamese workers who are going to Malaysia in 2014 to equip them with adequate information and skills to protect themselves from falling into the traps of human trafficking and labour exploitation.

See the pre-departure manual for Malaysia at <http://bit.ly/1AzH18H>

in the home country. Governments are therefore motivated, just as buyers, to show that there is a minimum standard beyond which they will not go. Trade agreements will not receive support back home without ensuring that the fundamental rights at work sorely fought for by the workers will also be respected in those countries they will be trading with.

## **How would you see the potential gains for Viet Nam if ratifying Convention No 87?**

The potential gains for Viet Nam are quite broad.

The industrial relations model today in Viet Nam seems not to work effectively and efficiently. Workers appear not to feel that they have a real effective channel for expressing their demands, their concerns and as a result, rather than engaging in constructive dialogues with the employer, they wait until it builds up and resort to wild cat strikes to make their demands be met. This is of course not good either for employers or for workers and certainly not good for the economy.

With freedom of association, at enterprise level, workers should be able to feel more that the trade union is indeed the expres-

sion of their desires and demands, as they freely choose it, build it, and determine its priorities. This creates a solid base on which they can work and engage with the employer through dialogue and collective bargaining instead of going immediately into a conflict situation.

On a larger scale, the adaptation of the industrial relations framework to Convention 87 will create a more vibrant trade union movement which is connected to the workers on the ground. This will benefit the macroeconomic development in the country and its integration process into the global economy.

Viet Nam needs to improve the quality and relevance of upper secondary school and technical and vocational education and training to fill the rapid growth in medium-skill employment under the AEC, which will be introduced at the end of 2015.

The ILO/ADB report on “ASEAN Community 2015: Managing integration for better jobs and shared prosperity”, now also available in Vietnamese, showed that structural change under the AEC will drive heightened demand for different skills level, with medium-skill employment to increase the most, followed by low-skills jobs.

Projections indicated that between 2010 and 2025, demand overall for medium-skill employment will increase by 28 per cent, compared to 23 per cent in low-skill employment and 13 per cent in high-skill jobs.

“With sound literacy and basic education, Viet Nam is well placed to meet the looming demand for low-skilled workers in the coming decades, but more needs to be done to prepare their workers for medium-skill employment,” said ILO Viet Nam Director, Gyorgy Sziraczki.

Viet Nam’s literacy rate is high, at 93 per cent. In the Programme for International Student Assessment (PISA), Vietnamese 15-year-olds scored higher than the OECD average in mathematics and science, indicating strong learning outcomes through lower secondary schools.

However, when it comes to practices, a World Bank survey of employers in 2014 identified gaps in job-related technical skills, as well as in cognitive skills (problem solving and critical thinking) and core skills (teamwork and communication).

“Skills gaps and mismatches still exist between the classroom and the workplace,” said the head of ILO Viet Nam. “So bridging the gaps and addressing future demands for skills by closer education - business cooperation and business participation in the development of skills standards and training curriculum are critical.”



## Investing in more relevant education, technical training will move Viet Nam up on skills ladder

Other recommendations made by the report to help Viet Nam meet the medium-skill employment growth included aligning economic and workforce planning, certifying skills, and enhancing partnerships between education and training providers and the private sector.

With the projected expansion in the garment, construction and transportation sectors, a focus on developing specific vocational competencies along with promoting excellence in science and

engineering would help Viet Nam prepare its young people for the near future.

The ILO/ADB report examines the impact of the AEC on labour markets through model simulations and empirical and policy analyses, with the aim of offering evidence-based policy recommendations towards fostering better jobs and inclusive and balanced growth.

The report highlights key priorities to address the challenges and opportunities of the AEC in terms of strengthening regional cooperation mechanisms, facilitating structural change and improving job quality, enhancing skills development, boosting productivity and wages and managing labour migration.

### What’s new at ILO Viet Nam?

The ILO in Viet Nam is welcoming new programmes to kick off this year. They include:

- **Enhancing National Capacity to Prevent and Reduce Child Labour in Viet Nam.** The 5-year project is funded by the US Department of Labor.
- **Building a Generation of Safe and Healthy Workers – SAFE & HEALTHY YOUTH.** Initiated during last year’s G20 meeting, this is a 4-year ILO global flagship programme, which Viet Nam is part of.
- **More and Better Jobs through Socially Responsible Labour Practices.** The 3-year project is funded by the Government of Japan and will be implemented as a complement to the ongoing regional project on the same issue.
- **Technical support to the Viet Nam Chamber of Commerce and Industry (VCCI) to produce an annual report** entitled “Trends in the Vietnamese Labour Market: The Annual VCCI Report” from this year under the Norway Partnership Agreement.

### Upcoming events

- Provincial consultation on public employment programme, Quang Nam, 6-10 April
- Launching of labour inspection campaign, Ha Noi, 7 April
- Media trainings on disabilities, Binh Duong, 8-9 April and on international labour standards and labour inspection, Nha Trang, 21-22 May
- Better Work Viet Nam’s first local vendors’ forum, HCM City, 9 April
- Workshops on new approaches to collaboration for labour inspectors and Better Work enterprise advisors, HCM City (16 April), Hanoi (17 April)
- Capacity building workshops on tourism development planning for local officials, Thua Thien-Hue (15-17 April) and Quang Nam (21-23 April)
- Workshop on best practices in teaching the Law on Disability, Hanoi, 18 April
- Round-table discussion on “Sound industrial relations and labour productivity growth”, Hanoi, April
- Rollout of Migrant Resource Centre services in central and southern provinces, Quang Ngai and HCM City (April), Hanoi (May)
- SCORE training for Forest Products Association of Binh Dinh, 8 May
- Joint workshop with Moscow School of Management and the General Department of Vocational Training on simulation training tool for managers of training institutions, Hanoi, 18-22 May
- Workshop on forced labour and human trafficking in the draft amended Penal Code, Hanoi, May
- Policy dialogue on review of Law on Vietnamese Contract-based Overseas Workers, Hanoi, May
- Closing workshop of ILO-UNAIDS project on “Improving working conditions of entertainment workers as a means to strengthen HIV care, treatment and prevention programme”, Hanoi, June
- Seminar on school-to-work transition survey and graduate tracer study (quick assessment on employment status of young graduates), Hanoi

For further information, please contact:  
ILO Country Office for Viet Nam  
48-50 Nguyen Thai Hoc, Ha Noi

Tel: +84 4 3 734 0902  
Email: hanoi@ilo.org  
www.ilo.org/hanoi

Facebook: www.facebook.com/Vietnam.ILO  
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