

BUILDING HARMONY, STABLE, AND PROGRESSIVE LABOR RELATIONSHIP IN CORRELATION WITH ANTI-WORKING SEXUAL HARASSMENT: LEGAL FRAMEWORK AND PRACTICES IN VIETNAM

CONSTRUINDO RELAÇÃO DE TRABALHO HARMONIA, ESTÁVEL E PROGRESSIVA EM CORRELAÇÃO COM ASSÉDIO SEXUAL CONTRA O TRABALHO: ESTRUTURA LEGAL E PRÁTICAS NO VIETNÃ

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Abstract: Building harmonious, stable, and progressive labor relationships to ensure the interest of employees, investors, and a country and to contribute to sustainable socio-economic development is a goal not only for employees, and employers, but also for a country. Achieving this goal requires efforts of both employees and employers, in which employees are protected or prevented from sexual harassment in the workplace. Victims often suffer from the negative impact of sexual harassment such as physical and mental health, especially if victims have a direct relationship with or depend on the employers. Then, it will directly negatively impact on productivity, quality, and efficiency of employees. Under psychological pressure and public rumor, victims of sexual harassment often keep silent or have to change their employee relationship. This will result in unstable and negative labor relationships. In the liberalization of labor relationships, effective prevention of sexual harassment in the workplace is a very important determinant in ensuring

harmonious, stable, and progressive labor relationships.

Keywords: Working sexual harassment. Labor relationship. Laws and regulations. Vietnam.

Resumo: Construir relações de trabalho harmoniosas, estáveis e progressivas para garantir o interesse de empregados, investidores e de um país e contribuir para o desenvolvimento socioeconômico sustentável é uma meta não apenas para empregados e empregadores, mas também para um país. Alcançar esse objetivo requer esforços de empregados e empregadores, em que os funcionários sejam protegidos ou impedidos de assédio sexual no ambiente de trabalho. As vítimas muitas vezes sofrem com o impacto negativo do assédio sexual, como saúde física e mental, especialmente se as vítimas têm um relacionamento direto ou dependem dos empregadores. Então, terá um impacto negativo direto na produtividade, qualidade e eficiência dos funcionários. Sob pressão psicológica e rumores públicos, as vítimas de assédio sexual muitas vezes ficam em silêncio ou precisam mudar seu relacionamento com os funcionários. Isso resultará em relações trabalhistas instáveis e negativas. Na liberalização das relações de trabalho, a prevenção eficaz do assédio sexual no local de trabalho é um determinante muito importante para assegurar relações de trabalho harmoniosas, estáveis e progressivas.

Palavras-chave: Assédio sexual no trabalho. Relações trabalhistas. Leis e regulamentos. Vietnã.

1. Introduction

Theoretical and practical studies have found that the negative effects of sexual harassment in the workplace adversely affect the workplace, psychological distress of victims (Nielsen, M.B., Einarsen, S. 2012, p.226-228) or depression and post-depressed disorders as a result of sexual harassment behavior in the workplace (Nielsen, M.B., Einarsen, S. 2012, p.226-228) or depression and post-depressive disorders as a result of sexual harassment behavior in the workplace (Reiner rugulies, Kathrine Sørensen, Per T. Aldrich, Anna P. Folker, ... Ida E.H. Madsen, 2020, p.21-29). Sexual harassment behavior in the workplace not only affects the victim but also affects the employer due to having to deal with the labor shortage caused by the victim of sexual harassment behavior in the workplace to terminate the labor relationship as a last resort to not be affected by these behaviors. Therefore, detecting, preventing, and quickly and timely handling sexual harassment behavior in the workplace is a condition to keep health insurance stable and protect a safe and healthy working environment for employees, thereby contributing to improving the reputation of employers in the labor process. This is even more necessary in transition or developing countries where the victims are mostly women (Maheen Salman, Fahad Abdullah, Afia Saleem, 2016, p. 87-102; Hooda, S., Agarwal, K., Chanda, A., & Srivastava, A. 2022, p.126-138).

Pham, X.Q., Hoang, C.L. (2021:37-50) examine the effects of sexual harassment on job losses, which are controlled by cultural aspects of people who work based on the theory of planned behavior and the theory of cultural dimensions. Perceptions and perceptions of sexual harassment vary and are often seen as byproducts of socialization, especially conservatism, victimization, and masculinity. Meanwhile, the use of laws to combat sexual harassment is still in its development stage, and the education system has not systematically introduced pedagogical methods of sexual harassment into the national education program (Puchakanit, P., Rhein, D. 2021).

Based on radical feminist theory and human rights views, Grosser, K., Tyler, M. (2021) analyze sexual harassment and sexual violence with corporate social responsibility issues, giving insights into the issues of sexual harassment and sexual violence while explaining the focus of these concerns on the agenda of gender equality in business as well as social responsibility. Corporate association, thereby explaining the business and human rights approach to sexual harassment, sexual violence, and corporate social responsibility.

From identifying that the nature of sexual harassment is a deteriorating act of thought, morality, and distorted perception in the lifestyle, which greatly affects the cultural foundation of the nation, victims of sexual harassment suffer psychological trauma, including feeling humiliated, reduced motivation to strive, loss of self-respect causing many bad consequences for the victim, causing the victim to be subjected to a change in behavior, a way of life that behaves as an isolation of oneself; destroying relationships, at risk of physical and mental illnesses related to depression, including alcohol overconsumption, even suicide, Bui, V.V. (2021) recommends the study and addition of sexual harassment to the criminal law as a separate crime (Nguyen, T.N.L. 2018). Nguyen, T.N.L. (2017, p.39-40) explains the reasons for the need to criminalize sexual harassment behavior stemming from the danger it poses to society and that it is not only morally reproachable but should be punished in a legal way to be satisfactory because sexual harassment in the workplace is a premise for offenders to commit and commit higher acts of sexual abuse; therefore, it should be stopped.

Sexual harassment in the workplace is a common occurrence in Vietnam, and it is on the rise, with the nature of increasing diversity, complexity, and cover-up in many sophisticated forms making it difficult to identify in practice. Victims of sexual harassment incidents in the workplace are mostly female, accounting for about 80% of all incidents, regardless of age group or profession, professional qualifications are also employees aged 18 to 30, who are more frequently harassed (Ha, T.H.P. 2017. p.21). In practice, the biggest difficulty in preventing effective sexual harassment behavior is that employees are very vague about the signs of identification. At the same time, the provisions on handling administrative violations in the field of labor have no provisions for handling administrative violations against sexual harassment acts, there is no provision for coordination and support mechanisms from employers as well as trade unions in protecting and supporting evidence when employees claim damages caused by sexual harassment acts as well as psychological help measures to help workers regain balance after processing... Therefore, detecting, preventing, promptly and quickly handling sexual harassment behavior in the workplace cannot be effective if only at the call for denunciation (denunciation) of the victim, voluntarily develop and apply the Code of Conduct for sexual harassment behavior in the workplace of the enterprise or of organizations, relevant state agencies such as the Vietnam General Confederation of Labor, the Ministry of Labor, Trade and Social Affairs, and the Vietnam Chamber of Commerce and Industry... which

require specific legal provisions, associated with sanctions and effective preventive measures. In other words, building and enforcing sexual harassment laws in the workplace is the key to helping identify, prevent, and handle quickly and promptly, contributing to maintaining stability and sustainable development of fixed assets as well as protecting family happiness (Zhu, H., Lyu, Y. and Ye, He. 2019, p. 594-614).

2. Methodology

This study is based on common methods of social science including system, structure-function, history, and logic (Anol Bhattacharjee, 2012)." In addition to the general research method of social sciences, the article also uses the method of law analysis to evaluate, analyze and clarify the provisions of the current law related to the identification and application of measures to prevent sexual harassment behavior in the workplace. Legal data sources are relevant Vietnamese legal documents, of which the most important are:

- Labor Law No. 45/2019/QH14.

- Criminal Law No. 100/2015/QH13 dated November 27, 2015, Law No. 12/2017/QH14 dated June 20, 2017, of the National Assembly, amending and supplementing several articles of the Criminal Law No. 100/2015/QH13.

- Law on Sanctioning of Administrative Violations No. 15/2012/QH13 dated June 20, 2012, and Law No. 67/2020/QH14 dated November 13, 2020, of the National Assembly, amending and supplementing several articles of the Law on Sanctioning of Administrative Violations.

Besides the data sources being legal documents, the study also relies on articles in specialized journals domestic and international as well as reports on the status of sexual harassment in the workplace of enterprises and state agencies. In addition, this study is carried out according to the method of analytical research - description, and comparison method to clarify the legal content, legal relationship, and practice of detecting and preventing sexual harassment behavior in the workplace in Vietnam.

3. Results and discussion

3.1. Labor relations, working environment, and risk of sexual harassment

Labor Relations is a concept that refers to the relationship between workers, employers, and the state in the workplace (Ulric Sealy, 2002, pp. 41). Labor relations is the

de facto expression of the correlation between the worker, the employer, and the labor process in which the capacity of the worker is expressed in practice (Sycheva, I. N., Akhmetshin, E.M., Dunets, A. N., Svistula, I. A., Panteleeva, T. A., & Potashova, I. Yu. , 2018, p. 356-367). Industrial relations revolve around legal, economic, sociological, and psychological aspects, including employment, hiring, job arrangements, training, discipline, promotion, forced severance, contract closing, overtime, bonuses, profit distribution, education, health, safety, entertainment, accommodation, working hours, rest, leave and benefits for the unemployed, sickness, accidents, elderly and disabled (David Macdonald and Caroline Vardenabeele, 1996).

From a legal perspective labor relations is the social relations arising in the hiring, employment, and financial contracts between employees, employers, representative organizations of competent parties, and state agencies, including personal labor relations and collective labor relations (Labor Code No. 45/2019/QH14, Article 3 Clause 5). Although the concept differs in the content of the concept of labor, the essence of labor relations is the actual expression of the interaction between employees and employers on employment through labor-hire relations by labor contracts, employers, and wages. In labor relations, ensuring safety from violations of the rights of stakeholders, especially employees, including sexual harassment status in the workplace not only attracts the attention of employers and employees but also organizations representing employees, human rights organizations, and the state.

Practice shows that the manifestations of sexual harassment behavior in the workplace are diverse from physical contact behaviors, to indecent teasing, eyes, and vulgar gestures ... All can occur in the workplace, including the romantic workplace factor (Mainiero, 2020, p.329-347)." sexual harassment in the workplace along with discrimination is closely related to workplace power (Vincent J. Roscigno, 2019). Sexual harassment in the workplace has a direct impact on the environment, productivity, quality, work efficiency as well as the relationship between employees and employers. Sexual harassment, for example, impairs nurses' ability to provide comprehensive care, leads to psychological discomfort, and decreases work commitments, absences, and terminations (Zeighami, M., Mangolian Shahrabaki, P. & Dehghan, M. 2022).

Sexual harassment and sexual harassment forms create a terrible working environment (Ha, T.H.P. 2017, p.21), (Imran Rao, Richa Vijayraj, 2016) also quite popular. According to Carballo Pineiro and M. Kitada (2020), there is currently no separate study

that mentions sexual harassment on board ships in which the work environment (in fact maritime occupations) is dominated by men. The perception and experience of sexual harassment victims in the workplace are still not well understood, especially in low- and middle-income countries such as Ethiopia, female workers in the hospitality industry, including hotels, bars, restaurants, fast food restaurants, and cafeterias, are most affected (Worke, M.D., Koricha, Z.B. & Debelew, G.T. Based on an analysis of the similarities and differences between majority sexual harassment (men sexual harassment for women) and the few (between men and women of men and women of men or women of other men or women), Paula McDonald, Sara Charlesworth (2015, p.118-134) has discovered challenges both theoretically and practically in better understanding sexual harassment in the workplace of these subjects.

According to Singapore law, the harmless flirtation between colleagues in the agency is not sexual harassment, however, if the two parties are not in a relationship, one party has shown disagreement but the other party still acts disturbing, soliciting physically, touching or having words containing sexual content may also be considered to have crossed the line of "harmless flirting" that is still considered sexual harassment (Thai, V.H.D. 2021). Hooda, S., Agarwal, K., Chanda, A., & Srivastava, A. (2022, p.126-138) argue that, in India, the fact that a woman's position is disproportionate to her professional position plus the inferior status of women is the root cause of the perpetrator's sexual harassment. Another common excuse used to justify inappropriate behavior is that certain behaviors are part of a social culture and/or workplace in a particular country or business. Such relative excuses are unacceptable and leave the victim in a state of helplessness. For both the above and other reasons, it would be a grave mistake to allow employers to establish a code of conduct that they deem appropriate so that they decide the content themselves and are built on the nature or characteristics of their business. Whether a person works in a textile factory, office building, or bar, sexual harassment should be well defined, there are consistent regulatory enforcement measures, and sexual harassment should always be prohibited (Kamal Malhotra, María Jesús Figa López-Palop, 2020) and the need for strong condemnation of society (Brown, S.E.V., Battle, J.S. 2020, p.53-67).

3.2. Nature of sexual harassment in the workplace

Identifying and preventing sexual harassment in the workplace is often very difficult due to the lackluster, difficult to prove, and directly related to the reputation and honor of

the victim, so they often worry and limit talk and still choose to remain silent, resigned, without speaking out, without denouncing, or only share anonymously on social networking sites, with few cases shared publicly. This happens even in developed countries like the U.S., France, etc. The problem of dealing with sexual harassment is also very difficult... Moreover, the harassed person also did not dare report it for fear of retaliation, because most sexual harassment perpetrators are bosses, and the harassed are subordinate employees (Ha. T.H.P. 2017, p.21; House of Commons Women and Equalities Committee, 2018, pp.3). This situation puts employees in a state of "children leaving the market" because there is no mechanism to receive feedback (actually denouncing) sexual harassment behavior for employers or competent people to receive, propose directions to handle or apply preventative measures (such as trade unions, heads of working departments ...).

The draft laws of some countries stipulate the responsibility of employers for sexual harassment, for example, in India, the law stipulates that employers must post notices of criminal consequences that sexual harassment suffers in conspicuous places; organize workshops and programs to raise awareness during regular periods for employees on these issues; the impact of sexual harassment in the workplace, and the organization of orientation programs for members of the Internal Complaints Committee; and investigate and handle sexual harassment behavior in the workplace... or in the U.S., when an employee sues another employee of the company for sexual harassment, it is the company itself, not just the person being sued, that the person who is sued must bear the legal consequences, including liability for compensation. The company owner must also be held liable for sexual harassment if they are aware of the incident but have not responded. For these reasons, most U.S. companies have policies to prevent sexual harassment (Nguyen, T.T.V. , Vu, T.T.H. 2016. p.21; Ha. T.H.P. 2017).

In today's approach to the concept of sexual harassment in the workplace, most definitions of sexual harassment, focus on behavioral factors that can be attributed to sexual harassment. In countries, the concept of sexual harassment is usually defined in two ways, describing signs of behavior, or listing forms of behavior (Helen Campbell and Suzi Chinnery, 2018, pp.6; Ha. T.H.P. 2017). The Code of Conduct on sexual harassment in the workplace of the Ministry of Labor, War Invalids and Social Affairs, the Vietnam General Confederation of Labor, and the Vietnam Chamber of Commerce and Industry (2015, p.7) define sexual harassment as a sexual act that affects the dignity of women and men, this is

unacceptable, undesirable, and unreasonable behavior that offends the recipient, and creates an unstable, frightening, hostile, and unpleasant work environment. Sexual harassment "exchange" (for trade-off) occurs when an employer, supervisor, manager, or colleague performs or attempts to influence the process of recruitment, promotion, training, discipline, dismissal, raises, or other benefits of the employee in exchange for sexual consent. The worst form of sexual harassment is that of a sexual or rape nature, as defined in the law dealing with administrative or criminal offenses. Currently, sexual harassment in the workplace also includes contempt for demeaning others and pushing them out, not dragging victims into sexual activity (Lilia M. Cortina and Maira A. Areguin, 2021, p.285-309)."

3.3. Comprehensive approach to preventing sexual harassment in the workplace in Vietnam today

3.3.1. Sexual harassment with habitual behavior

In Vietnam, the way of expressing affection through physical touch, including the "sensitive" areas of children, is quite common in social life. When growing up, the proverb "Flowers are to be picked, girls are to be teased." accidentally facilitates acts of abuse by touching the body and harassment. Therefore, distinguishing "being flowers for people to pick, being girls for people to tease" from sexual harassment in the workplace or indirectly promoting gender discrimination is essential.

Practice shows that the concept of "Flowers are to be picked, girls are to be teased." is a way of expressing a man's feelings for a woman. Through the act of "picking", "and teasing", the desire to establish a male-female love relationship is expressed, and the woman also has "messages" in response. This interaction, if appropriate, will move toward love. In other words, the concept of "Flowers are to be picked, girls are to be teased." is a way of expressing messages to understand the attitude, psychology, and feelings of men towards women. However, this concept is currently being interpreted incorrectly with clarity and positivity, so invoking this concept is like justification for sexual harassment behaviors not only in the work environment. Thus, the use of "non-verbal behaviors includes undesirable actions such as provocative body language, indecent expression, erotic looks, constant winking, finger gestures..." Typical expressions of sexual harassment in the non-verbal workplace can be easily approved or ignored. To remedy this situation, the development and dissemination of culture, and code of conduct in the workplace, is the

premise for establishing acts of civilized behavior and respect for human rights and contributes to gradually helping workers clearly distinguish between the behavior of "giving - receiving" messages of love between men and women, with the abuse or integration of "giving - receiving" love messages with sexual harassment behavior in the workplace. In other words, sexual harassment in the workplace is closely related to the personality and social norms of each individual (Kris Hardies, 2019).

3.3.2. Identifying signs of sexual harassment in the workplace

The sign of sexual harassment behavior in the workplace is to help victims, as well as related subjects, identify and fight to eliminate this behavior to build a healthy and safe working environment that is a condition for the identification, proof, and prevention of sexual harassment behavior in the workplace. In Vietnam, we should not build the concept of sexual harassment in the workplace in the direction of listing behavior but should design it in the direction of general expression, thereby helping the relevant subjects to be able to explain, on their own or through the relevant subjects to explain, the identification. The reason why it is necessary to design the concept of sexual harassment at work in a general way is due to:

- Overcoming the disadvantages of the listed rules that easily lead to omissions or not keeping up with the manifestation of new sexual harassment behaviors (for example, through sending sexually charged messages, messages, photos into personal emails and Facebook next to personal phone numbers ...

- Help create a specific tool to prevent "victim blaming"—a typical type of evasion of people who commit sexual harassment in the workplace.

- Help employers be proactive in building and displaying sexual harassment in their workplaces, thereby building a prevention system from within through the construction of images believed to be sexual harassment in the workplace.

- Create an information channel to update the manifestations of sexual harassment behavior by employees. The reflection of sexual harassment expressions on the part of employees makes it possible for employers to regularly update new manifestations and notify employees to take appropriate precautions.

- For the state management agency on labor, the general provision of the nature of sexual harassment behavior in the workplace makes it easy for this agency to explain, identify, and promptly handle these acts proactively and positively.

In the authors' view, signs of identifying sexual harassment behavior in the workplace include one of the following:

- Repetitive, repeated, and associated with images and symbols that evoke activities "of nature or related to sex".
- Persons affected by sexual harassment expressions in the workplace disagree, do not want or feel threatened, and degraded honor and dignity.
- People affected by sexual harassment expressions in the workplace show signs of psychological instability with fearful expressions when exposed to objects with sexual harassment behavior, affecting productivity, quality, and assigned work efficiency.

3.3.3. Ensuring the comprehensiveness of the legal framework for the prevention of sexual harassment in the workplace

Sexual harassment in the workplace often appears lackluster, difficult to prove, and directly related to the reputation and honor of victims, so they often worry and limit speaking and still choose to remain silent, resigned, without speaking out, not denouncing, or only sharing a few incidents anonymously on social networking sites. open. This happens even in developed countries like the U.S., France, etc. The problem of dealing with sexual harassment is also very difficult... Moreover, the harassed person also did not dare to denounce it for fear of harassment, or revenge, because most sexual harassment perpetrators are bosses, and the harassed are subordinate employees (Ha, T.H.P., 2017, p.21; House of Commons Women and Equalities Committee, 2018, p.3). This situation puts employees in a state of "children leaving the market" because there is no mechanism to receive feedback (actually denouncing) sexual harassment behavior for employers or competent people to receive, propose directions to handle or apply preventative measures (such as trade unions, heads of working departments ...). Therefore, ensuring the comprehensiveness of the legal framework on the prevention of sexual harassment behavior in the workplace is essential to both overcome the intrinsic weakness of industrial relations, and contribute to ensuring the "balance" and essential tools to protect victims of sexual harassment cases in the workplace. The framework of the law on the prevention of sexual harassment in the workplace must include content regulations and enforcement measures. Regulations on identification signs prevent micro-sexual harassment. This is a very important issue and involves many different areas of law. In the U.S., for example, there is a distinction between sexual assault as an offense and sexual harassment in the

workplace (Elyse Shaw, Ariane Hegewisch, M. Phil., and Cynthia Hess, 2018, p.1-12). This depends on the ability to describe the content, and the manifestations of sexual harassment behavior in the workplace, as described above. In addition, establishing a law enforcement mechanism for the prevention of sexual harassment in the workplace about the responsibilities of:

- The representative organization of employees is responsible for receiving and requesting employers to resolve and exercise the right to supervise the process of solving sexual harassment cases in the workplace. In cases of necessity, the employee representative organization may initiate a lawsuit to request an end to sexual harassment in the workplace to protect workers. The right to initiate sexual harassment lawsuits should not be extended to other socio-political organizations such as the Ho Chi Minh Communist Youth Union and the Vietnam Women's Union, because the organization representing workers has the function of protecting workers' rights.

- It is mandatory for enterprises to set up specialized departments to receive and combat sexual harassment acts in the workplace. To ensure independence in performing tasks, this department reports the status of sexual harassment at their enterprises, coordinates with the representative organization of employees, and informs competent state agencies to get involved and handle sexual harassment behavior early in the workplace. This should promote the proactive and active role of leaders in building and implementing measures to combat sexual harassment behavior in the workplace (Lee, J. 2018, p.594-612)

- Allow the participation of socio-political organizations such as the Vietnam Women's Union, the Ho Chi Minh Communist Youth Union, and industry associations of which enterprises (employers) are members in receiving and requiring employers to handle sexual harassment behavior in the workplace. It is necessary to allow the participation of socio-political organizations to be received, requiring employers to handle sexual harassment behavior in the workplace and helping the representative organization of employees have more motivation to continue protecting employees. Allowing these organizations to receive and require employers to handle sexual harassment behavior at the workplace will put pressure on the employee representative organization to implement or apply necessary actions to protect the employee if the employee representative organization does not perform or performs poorly in protecting workers from sexual harassment acts at the workplace.

3.3.4. Sanctions for handling sexual harassment in the workplace

The draft laws of some countries stipulate the responsibility of employers for sexual harassment, for example in India, the law stipulates that employers must post notices of criminal consequences that sexual harassment suffers in conspicuous places; organize workshops and programs to raise awareness during regular periods for employees on these issues; the impact of sexual harassment in the workplace; and the organization of orientation programs for members of the Internal Complaints Committee; and investigate and handle sexual harassment behavior in the workplace... or in the U.S., when an employee sues another employee of the company for sexual harassment, it is the company itself, not just the person being sued, that must bear the legal consequences, including liability for compensation. The company owner must also be held liable for sexual harassment if they are aware of the incident but have not responded. For these reasons, most U.S. companies have policies to prevent sexual harassment (Nguyen, T.T.V., Vu, T.T.H. 2016, p.21; Ha, T.H.P. 2017).

Practice shows that there is a "closeness" between sexual harassment behavior in the workplace and lewd acts and sexual harassment behavior, if not prevented early enough, can lead to dangerous crimes such as defilement and sexual assault. This is a point to note when researching the construction of sanctions to handle sexual harassment behavior in the workplace. In the researcher's view, sanctions for handling sexual harassment behavior in the workplace include handling administrative violations, criminal handling, and compensation for damages.

- For sanctions for handling administrative violations, administrative handling measures should be added for: sexual harassment perpetrators at the workplace, and employers when not applying necessary measures to prevent sexual harassment behavior in the workplace. In addition to the main sanctions, additional sanctions such as practice bans and prohibitions on the establishment of labor contracts with other employers for a certain period (for employees who commit sexual harassment acts at the workplace) will be restricted from recruiting workers until the sexual harassment status is removed in their workplace.

- Study the provisions on sexual harassment crimes in the penal code as the basis for the prosecution of sexual harassment acts in the workplace.

4. Conclusion

Sexual harassment in the workplace is a negative social phenomenon, directly affecting the working environment, creating fear and avoidance for employees, and therefore, if prolonged, it will affect productivity, quality, and work efficiency. The Vietnam Labor Law already provides for sexual harassment in the workplace of any person's sexual behavior towards another person in the workplace that is not desired or accepted by that person, in any place where the employee works under the agreement or assignment of the employer. Besides defining sexual harassment in the workplace, the Labor Law also added provisions:

- Sexual harassment in the workplace is one of the prohibited acts (Article 8(3) of Labor Law No. 45/2019/QH14).

- The right to unilaterally terminate an unannounced labor contract before being affected by sexual harassment at the employee's workplace (Article 35.2(a) of Labor Law No. 45/2019/QH14).

- Workplace sexual harassment prevention and control: orders and procedures for dealing with workplace sexual harassment are statutory content in labor regulations (Article 118.2(d) of Labor Law No. 45/2019/QH14).

However, in areas of labor where the line between creativity (for the arts), coaching (for the field of fitness and sports), and abuse of sexual harassment is very thin, determining the ability of the instructor to "integrate" the behaviors of "guidance," "training," "creativity," and sexual harassment purpose is nearly impossible. In addition, for workers who are minors, apprentices, people with disabilities, or applying for positions such as training on occupational hygiene and safety, overtime and out-of-work sexual harassment are likely to govern the employment position of the employee's income or the state's policy towards female workers who are frequently threatened by sexual harassment acts, but there is no clear state policy provision to combat sexual harassment acts at the workplace... It has not been specified, but we can invoke the provisions on prohibited behavior in the Labor Law to apply the handling measures. Therefore, establishing a clear and comprehensive legal framework not only helps employees to protect themselves from sexual harassment in the workplace but also creates legal mechanisms for relevant subjects to take preventive measures and handle cases in a timely and efficient manner. Moreover, promoting the role of labor representative organizations, the participation of social union

organizations, and expanding the participation of the press in detecting, condemning, and supporting the clarification of sexual harassment behavior in the workplace. This is a solution to help transform regulations on combating sexual harassment behavior in the workplace into real action. Identifying early risks of sexual harassment in the workplace, especially sexual harassment in the trade-off, sexual harassment creates a terrible working environment.

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