

Terms of Reference

INCORPORATION OF NATIONAL LEGISLATIONS AND EXAMPLES INTO THE ILO'S GUIDE FOR PREVENTION OF WORKPLACE VIOLENCE AND HARASSMENT, DEVELOPMENT OF COMPLEMENTARY MATERIALS, AND DELIVERY OF A HOW-TO TRAINING PROGRAMME FOR ELECTRONICS FACTORIES

Programme/Project Name	Promotion and improvement of compliance and social dialogue in global supply chains in Viet Nam
Duration of the contract	10 April 2024 – 1 July 2024

I. Background and Rationale

National context and gender equality promotion in Viet Nam

Vietnam is one of the major exporters of electronic goods in the world with (\$113,5 billion in 2022). In addition to playing a major role in overall economic growth, the electronics industry has also been one of the biggest job creators in Viet Nam in the last decade, employing around one million workers. The growth of the electronics sector has taken place in the context of Viet Nam's development strategy of deeper global economic integration, pursued primarily through FDI and the negotiation of free trade agreements, including the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the European Union - Viet Nam Free Trade Agreement (EVFTA).

In recent years, for supporting the constituents, the ILO has played an active role in assisting the government and social partners in preparing a new industrial relations framework based on recognition of freedom of association and collective bargaining. Thus, a culture of social dialogue is now being promoted global supply chains in Vietnam, notably the electronics industry, through a joint VCCI/ILO project. The Project has started since 2021, with a variety of training, advisory and tool developing and advocacy activities, many of which aim at technically supporting electronics factories better comply to the national labour law and international labour standards in general, and promoting a safer, fairer and harassment-free workplace for women and men.

On another note, promoting gender equality in female-intensive industries is an important part of the country's development strategy. In key export industries such as textiles, footwear, and electronics, female workers account for over 60% of the workforce. Majority of them are domestic migrant workers and face many economic and social difficulties. Promoting gender equality in these industries helps millions of female workers have decent jobs, improve their economic conditions and ultimately having better life. It is also a comprehensive solution for businesses to improve labour productivity and build a reputation for responsible business practices. These are important factors for the industries to recover sustainably after the COVID-19 pandemic and maintain a highly competitive position in the international market. At the

national level, the promotion of gender equality in leading and female-dominant sectors like garment, footwear and electronics creates far-reaching impacts, contributing to the goals of economic growth and sustainable development of Vietnam.

In Viet Nam, just like in the developing world in general, women continue to form a large majority of the working poor, earn less income, and are more often affected by under- and un-employment and precarious working conditions than men. Women in Viet Nam are principally found in lower paid occupational sectors or in vulnerable employment¹. Vietnam has made great efforts to promote gender equality over the past 30 years, the domestic legal framework on anti-workplace sexual harassment is more completed after the adoption of the [Labour Code 2019](#). The ILO and Vietnamese constituents have long cooperated on promoting gender equality among male and female workers in the country including the promotion for action against sexual harassment and gender-based violence at work.

The Vietnam Chamber of Commerce and Industry, as the national representatives of businesses in Viet Nam is working with the ILO for years to promote gender equality at the workplace. VCCI is among then national constituents to adopt the nation's first tripartite [Code of Conduct on Sexual Harassment in the Workplace](#) in 2015 and continues its efforts toward decent and discrimination-free workplaces.

In order to continue capacity building efforts for the businesses representatives' designated officers, the project "For promotion and improvement of compliance and social dialogue in global supply chains in Viet Nam" (hereinafter referred to as the ILO/VCCI Electronics Project) support VCCI to incorporate of national legislation, policies, realities and good practices into the ILO ACT/TEMP tool of [Violence and harassment at work: A practical guide for employers](#) and development of complementary materials with an aim to strengthen the capacity of the businesses to tackle this gender topic from better workplace policies and practices. This is in line with the ILO's efforts in supporting enterprises and constituents in strengthening mechanisms to prevent, respond, and remedy incidences of violence and harassment in the world of work in a holistic way in accordance with [Convention 190 and Recommendation 206 on Violence and Harassment](#).

ILO's guide on Anti - Violence and harassment at work (ILO's guide)

In 2022, the ILO ACT/TEMP published an important tool of [Violence and harassment at work: A practical guide for employers](#) aiming to benefit businesses on how to address, prevent and respond to violence and harassment in the world of work. This guide focuses on the general principles in the prevention and management of violence and harassment at work, with reference to the ILO Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206), 2019. It aims to enable enterprises to better control the risks and

¹ [Equality and discrimination in Viet Nam \(ILO in Viet Nam\)](#)

minimize the negative impacts that violence and harassment brings to the workplace. It includes, among others, guidance on what is considered violence and harassment in the world of work, examples of common violence and harassment at work, legal framework, and employers' responsibilities, why employers need to take action, how to address, prevent and respond to violence and harassment including by developing and implementing enterprise-level policy, as well as risk management with sharing of good practices and examples.

The guide is designed to be easily adapted to national circumstances, and reflect local legislations, policies, and realities. It is particularly useful for staff in human resources, occupational safety and health (OSH), or employee relations and well-being that have responsibilities in managing hazards and risks and ensuring the workforce is enjoying a safe and healthy workplace conducive to productivity.

Thus, the ILO is seeking to engage a national consultant to incorporate the national legislations, policies and cases reflecting issues pertinent to the topics into the ILO's guide and complementary materials, subsequently delivering a training programme across the country to provide electronics factories with the guide how-to.

II. Scope of work

Within the said scope, the consultant is expected to focus the following assignments:

2.1 Incorporation of national legislations, policies, case studies, good practices into the ILO's tool [Violence and harassment at work: A practical guide for employers](#), basing on Viet Nam's context

The consultant will be taking the following steps to complete the ILO's standard guide by introducing regulations, national circumstances and examples:

- Review the national legislations, policies and practices on prevention and measures against violence and harassment in the world of work to reflect in the ILO guide's country information boxes of example
- Review the work that relevant stakeholders of the workplace are doing to tackle the issue of violence and harassment at work, screen and select case studies relevant and suitable to each required section of the tool to insert in the assigned boxes.
- Review and proof the final complete guide in Vietnamese to ensure the quality of inputs and [ILO house style](#)

2.2 [Developing](#) complementary materials based on the draft Manual on prevention of sexual harassment at the workplace developed by MOLISA

- Develop complementary materials based on the draft Manual on sexual harassment prevention at the workplace developed by MOLISA for the employer's use in training/communication activity. They tentatively include added scenarios to facilitate discussions, questions bank to test workers' awareness after the training, and FAQs. The list of complementary materials will be finalized after the meeting between the VCCI, ILO and the consultant.

- Develop a presentation file for the use of internal training at the factory level, considering and incorporating all relevant information prepared and inserted for the two mentioned papers.

The ILO will hold the copy rights of the complete Guide *Violence and harassment at work: A practical guide for Vietnamese employers* in Vietnamese and materials developed under the section 2.2

2.3 *Delivery of two training workshops to provide guidance on the use of the said tool to selected electronics factories*

Upon the finalisation of the guide, it is expected that the consultant will work with the ILO's designated project team to develop a training plan on how to use the guide for electronics factories. The consultant will also deliver, as the trainer, two one-day training events for about 40 participants each. These are representatives of the management, HR and compliance officers, designated staffs on gender and discrimination issues, among others, of selected electronics factories. The two workshops will be taking place in Ha Noi and Ho Chi Minh City, tentatively during June. All travel cost associated to the training delivery are to be paid separately as per the ILO policy and are to conform to the UN-EU Cost norm for development cooperation with Viet Nam 2022.

The trainer, in preparation for the training workshops, shall develop a session plan where s/he presents the course content and the flow of the training s/he wishes to deliver and discuss it with the Project team. In the session plan, the following items should be covered:

- Key concepts: Violence, harassments and its consequence to the workplace
- An overview of the national legal framework and ILO's ILS in harassment at work
- Contents of the Guide and ways to apply the Guide into improvements at enterprise's

The trainer will also be responsible for determining the methodology and approach to ensure effective delivery of the workshop and discuss with the Project team before finalisation.

III. Competencies and Qualifications

The expected consultant should have the following qualifications:

- A university degree in social science, international development, law, gender studies or other relevant fields. An advanced degree in one of the listed fields would be an asset.
- Having minimum 5 years of relevant work experience in the field of violence and harassment prevention (including sexual harassment), and/or gender equality and discrimination
- At least 5 years of experience in training programme design and implementation, tool development and training delivery in participatory methods
- Having a strong understanding of and relevant national regulations and international labour standard on sexual harassment prevention at the workplace.

- Knowledge of gender dynamics in labour-intensive sector in Viet Nam, particularly the electronics industry, is an advantage.
- Vietnamese is mother language, with strong communication skills and significant writing capacity
- Experience with the ILO's and other UN agencies' mandates and operational conduct is an advantage.

IV. Expected timeline and deliverables

The contract will start tentatively on 10 April 2024 and complete on 1 July 2024. All deliverables are in Vietnamese, with specific milestones and expected deliverables of which being as below:

No.	Expected tasks	#working days	Timeline	Deliverables/Other notes
4.1	Desk review of legislation, policies, relevant guidelines/manuals and practices	5	By 17 April 24	List of reference materials
4.2	Incorporating required content into the Guide (including but not limited to screening and inserting information, case studies and examples) and sending the 1 st draft for ILO and VCCI's comments	4	By 24 April 24	1 st draft of the guide upon incorporation
4.3	Editing the 1 st draft according to ILO and VCCI's comments	2	By 29 April 24	2 nd draft the guide
4.4	Developing complementary materials based on the the draft Manual on sexual harassment prevention at the workplace developed by MOLISA for the employer's use in training/communication activities (tentatively scenarios to facilitate discussions, questions bank to test workers' awareness after the training, and FQAs)	6	By 8 May 24	1 st draft of the complementary materials

4.5	Editing the 1 st draft according to ILO and VCCI's comments	3	By 15 May 24	The 2 nd draft of the complementary materials
4.6	Proofing the complete guide and complementary materials	5	By 22 May 24	The Guide and Manual properly proofed
4.7	Preparation of training delivery	3	By 27 May	Training session plan and training PPT
4.8	Update and finalise the draft training PPT to a complete tool for factory internal use	2	By 30 May	PPT
4.9	Training Delivery	2	During 1 June - 20 June 24	Training reports, covering participant composition, points of discussion in the training and recap of recommendations /suggestion for improvements from the training
4.10	Completion of the final guide and the final manual	4	By 1 Jul 24	Final guide of which all comments of the ILO Project team, BWV and VCCI and recommendations from the training are addressed
Total working days		36		

V. Application and Payment schedule

Application must be submitted in English to the ILO Project Team in charge at Dung, Nguyen Thi My <dungn@ilo.org> and/or Thao, Nguyen Thi Thanh <thanhthao@ilo.org> by 18.00, 29 March 2024. The screening and shortlisting process is expected to complete within 5 working days from the date of closing for application and the selected candidate will be contacted immediately afterwards for contract opening.

Payment arrangement will be as upon agreement with the consultant once the contracting process begins.