

---

# The Integration of ILO Convention C111 into Vietnamese Labour Law and Its Implications for Gender-based Discrimination: A Feminist Legal Critique

---

Minh Hoang Dang\* & Doan Thi Phuong Diep\*\*

*This study critically examines the integration of ILO Convention C111 into Vietnamese labour law, specifically examining its impact on sex-based discrimination. Employing feminist legal methodology, it assesses the reflection of the Convention's anti-discrimination principles in national legislation and their effectiveness in promoting workplace gender equality in Vietnam. Preliminary findings suggest that, despite the Convention's influence, there are significant obstacles to the full achievement of its objectives, largely due to socio-cultural and economic factors. The paper underscores the practical challenges of aligning the international labour standards with local laws preventing the implementation of C111's provisions in combating gender-based discrimination in an employment setting. It argues that achieving true gender equality in employment transcends the simple adoption of international norms; it necessitates a holistic and profound approach. These insights are crucial for enhancing labour laws so as to foster genuine gender equality and emphasising the importance of practical implementation alongside the harmonisation of international standards.*

\* Corresponding author. Law Lecturer at FPT University, Vietnam; Ph.D. candidate at the University of Economics and Law, Ho Chi Minh City, Vietnam and Vietnam National University, Ho Chi Minh City, Vietnam. LL.M. (Newcastle, UK). ORCID: <https://orcid.org/0000-0003-4650-4784>. The author may be contacted at: [minhhd22710@sdh.uel.edu.vn](mailto:minhhd22710@sdh.uel.edu.vn) or [minhhd20@fe.edu.vn](mailto:minhhd20@fe.edu.vn) / Address: 669 NH 1, zone 3, Linh Xuan Ward, Thu Duc, HCMC, Vietnam.

\*\* Associate Professor at the University of Economics and Law, Ho Chi Minh City, Vietnam and Vietnam National University, Ho Chi Minh City, Vietnam. Ph.D. in Law (Bordeaux IV, France) ORCID: <https://orcid.org/0000-0001-5021-3408>. The author may be contacted at: [diepntp@uel.edu.vn](mailto:diepntp@uel.edu.vn) / Address: 669 NH 1, Zone 3, Linh Xuan Ward, Thu Duc, HCMC, Vietnam.

**Keywords**

ILO Convention C111, Vietnam Labour Law, Gender-based Discrimination, Feminist Legal Theory, Critical Legal Analysis

**I. Introduction**

The principle of non-discrimination is fundamental to human rights law, intricately woven into the fabric of international legal instruments. This principle received early recognition in Article 7 of the Universal Declaration of Human Rights 1948 (UDHR) and Article 26 of the International Covenant on Civil and Political Rights 1966 (ICCPR). Both the ICCPR and the International Covenant on Economic, Social, and Cultural Rights 1966 (ICESCR) include specific provisions that forbid discrimination in the enjoyment of the rights they enumerate.<sup>1</sup> Moreover, specialised treaties such as the Convention on the Elimination of All Forms of Racial Discrimination 1965 (CERD) and the Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW) focus on eliminating discrimination based on specific characteristics such as race and sex. This commitment to eradicating discrimination is further mirrored in regional human rights treaties, emphasising its significance on a global scale.<sup>2</sup>

Within the realm of employment, the International Labour Organisation (ILO) has been a steadfast advocate for equality of opportunity and treatment since its inception. This commitment has been solidified in its founding Constitution and further emphasised by the 1944 Declaration of Philadelphia. In 1946, this Declaration was integrated into the ILO's Constitution, reinforcing fundamental human rights in the workplace. These rights include the ability to work under conditions of freedom, dignity, economic security and equality.<sup>3</sup> Subsequently, the ILO has adopted several conventions and recommendations, particularly the Discrimination (Employment and Occupation) Convention 1958 (No. 111), which is aimed at eradicating discrimination

<sup>1</sup> International Covenant on Civil and Political Rights, art. 2(1); International Covenant on Economic, Social and Cultural Rights, art. 3.

<sup>2</sup> See European Convention on Human Rights art. 14; European Social Charter art. 4(3); Additional Protocol to the European Social Charter art. 1; African Charter on Human and Peoples' Rights arts. 2-3; American Convention on Human Rights art. 24; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador," arts. 3 & 7(a).

<sup>3</sup> Declaration of Philadelphia, <https://www.ilo.org/static/english/inwork/cb-policy-guide/declarationofPhiladelphia1944.pdf>.

in employment and occupation.

Vietnam ratified the ILO Convention No. 111 (C111) in 1997. It marked a significant step towards incorporating international anti-discrimination standards into its national legislation. More than a quarter-century after embracing C111, Vietnam has experienced substantial transformations in its societal and legal frameworks, showcasing a strong commitment to aligning its laws with those of the ILO. Despite these strides, however, gender disparities still persist as a formidable challenge within the Vietnamese labour market.<sup>4</sup> Women still encounter various hurdles, including disparities in participation rates, employment quality, working conditions, career advancement, and access to leadership roles.<sup>5</sup> This enduring inequality highlights the need for a critical examination of how effectively the adoption of ILO's international norms has truly contributed to advancing towards gender equality in Vietnam. Yet, this critical issue has received scant attention, particularly in regard to the lack of gender-centred analysis in the study of Vietnamese labour law.

Against that backdrop, this study examines the incorporation and practical application of C111's mandates within Vietnam's employment legal framework, with a specific reference to gender-based discrimination. This examination is carried out based on feminist legal methodology, which is meticulously designed to facilitate a comprehensive, nuanced and critically engaged gender perspective. This analysis will determine the framework's alignment with the principles enshrined in C111, especially focusing on the enforcement of provisions that promote gender equality. At the heart of this investigation is a critical examination of how these legal measures are implemented within Vietnam's unique socio-legal context and their concrete effects on gender discrimination in the labour sector. By merging doctrinal legal analysis with a feminist theoretical critique, this approach seeks to provide a deep understanding of the legislation's ability to address sex-based discrimination.

This methodology is crafted to offer a rich, contextually informed insight into the effectiveness of legislative mechanisms in fostering an equitable employment environment. It aims to establish a foundation for well-supported recommendations aimed at refining and improving Vietnam's labour law system, thereby contributing to the wider conversation on gender equality and legal reform. Ultimately, this study provides in-depth analysis of the interplay between international norms and local

<sup>4</sup> SNV, Challenges & Opportunities for Women's Economic Empowerment in Agriculture (2017), <https://www.snv.org/update/challenges-opportunities-womens-economic-empowerment-agriculture>.

<sup>5</sup> ILO, Equality and Discrimination in Vietnam, <https://www.ilo.org/hanoi/Areasofwork/equality-and-discrimination/lang--en/index.htm#:~:text=In%20Viet%20Nam%2C%20just%20like,precarious%20working%20conditions%20than%20men.>

legal frameworks, advancing the conversation on gender equality and labour rights worldwide.

## II. The Evolution of the ILO Convention No. 111

The comprehensive examination of the ILO Convention No. 111 (C111) has shed light on its critical role within the framework of international human rights. Emerging in the post-World War II era, C111 played a central role in defining the principles of non-discrimination and equality of opportunity in the labour sector, setting international legal standards and urging countries to align their national laws with its directives, thereby initiating significant legal reforms worldwide.<sup>6</sup> Scholars have highlighted C111's innovative legal structure as one of the first international instruments to directly address employment and occupation discrimination on various grounds, including race, colour, sex, religion, and political opinion.<sup>7</sup> The adaptability of C111's provisions has maintained its relevance amid evolving socioeconomic landscapes, shaping a wide range of national anti-discrimination laws and policies.<sup>8</sup>

C111's influence on shaping international norms has been enhanced by its impact on national policies, serving as a catalyst for the genesis and refinement of anti-discrimination legislation.<sup>9</sup> Its widespread ratification signifies global endorsement and underscores its importance as an advocacy and legal reform tool, aimed at fostering equitable employment conditions.<sup>10</sup> Empirical research on C111's global impact shows its considerable role in globally promoting workplace equality.<sup>11</sup>

<sup>6</sup> Tzehainesh Teklè, *ILO Convention 111 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*, in INTERNATIONAL AND EUROPEAN LABOUR LAW 612-30 (Edoardo Ales et al. eds., 2018).

<sup>7</sup> Fergus MacKay, *The ILO Convention No. 111: An Alternative Means of Protecting Indigenous Peoples' Rights?*, 24(2-3) INT'L J. HUM. RTS. 144-55 (2020); Helen Seitzer, *The Diffusion of Workplace Antidiscrimination Regulations for the LGBTQ+ Community*, in NETWORKS AND GEOGRAPHIES OF GLOBAL SOCIAL POLICY DIFFUSION 227-53 (Michael Windzio et al. eds., 2022).

<sup>8</sup> Jenny Hahs, *From Geneva to the World? Global Network Diffusion of Antidiscrimination Legislation in Employment and Occupation: The ILO's C111*, in NETWORKS AND GEOGRAPHIES OF GLOBAL SOCIAL POLICY DIFFUSION - CULTURE, ECONOMY, AND COLONIAL LEGACIES 195-225 (Michael Windzio et al. eds., 2022); Valerio De Stefano, *Not as Simple as It Seems: The ILO and the Personal Scope of International Labour Standards*, 160(3) INT'L LAB. REV. 387-406 (2021).

<sup>9</sup> Leonardo Baccini & Mathias Koenig-Archibugi, *Why do States Commit to International Labor Standards? Interdependent Ratification of Core ILO Conventions, 1948-2009*, 66(3) WORLD POL. 1948-2009 (2014).

<sup>10</sup> Velibor Jakovleski et al., *The ILO's Role in Global Governance: Limits and Potential*, in THE ILO @100, 82-108 (Christophe Gironde & Gilles Carbonnier eds., 2019).

<sup>11</sup> Anne Lafarre & Bas Rombouts, *Towards Mandatory Human Rights Due Diligence: Assessing Its Impact on Fundamental Labour Standards in Global Value Chains*, 13(4) EUR. J. RISK REG. 567-83 (2022).

Chowdhury<sup>12</sup> and Iqbal<sup>13</sup> emphasise jurisdictions successfully adopting C111's principles into their national law, implementing specific measures against gender-based employment discrimination. These countries have not only amended their labour laws but have also instituted comprehensive anti-discrimination frameworks, establishing benchmarks for legal initiatives designed to enhance gender equity in the employment market. Sommer and Asal evaluated C111's concrete effects on diminishing gender-based discrimination across various employment realms, offering case studies of effective policy interventions while identifying persisting enforcement and coverage gaps that permit discriminatory practices.<sup>14</sup>

Comparative studies are essential for grasping C111's varied implementation, reflecting the unique socio-political environments of different countries. While some have fully incorporated the Convention's principles, others face delays, underscoring issues like inadequate enforcement and prevailing cultural biases.<sup>15</sup> Various studies have delved into the socio-cultural barriers to C111's full realisation, even in countries with strong legal frameworks against gender discrimination, highlighting the ongoing impact of traditional gender roles and prejudicial biases.<sup>16</sup> Innovative legislative and policy measures adopted by some countries to foster gender equality, in line with C111, include gender quotas, targeted vocational training for women, and efforts to balance work and family life, illustrating proactive steps towards removing systemic barriers to women's employment.<sup>17</sup>

These pivotal studies collectively underscore the complex challenges involved in implementing C111's mandates against gender-based discrimination. However, while legislative updates mark significant progress towards gender equality, their effectiveness is often limited by practical enforcement issues, societal attitudes and the scope for innovative policy solutions. The research emphasises the need for an integrated approach that combines legal reforms with cultural changes and targeted actions to fully realise the Convention's objectives.

<sup>12</sup> Muhammad Chowdhury, *Compliance with Core International Labor Standards in National Jurisdiction: Evidence from Bangladesh*, 68(1) LAB. L. J. 78-93 (2017).

<sup>13</sup> Muhammad Iqbal, *ILO Conventions and Gender Dimensions of Labour Laws in Pakistan*, 30(1) S. ASIAN STUD. 257-71 (2015)

<sup>14</sup> Udi Sommer & Victor Asal, *A Cross-national Analysis of the Guarantees of Rights*, 35(4) INT'L POL. SCI. REV. 463-81 (2013).

<sup>15</sup> Hahs, *supra* note 8, at 201-3.

<sup>16</sup> Sharon Bachman, *Translating Standards into Practice: Confronting Transnational Barriers*, in CHILD LABOR AND HUMAN RIGHTS: MAKING CHILDREN MATTER 117-42 (Burns Weston ed., 2005).

<sup>17</sup> Mykola Inshyn et al., *Gender Policy within Social and Labor Relations: International and Legal Aspect*, 40(74) CUESTIONES POLÍTICAS 436 (2022).

### III. Analysing Discrimination Issues through Feminist Legal Theory

Feminist legal theory offers a powerful lens through which to analyse labour laws, particularly in identifying and addressing the nuanced forms of sex-based discrimination that pervade them.<sup>18</sup> This theoretical framework critically examines the intersections of law, gender and power dynamics, challenging conventional legal principles and advocating for a legal system that is both inclusive and equitable.<sup>19</sup> Through the synthesis of seminal theoretical works, it becomes clear how feminist legal scholars have deepened our understanding of labour law and its implications for gender equality. For example, Charlesworth's application of feminist legal theory highlights how ostensibly gender-neutral labour laws can still perpetuate structural discrimination.<sup>20</sup> This critique points out that many laws fail to account for the historical and societal contexts that shape gender relations, often adopting male norms as the default.<sup>21</sup> These insights reveal how seemingly neutral policies can disadvantage women in such aspects as wage equity, career progression, and work-life balance.<sup>22</sup>

Feminist theorists including Catharine MacKinnon, Carol Gilligan and Patricia Williams, have meticulously critiqued the traditional division between the public (work) and the private (home) spheres within legal discourse.<sup>23</sup> They argue this bifurcation neglects the significant impact that domestic responsibilities, disproportionately shouldered by women, have on their ability to participate fully and equitably in the employment market. Challenging this binary, feminist legal theory advocates for transformative reforms that not only recognise, but also bridge the chasm between these domains.<sup>24</sup> Such reforms include advocating for policies supportive of family leave and introducing protections against caregiver discrimination, thereby

<sup>18</sup> Martha Fineman, *Gender and Law: Feminist Legal Theory's Role in New Legal Realism*, 2 WIS. L. REV. - GENDER & L. 405-31 (2005).

<sup>19</sup> *Id.*

<sup>20</sup> Hilary Charlesworth, *Feminist Methods in International Law*, 93(2) AM. J. INT'L L. 379-94 (1999).

<sup>21</sup> RICHARD COLLIER, MASCULINITY, LAW AND THE FAMILY 63 (1995); Ann Scales, *The Emergence of Feminist Jurisprudence: An Essay*, 95(7) YALE L. J. 1377 (1986).

<sup>22</sup> Deborah Rhode, *Occupational Inequality*, 1988(6) DUKE L. J. 1225 (1988).

<sup>23</sup> Nicola Lacey, *Feminist Legal Theory*, 9(3) OXFORD J. LEGAL STUD. 13-55 (1989); Christina Whitman, *Review: Feminist Jurisprudence*, 17 FEMINIST STUD. 493-507 (1991).

<sup>24</sup> Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43(6) STAN. L. REV. 1241-99 (1991).

facilitating a more inclusive and supportive work environment for those with caregiving obligations.<sup>25</sup>

Building on this critique, Fudge and Owens delve into the gendered assumptions underpinning employment law, particularly the notion of the ideal worker model.<sup>26</sup> This model unrealistically presumes that workers can maintain continuous, full-time employment histories, a standard out of reach for many women burdened by caregiving duties. Through a feminist lens, this body of work challenges norms that marginalise individuals who deviate from these idealised career paths.<sup>27</sup> It calls for the enactment of laws that recognise and accommodate the diversity of workers' life experiences, ensuring that all individuals, regardless of their personal responsibilities, have equitable access to work opportunities and protections.<sup>28</sup> Expanding the feminist critique further, Crenshaw incorporates the concept of intersectionality to explore how layered identities, including race, class and gender, intersect to influence individual experiences in the employment market.<sup>29</sup> This approach sheds light on the complex, multifaceted nature of discrimination, advocating for nuanced legal strategies that address and ameliorate these overlapping layers of disadvantage.

Echoing these insights, feminist legal scholars like Fredman<sup>30</sup> and Jenson et al.<sup>31</sup> envision a reimagined legal framework that more accurately mirrors the lived realities of workers, with a particular focus on women. These scholars advocate for a pivotal shift from the notion of formal equality to one of substantive equality. Such a shift emphasises the necessity of creating conditions that genuinely enable equitable outcomes for all workers. This includes pushing for systemic changes, such as ensuring equal pay for work of equal value, instituting comprehensive anti-harassment policies, and securing enhanced protections for part-time and precarious workers.

In sum, the consensus in the literature suggests that applying feminist legal theory to labour law enables a critical examination of how legal frameworks may reinforce gender biases, thereby opening innovative pathways for reform. By challenging

<sup>25</sup> Keith Cunningham-Parmeter, *(Un)equal Protection: Why Gender Equality Depends on Discrimination*, 109(1) NW. U. L. REV. 1-56 (2014); Ivana Isailovic, *Gender Equality as Investment: EU Work-life Balance Measures and the Neo-liberal Shift*, 46(2) YALE J. INT'L L. 277-34 (2021).

<sup>26</sup> JUDY FUDGE & ROSEMARY OWENS, PRECARIOUS WORK, WOMEN, AND THE NEW ECONOMY: THE CHALLENGE TO LEGAL NORMS 73 (2006).

<sup>27</sup> Diana Burgess & Eugene Borgida, *Who Women are, Who Women should be: Descriptive and Prescriptive Gender Stereotyping in Sex Discrimination*, 5(3) PSYCH. PUB. POL'Y & L. 665-92 (1999).

<sup>28</sup> Joanne Conaghan, *Labour Law and Feminist Method*, 33(1) INT'L J. COMPAR. LAB. L. 93-117 (2017).

<sup>29</sup> Crenshaw, *supra* note 24.

<sup>30</sup> SANDRA FREDMAN, WOMEN AND THE LAW 96-139 (1998).

<sup>31</sup> FEMINIZATION OF THE LABOUR FORCE: PARADOXES AND PROMISES 45 (Jane Jenson et al. eds., 1988).

traditional legal paradigms and advocating for a re-evaluation of rights and remedies, feminist legal scholarship offers vital insights for crafting a fairer and more equitable labour system. This approach proactively tackles the nuanced forms of sex-based discrimination, providing a comprehensive understanding essential for developing effective strategies to achieve true workplace equality. Furthermore, these insights further make feminist legal theory particularly pertinent in examining the integration of C111 due to its sharp critique of how legal systems can entrench gender norms and perpetuate inequality.

This perspective is crucial for dissecting the ways C111, a key instrument for fostering employment equality and opportunity, is incorporated and implemented within national legal frameworks. It scrutinises the Convention's gender-specific impacts, critically evaluating whether legal reforms truly serve all genders fairly or they inadvertently uphold patriarchal standards. The strength of this approach lies in its detailed scrutiny of legal details, enforcement practice and the wider societal response to C111's principles. Feminist legal analysis provides deep insights into the negotiation of gender biases, challenging the law's assumed neutrality by exposing underlying biases and highlighting the socio-legal dynamics that influence the success of anti-discrimination measures. By employing feminist legal theory, researchers can therefore thoroughly assess C111's internalisation process, questioning whether it effectively addresses the core issues of gender discrimination effectively or only does so superficially, thus contributing to a more just, inclusive and equitable legal landscape.

In Vietnam, the application of feminist legal theory to labor law is notably scarce, underscoring a significant gap in existing scholarship. This oversight hinders a comprehensive investigation into the complex or systemic gender discriminations potentially embedded within the legal framework. Therefore, adopting a feminist legal framework could reveal neglected biases and deepen the interpretation of gender dynamics in Vietnam's legal system. This effort could also address the identified research gap in Vietnam concerning the implementation of C111's requirements on sex-based discrimination.



## IV. Internalisation of C111: A Critique from a Feminist Perspective

### A. The Adaption of the Sex-based Discrimination Concept

#### 1. C111 Principle on Domestic Law Internalisation

Article 1(3) of C111 targets three key areas to combat employment discrimination: (1) emphasising equal opportunities in vocational training to prevent education-related job market barriers; (2) ensuring unbiased access to employment and occupations, advocating for the right to work without facing unjust obstacles; and (3) covering employment terms and conditions, such as recruitment, pay and workplace environment, to protect against discriminatory practices and support career advancement.<sup>32</sup> By articulating these points, Article 1(3) establishes a comprehensive framework intended to root out discrimination at all stages of employment, from gaining educational access and entering the workforce to ensuring fair ongoing employment conditions. This expansive approach seeks to thoroughly protect individual rights, ensuring that the principles of equality and non-discrimination are firmly maintained across every facet of professional engagement and career advancement.<sup>33</sup>

By ratifying C111, a State commits to enacting and advocating a national policy that fosters equal opportunities and treatment in employment and occupation. Article 3 explicitly details this commitment, requiring States to work with employers' and workers' organizations to achieve broad acceptance and implementation of the policy. While C111 covers all employment types, promoting equal treatment and opportunities across public and private sectors,<sup>34</sup> it outlines distinct implementation methods for sectors under national authority versus those who are not. For sectors such as employment, vocational guidance, training and placement services directly overseen by national authorities, the State must immediately enforce equality principles, aligning with national policy.<sup>35</sup>

Any deviation constitutes a breach of C111. Conversely, for employment sectors not under State's direct control, the State is obligated to actively dismantle any

<sup>32</sup> ILO Convention No. 111, art. 1(3).

<sup>33</sup> Hahs, *supra* note 8, at 197.

<sup>34</sup> ILO, EQUALITY IN EMPLOYMENT AND OCCUPATION: GENERAL SURVEY 3, ¶ 2 (1988), [https://webapps.ilo.org/public/libdoc/ilo/P/09661/09661\(1988-75-4B\).pdf](https://webapps.ilo.org/public/libdoc/ilo/P/09661/09661(1988-75-4B).pdf).

<sup>35</sup> ILO Convention No. 111, art. 2.

existing inequalities.<sup>36</sup> This includes abiding by Article 3(c) mandates to “repeal any statutory provisions and modify any administrative instruments or practices which are inconsistent with the policy” and ensuring compliance with Article 3(b), which requires States to “enact such legislation ... as may be calculated to secure the acceptance and observance of the policy.” These obligations, in accordance with Article 19(5)(d) of the ILO Constitution, should effectively prevent States from introducing new discriminatory laws, a principle referred to as the “stand-still effect.”

The Convention does not require uniform legislation across all sectors. Rather, it stipulates that legislative actions should be tailored to fit national circumstances and practices.<sup>37</sup> Therefore, the State is not obligated to legislate in the areas traditionally managed through negotiations between employers and workers.<sup>38</sup> Instead, it is tasked with fostering cooperation between workers’ and employers’ organisations to support the anti-discrimination policy outlined in Article 3(a). Additionally, the State is expected to intervene in private employment issues and take responsibility for any discrimination, especially when such proactive measures align with national practices.<sup>39</sup> Consequently, C111 possesses third-party applicability, allowing its principles to extend their reach beyond solely State-controlled employment sectors.

## 2. Discrimination on the Grounds of Sex

Article 1.1(a) of C111 defines the discrimination as “any distinction, exclusion, or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.” This comprehensive definition aligns with those established in the 1960 UNESCO Convention against Discrimination in Education, CERD, and CEDAW, encapsulating three core elements: the objective aspect (the actual distinction, exclusion, or preference); the subjective rationale (the grounds prompting the distinction, exclusion, or preference); and the consequential effect (a nullification or impairment of equal opportunities).<sup>40</sup> In these circumstances, the terms ‘distinction,’ ‘exclusion,’ and ‘preference’ within this definition are imbued with significant implications. While ‘distinction’ might seem

<sup>36</sup> *Id.* art. 3.

<sup>37</sup> *Id.* art. 2.

<sup>38</sup> ILO, *supra* note 34, at 180-1, ¶ 171.

<sup>39</sup> ILO, REPORT OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS 268-9 (India) & 290 (Sudan) (2005), <https://webapps.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-iii-1a.pdf>. It expressly referred to Convention No. 111, art. 3 (c) & (d).

<sup>40</sup> Convention against Discrimination in Education art. 1.1; International Convention on the Elimination of All Forms of Racial Discrimination, art. 1.1; Convention on the Elimination of All Forms of Discrimination Against Women, art. 1.

neutral, ‘exclusion’ and ‘preference’ inherently suggest bias, signifying that what constitutes an exclusion for one could concurrently be a preference for another, yet all epitomise differential treatment.<sup>41</sup>

Discrimination based on sex encompasses more than the explicit use of sex as a criterion for making distinctions, exclusions, or preferences. It also covers such conditions as pregnancy, childbirth, and related medical conditions, which predominantly affect women and thus often represent sex-based discrimination under C111. Although civil status itself is not inherently discriminatory according to the Convention, the Committee of Experts has noted that distinctions based on civil status become discriminatory when they impose sex-specific requirements not demanded of the opposite sex.<sup>42</sup> Sexual harassment is recognised by the Convention as a form of discrimination that fits within the Convention’s scope as it creates distinctions or exclusions based on sex.<sup>43</sup>

In this regard, harassment is deemed discriminatory if it undermines equal employment opportunities and conditions, thereby violating the principles set forth in Article 1(1)(a) of C111. While tackling harassment, therefore, a term of employment, influence employment decisions, or impact job performance should be considered. It must be finally perceived as humiliating, insulting, or intimidating. Furthermore, occupational segregation, where certain jobs are traditionally viewed as ‘male’ or ‘female,’ is typically seen as indicative of discrimination as defined by C111.<sup>44</sup> Discriminatory pay practices, including those based on sex, contravene the Convention’s principle of equal opportunity and treatment. This issue is specifically targeted by the Equal Remuneration Convention 1951 (No. 100), which mandates equal pay for the work of equal value regardless of sex. Such practices fall within the scope of discrimination as outlined by C111.

## B. The Vietnamese Labour Law Adaption

### 1. Accessing Job Training and Employment Opportunities

Vietnam’s labour law not only acknowledges the right of any worker to freely choose vocational training, occupation, or workplace without suffering discrimination or sexual harassment as a core principle,<sup>45</sup> but it also defines gender-based discrimination

<sup>41</sup> Robert C. Post & Neil S. Siegel, *Theorizing the Law/Politics Distinction: Neutral Principles, Affirmative Action, and the Enduring Legacy of Paul Mishkin*, 95 CALIF. L. REV. 1473-513 (2007).

<sup>42</sup> ILO, *supra* note 34, at 40, ¶ 41.

<sup>43</sup> ILO, *supra* note 39, at 260 (Bangladesh).

<sup>44</sup> *Id.* at 283-4 (Saudi Arabia).

<sup>45</sup> Vietnam Labour Code 2019, art. 5.1(a).

as “the differentiation, exclusion, or preference based on various grounds including [...] gender that affects equality in employment opportunities and professions.”<sup>46</sup> This definition comprehensively adapts the concept of C111’s three core elements of discrimination, namely the objective aspect, the subjective rationale, and the consequential effect. Such adherence is vital as it guarantees consistency and the seamless integration of international norms into national legislation, eliminating any discrepancies while implementing these norms. The clear recognition of sex-based discrimination within the legal framework notably signifies an acknowledgement of the systemic barriers that women face in the employment sector.<sup>47</sup>

The evolution of the definition of discrimination in Vietnam labour laws represents a significant shift from previous regulations. In C111, criteria such as pregnancy, childbirth, and related medical conditions are typically considered discrimination based on sex, since, in practice, these conditions exclusively affect women.<sup>48</sup> Vietnam labour law incorporates this concept by recognizing pregnancy status as a basis for discrimination, aiming to comprehensively protect female workers against unique biological disadvantages,<sup>49</sup> which aims to provide female workers with comprehensive protection against their uniquely biological disadvantages.

To effectively enact this, Vietnam labour law subsequently adopts protective strategies, showcasing a proactive approach to ensuring women have equitable access to job opportunities. Unlike previous laws that outright banned women from certain jobs so as to protect their reproductive health, thereby perpetuating gender-based discrimination, the current legislation respects women’s autonomy by providing them with options and stressing the importance of informed choice in occupations that may impact their reproductive functions.<sup>50</sup> Furthermore, initiatives that promote hiring women on equal terms, renewing contracts for female workers, and creating incentives for employers to hire women, have been regulated aiming to level the playing field and tackle the entrenched inequality in the labour market.<sup>51</sup>

Those remarkable advancements demonstrate that the integration of C111 into

<sup>46</sup> *Id.* art. 3.8.

<sup>47</sup> Joseph Gillis et al., *Systemic Obstacles to Battered Women’s Participation in the Judicial System: When Will the Status Quo Change?*, 12(12) VIOLENCE AGAINST WOMEN 1150-68 (2006).

<sup>48</sup> ILO, *supra* note 34, at 39-40, ¶ 41; ILO, *supra* note 39, at 260. (Bangladesh).

<sup>49</sup> Vietnam Labour Code 2019, art. 3.8.

<sup>50</sup> Article 160 of the Vietnam Labour Code 2012 directly states that some specific jobs are not allowed for female workers. This regulation has been removed in the Vietnam Labour Code 2019.

<sup>51</sup> Vietnam Labour Code 2019, arts. 11, 24 & 26. See also of Decree No. 145/2020/ND-CP, art. 78.3 (It specifies details and provides guidance on the implementation of certain Articles of the Labour Code regarding labour conditions and labour relations).

Vietnam's domestic labour laws marks a significant stride towards enhancing gender equality in employment opportunities, highlighting a commitment to ensuring women have equal access to jobs. Despite these advancements, challenges remain in making legal principles yield tangible outcomes, as biases and entrenched gender norms may weaken the law's impact and limit its ability to drive substantial change in the job market. Although women constitute half of Vietnam's population and are vital to the nation's economic growth, they continue to be underrepresented in the labour force.<sup>52</sup>

A major barrier to women's participation in the employment market is maternal profiling, which is based on employers' perceptions of the costs and job interruptions associated with female workers, particularly during maternity leave.<sup>53</sup> As a result, maternal profiling leads to a reluctance among employers to hire women, fearing the financial burden of workplace departures and the costs of training replacements.<sup>54</sup> Employers often generalize these concerns, assuming that all female applicants will lessen their workplace engagement, irrespective of individual intentions or behaviour. Consequently, maternal profiling affects not only pregnant women, but all female employees, as employers view them as potential domestic caregivers, irrespective of their parental status.<sup>55</sup>

This scenario raises critical questions: Do protective measures strike the right balance between safeguarding health and reproductive rights and preventing job segregation and indirect discrimination? Or do they inadvertently reinforce stereotypes and reduce employment opportunities for women, thus affecting their equal treatment in the workforce? The effectiveness of these provisions, often framed in terms of encouragement and prioritisation, is questionable without robust monitoring mechanisms.<sup>56</sup> This gap suggests that achieving true equality in employment access may remain an aspirational goal rather than a practical reality.

## 2. Equal Treatment at Work

The fundamental aim of C111, which has been incorporated into Vietnam's labour laws, is the prohibition of any form of discrimination to ensure gender equality in

<sup>52</sup> SNV, *supra* note 4.

<sup>53</sup> Beverly McPhail, *Re-gendering the Social Work Curriculum: New Realities and Complexities*, 44(2) J. Soc. WORK EDUC. 40 (2008).

<sup>54</sup> Diane Felmlee, *Women's Job Mobility Processes within and Between Employers*, 47(1) AM. SOCIO. REV. 142-51 (1982).

<sup>55</sup> Cunningham-Parmeter, *supra* note 25.

<sup>56</sup> This can be seen in the Article 78.3 of Decree No. 145/2020/ND-CP, which encourages employers to prioritize to enter into new employment contracts with female workers in case the employment contract expires.

the workplace.<sup>57</sup> Put simply, Vietnamese lawmakers consider the elimination of workplace discrimination as essential to achieving gender equality. Aligning with this principle, Vietnam's labour laws have made significant strides in combatting gender discrimination at work by addressing critical issues like sexual harassment and promoting fair working conditions for female employees.

Accordingly, the foundational principles of C111 are fully reflected in Vietnamese legislation in terms of defining sexual harassment at the workplace as a form of gender discrimination.<sup>58</sup> Legal provisions combating sexual harassment represent a significant legislative effort of Vietnam to better protect female workers, who are often perceived as primary victims of gender-based discrimination in the workplace.<sup>59</sup> Since C111 provides that the behaviour must occur "within the workplace" setting, Vietnam labour law provides clear definitions of what constitutes a workplace and the specific behaviours that qualify as sexual harassment. However, the effectiveness of these measures is limited by a significant gap: there is no clearly defined mechanism for reporting sexual harassment. Additionally, specific procedures and responsible authorities for investigating and resolving complaints are lacking. These shortfalls thus render the protections against this type of gender discrimination more theoretical than practical.<sup>60</sup>

Even though sexual harassment provisions have been newly introduced in labour law, there remains a lack of updates compared to previous regulations aiming to ensure work-life balance for female workers. These regulations span various employment aspects, including wage equality, work hours and the working environment, aiming to protect employees from discriminatory practices that could jeopardise their job stability, career advancement and overall satisfaction once they are employed. A critical observation in the crafting of these gender equality and non-discrimination provisions is the legislative language choice, particularly the frequent use of terms like 'recommend' or 'encourage,' instead of more directive words such as 'require' or 'must.'<sup>61</sup> This subtle linguistic preference significantly impacts the

<sup>57</sup> Vietnam Labour Code 2019, arts. 4.7 & 8.1.

<sup>58</sup> Article 3.9 of the Vietnam Labour Code 2019 and subsequent elaboration in Article 84 of the Decree 145/2020/ND-CP articulate a broad spectrum of behaviours constituting sexual harassment, covering physical, verbal, and non-verbal actions.

<sup>59</sup> Some new regulations in the Vietnam Labour Code 2019 regarding the responsibility to prevent sexual harassment including Article 6(2)(d), Article 118, Article 125 and Article 135.

<sup>60</sup> Nguyen Uyen & Le Bao, *Laws of Protection of Women Rights against Sexual Harassment in the Workplace*, 5(S12) Sci. & Tech. Dev. J.: Econ. -L. & Mgmt. 50 (2022).

<sup>61</sup> This can be seen, e.g., in the wording of legal conditions requiring employer should make available the breastfeeding facility for female workers. This provision of law is specifically guided in the Article 80.5 of the degree No. 145/2020/ND-CP, where employers are only encouraged to deploy facilities serving for expressing and storing breast milk.

legal ability to combat workplace gender inequality as the employment of such soft, negotiable terminology suggests a degree of optionality, implying that adherence to these provisions is not strictly mandatory for employers.<sup>62</sup>

As a result, this choice of language has profound effects on enforcing gender equality measures, effectively making compliance optional and allowing employers discretion in implementing these measures. Accordingly, the strength of these regulations in addressing entrenched gender inequalities is diminished, effectively converting them from obligatory actions into mere suggestions. This is evident in the reality that women in Vietnam often find themselves in lower-quality jobs and are overrepresented in vulnerable employment sectors, including unpaid family work.<sup>63</sup> Despite reaching parity with men in some fields, women frequently earn lower wages for equivalent work hours, even as gaps in educational attainment narrow.<sup>64</sup>

Furthermore, while regulations regarding breastfeeding facilities or motherhood incentives are outlined in laws to benefit female workers, they often remain impractical or unimplemented.<sup>65</sup> For instance, it is common for companies to offer fixed-term contracts of less than 12 months to pregnant women, those on maternity leave, or those with a child under 12 months, often choosing not to renew these contracts upon expiration. This practice often leaves women pregnant or with young children either without employment contracts or with only short-term contracts. As a result, these female workers miss out on maternity benefits because their employment contracts end before the birth of their child, and they are unable to resume work under the same contract after their maternity leave ends or once their child turns 12 months old. Thus, this analysis suggests that the adoption of C111 in promoting equal treatment at work reflects more of a formal approach to gender equality rather than achieving substantive outcomes in the Vietnamese employment market.

Similarly, Article 78.3 of the 145/2020/ND-CP also uses the word ‘encourage’ while regulating the responsibility of employers to prioritise the recruitment and employment of women when they meet the qualifications and standards for jobs suitable for both men and women; give priority to entering into new labour contracts with female workers when their employment contracts expire.

<sup>62</sup> Minh Dang, *The Right of Female Workers in Exercising Their Motherhood: A Critique in Vietnam Labor Law*, 5(SI2) *Sci. & Tech. Dev. J.: Econ. -L. & Mgmt.* 1 (2022).

<sup>63</sup> ILO, *supra* note 5.

<sup>64</sup> ILO, *Gender and the Labour Market in Viet Nam - An Analysis based on the Labour Force Survey (2021)*, at 1-2, [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms\\_774434.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_774434.pdf).

<sup>65</sup> *E.g.*, Article 137.4 of the Vietnam Labour Code 2019 stipulates that during menstruation period, a female worker shall be entitled to a 30-minute break in every working day. This term is criticised for its unworkability since female workers are less likely to report to their manager about their menstruation period.

### 3. Remaining Challenges

The examination of Vietnam's application of C111 reveals that, while the Convention sets a crucial foundation for achieving formal gender equality in national legislation, the actual effectiveness of these laws hinges on their practical implementation and societal endorsement. A potential drawback is the traditional approach in labour laws, where enhancing protective measures might unintentionally solidify paternalistic views, thus limiting women's employment prospects rather than expanding them. This issue underscores a delicate challenge within feminist legal aims: striking a balance between protecting women's rights and preventing the reinforcement of gender stereotypes that restrict women to specific roles or sectors.<sup>66</sup>

In labour law, this aspect is particularly significant since societal perceptions of gender roles greatly affect both the interpretation and application of gender-related legal stipulations. In addition, the wider socio-political and economic contexts in which these laws are enacted are crucial in determining their effectiveness. The modern employment market's dynamics, shaped by changing economic requirements, technological progress and global integration, necessitate a legal framework that is flexible enough to address emerging challenges. In this regard, three key challenges have been identified that Vietnam's labour law needs to address in order to enhance and achieve substantive gender equality outcomes.

Firstly, despite the implementation of protective and empowerment strategies in Vietnam's labour laws, which aim to enable female workers to participate equally in the employment market, the expected changes have not been fully realised. Gender inequality continues to be a significant issue within the Vietnamese employment market, largely due to enduring traditional gender stereotypes preventing women from participating in the workforce.<sup>67</sup> Vietnamese women face the dual challenge of not only excelling in professional environments, but also fulfilling traditional maternal roles at home. It is a dichotomy reinforced by societal norms that often devalue women's contributions and designate them the majority of unpaid care work. Despite women's considerable investment in caregiving, support from male partners is noticeably scarce, with nearly 20% of men reporting no involvement in household duties.<sup>68</sup> Consequently, a gender gap of 9.5% in workforce participation remains a persistent issue, highlighting the limitations of recent enhancements to Vietnam's labour laws in fully tackling gender inequality.<sup>69</sup>

<sup>66</sup> NANCY LEVIT & ROBERT VERCHICK, *FEMINIST LEGAL THEORY: A PRIMER* 18 (2016).

<sup>67</sup> ILO, *supra* note 64.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*



Secondly, the current labour law framework in Vietnam has not kept pace with the country's socioeconomic advancements. In today's employment market, Vietnamese women are proving their competence and ambition, challenging the traditional perceptions that they are dependent on their husbands or solely responsible for caregiving duties. Increasingly, both women and men are contributing to a dual-income household model, moving away from the traditional single breadwinner archetype. Despite these shifts, persistent gender biases in policies, such as those governing retirement age and maternity leave, hinder women's full participation in the labour force.<sup>70</sup> Specifically, the gender-differentiated retirement ages prescribed by Vietnam's labour law (62 for men and 60 for women) merit a critical re-evaluation. Far from protecting female workers' health, this policy inadvertently produces counterproductive outcomes. Although it appears well-intentioned, aiming to lighten the dual burden women face by allowing them an earlier exit from the workforce, the policy ultimately limits their employment market participation and prospects. Moreover, this policy restricts women's economic autonomy and, paradoxically, can penalise those who work past the age of 60, often out of financial necessity, as violators of a law that was ostensibly designed for their benefit.<sup>71</sup>

Thirdly, the legal entitlement of six months of maternity leave for Vietnamese female workers, extendable under certain conditions, necessitates a re-evaluation of its impact on women's employment opportunities.<sup>72</sup> This provision calls for a thorough examination of whether the mandated length of maternity leave meets the contemporary aspirations of women seeking a work-life balance, particularly those who are career-oriented and may wish to return to their professional activities sooner. As previously discussed, the provision of extended maternity leave can exacerbate employers' maternal profiling against female workers. Employers often hesitate to hire women due to the belief that maternity leave will universally reduce workplace engagement among female employees, irrespective of their personal intentions or circumstances. This reluctance affects all female candidates, with employers potentially projecting expectations of lower productivity and commitment onto the entire female workforce. This identification consequently leads to the third observation: protective measures in Vietnam's labour laws fall short in dispelling employers' entrenched stereotypes about female workers. The challenge lies in the economic implications

<sup>70</sup> Article 169 of the Vietnam Labour Code 2019 defines that retirement ages of employees in normal working conditions shall be gradually increased to 62 for males by 2028 and 60 for females in 2035.

<sup>71</sup> Catharine MacKinnon, *Reflections on Sex Equality Under Law*, 100(5) *YALE L. J.* 1281 (1991).

<sup>72</sup> In Vietnam, female workers are entitled to six months of maternity leave as regulated in Article 139 of the Vietnam Labour Code 2019. Employers often refuse the early return to work of female workers to cut operating costs.

of employing female employees, as the costs related to maternity leave, working conditions, and other gender-specific considerations are perceived to be higher than those for male employees. Significantly, the current legal framework inadvertently discourages employers from hiring women, viewed as the primary bearers of domestic responsibilities. This situation underscores the complexity of eliminating gender bias in employment practices through female-centric legal provisions, highlighting the need for a more balanced approach that addresses both the rights and responsibilities of employers and female employees alike.<sup>73</sup>

From a feminist legal perspective, simply integrating international standards like C111 into Vietnam's national laws is insufficient for thoroughly addressing and eliminating sex-based discrimination in the workplace. This perspective emphasises the need for the internalization process to go beyond simple norm adoption, requiring a critical assessment and restructuring of legal frameworks and societal norms that perpetuate gender inequalities. Achieving real gender equality in the workplace demands a transformative strategy that goes beyond the scope of legal documents, embracing changes in cultural perceptions and attitudes towards gender. This approach should be comprehensive, merging legal reforms with wider socioeconomic initiatives to confirm that efforts towards gender equality are adaptive, inclusive, and aligned with society's changing dynamics.<sup>74</sup>

## V. A Radical Approach for Advancing Gender Equality in Employment

This study underscores the urgent need for a transformative approach to gender equality within Vietnam's labour laws, moving from traditional models focused solely on protecting and empowering female workers to a more inclusive framework. Such an approach considers male-centric policies as vital tools for advancing gender equality and addressing the multifaceted deficiencies in Vietnam's labour legislation. These policies challenge the age-old belief that domestic responsibilities are solely women's' domain, breaking down persistent stereotypes around domestic roles.<sup>75</sup>

<sup>73</sup> Jonathan Fineman, *The Vulnerable Subject at Work: A New Perspective on the Employment At-Will Debate*, 43 Sw. L. Rev. 275-317 (2014).

<sup>74</sup> Sharon Cowan, *Sex/gender equality: Taking a break from the legal to transform the social*, in *EXPLORING THE 'LEGAL' IN SOCIO-LEGAL STUDIES* 115-34 (David Cowan & Daniel Wincott eds., 2016).

<sup>75</sup> Linda Haas & Philip Hwang, *Is Fatherhood Becoming More Visible at Work? Trends in Corporate Support for Fathers Taking Parental Leave in Sweden*, 7(3) *FATHERING: J. THEORY, RES. & PRAC. ABOUT MEN FATHERS* 303-21 (2009).

Encouraging fathers to actively participate in caregiving fosters a cultural shift towards viewing caregiving as a shared duty, transcending gender boundaries. This paradigm shift not only aims for a fairer allocation of domestic and societal roles, but also empowers women to fully engage in the workforce by reducing the unequal burden of unpaid domestic work that limits their professional advancement.<sup>76</sup>

Additionally, initiatives like the fatherhood bonus could undermine the deep-seated biases of employers resulting from maternal profiling, which assumes that women prioritize family obligations over their careers.<sup>77</sup> Normalising paternal involvement in childcare can alter employer perceptions, prompting a reassessment of workplace norms and practices that uphold gender biases and discrimination. As a result, such policies are instrumental in creating a work environment that is more inclusive and equitable for all genders.<sup>78</sup>

The effectiveness of fatherhood bonuses in promoting gender equality is contingent on their comprehensive implementation, widespread societal endorsement, and the support of organisational cultures that value caregiving equally across genders. For paternal leave policies in Vietnam's labour law to be impactful, they must ensure adequate leave duration, fair compensation, and job security, while encouraging societal shifts towards valuing caregiving responsibilities equally among all genders. Currently, Vietnam's labour policies offer male workers only five days of paid parental leave, extendable to 14 days in exceptional cases.<sup>79</sup> Moreover, the compensation that male workers can receive while taking parental leave is in line with the common standards of maternity leave, which is considerably lower compared to their fulltime working income. This limited provision casts doubt on the policy's contribution to gender equality, as men, without sufficient incentives, may neglect or hesitate to take this benefit.<sup>80</sup>

In this regard, Sweden's "daddy month" shows valuable insights into the effective implementation of fatherhood bonuses. Introduced in 1974, the policy initially saw low participation from men, with government's efforts to encourage paternity leave resulting in less than 10% uptake among Swedish fathers.<sup>81</sup> Such reluctance

<sup>76</sup> Tim Shand & Arik V. Marcell, *Engaging men in sexual and reproductive health*, GLOBAL PUBLIC HEALTH, [<sup>77</sup> Cunningham-Parmeter, \*supra\* note 25.](https://oxfordre.com/publichealth/display/10.1093/acrefore/9780190632366.001.0001/acrefore-9780190632366-e-215#acrefore-9780190632366-e-215-note-; Brian D. Webster, et al., <i>Recruiting (dis)advantage: Men's versus women's evaluations of gender-based targeted recruitment</i>, 83 SEX ROLES 706-21 (2020).</a></p></div><div data-bbox=)

<sup>78</sup> Webster, et al., *supra* note 76.

<sup>79</sup> Vietnam Labour Code 2019, art. 139.

<sup>80</sup> Cunningham-Parmeter, *supra* note 25.

<sup>81</sup> Katrin Bennhold, *In Sweden, Men Can Have It All*, N.Y. TIMES (June 9, 2010), <https://www.nytimes.com/2010/06/10/>

contributed to perpetuating traditional gender norms, as women predominantly took leave, facing salary disparities in the job market as a result. Acknowledging that the existing parental leave policies led to prolonged absences from the workforce for women, the Swedish government, in 1995, introduced a compelling initiative: granting families an additional month of leave if fathers took at least thirty days of paid leave, a benefit specifically designated for them by the State.<sup>82</sup> The incentive depends solely on male participation and cannot be transferred to their female partners.<sup>83</sup> This strategic approach, however, quickly led to notable results. After the “daddy month” policy was implemented, the percentage of men taking paternity leave in the first two years of their child’s life increased dramatically, from 40% to 75%, with the rate climbing to 90% by 2006.<sup>84</sup>

Furthermore, a substantial number of men opted for extended leave periods, with over half of the fathers taking more than thirty days off. Conversely, the average leave taken by women saw a reduction of twenty days.<sup>85</sup> This shift not only promoted gender equality by balancing leave utilisation between men and women, but also helped reshape societal norms around fatherhood and caregiving. This serves as a compelling model for Vietnam on the effectiveness of policies aimed at men in promoting gender equality. The restructuring of maternity and parental leave policies to encourage men to take an active role in home responsibilities, alongside a potential reduction in maternity leave duration to facilitate women’s earlier return to the workforce, is a noteworthy consideration.<sup>86</sup>

Although adopting Sweden’s “daddy month” policy may not be directly feasible for Vietnam, the strategic insights gained from Sweden’s implementation of male-centric policies to achieve employment-based gender equality are invaluable. The success of fatherhood bonuses in challenging and changing gender stereotypes highlights their importance. Vietnam could benefit from a thorough evaluation and potential adaptation of such policies within its employment framework, underscoring the critical role of fatherhood incentives in advancing gender equality.<sup>87</sup>

world/europe/10iht-sweden.html.

<sup>82</sup> Harry Brighouse & Erik Wright, *Strong Gender Egalitarianism*, 36(3) POL. & SOC. 360-72 (2008).

<sup>83</sup> *Id.*

<sup>84</sup> Haas & Hwang, *supra* note 75.

<sup>85</sup> Ann-Zofie Duvander & Mats Johansson, *What are the Effects of Reforms Promoting Fathers’ Parental Leave Use?* 22(3) J. EUR. SOC. POL’Y 319-30 (2012).

<sup>86</sup> Anna-Lena Almqvist & Ann-Zofie Duvander, *Changes in gender equality? Swedish fathers’ parental leave, division of childcare and housework*, 20 J. FAMILY STUD. 19-27 (2014).

<sup>87</sup> Toshbant Raj & Pooja Kumari, *Implication of women’s rights and gender mainstreaming: An end to the myth of feminism and gender blindness*, 30 SUPREMO AMICUS 26-47 (2022); Jon Pizarro & Leire Gartzia, *Paternity Leave: A Systematic Review and Directions for Research*, 34 HUM. RESOURCE MGMT. REV. 1-18 (2024); Danielle Docka-Filipek & Lindsey

## VI. Conclusion

This research has meticulously examined the incorporation of ILO Convention No. 111 into the Vietnamese legal framework, with a particular focus on its implications for gender equality in the labour market. Employing feminist legal theory, we have identified both progress and ongoing challenges in harmonising national laws with international labour standards that seek to eradicate gender-based discrimination. Our study enriches the fields of feminist legal studies and labour law by offering a detailed analysis of the nuanced interplay between legislative initiatives and societal norms necessary to achieve substantive gender equality. The insights emphasise the critical need for not merely integrating international standards into domestic law, but also ensuring these laws are adaptable to the socioeconomic and cultural contexts in which they are implemented.

In conclusion, while Vietnam's efforts to integrate C111 and improve gender equality through legal reforms are laudable, the pursuit of substantive gender equality remains a work in progress. Building on the findings of this research, future studies should delve deeper into the longitudinal impacts of male-centric policies like fatherhood bonuses, assessing their long-term efficacy in reshaping gender norms and enhancing labour market equality. It is crucial to explore the broader socio-cultural and economic effects of such policies, not only within the realm of employment, but also in the context of family dynamics, societal perceptions of gender roles, and overall economic productivity.

Received: February 10, 2024

Modified: April 15, 2024

Accepted: May 1, 2024

