



Regulation of Workplace Sexual Harassment in Vietnam a Comparative Analysis with Australia

Nguyen Chien Thang ^{a,1}, Doan Thi Hai Yen ^{a,2,*}, Luong The Vinh ^{a,3}, Nguyen Bach Duong ^{b,4}

^aDepartment of Economic Law, Faculty of Economics, Academy of Finance, Hanoi, Vietnam.

^bFaculty of Graduate Studies, Academy of Finance, Hanoi, Vietnam.

¹nguyenchienthang@hvtc.edu.vn, ²doanhaiyen@hvtc.edu.vn*, ³vinhl6124@gmail.com, ⁴bachduong8703@gmail.com

*Corresponding Author: doanhaiyen@hvtc.edu.vn

ARTICLE INFO

Article history

Received: September 15, 2025

Revised: November 18, 2025

Accepted: December 31, 2025

Keywords

Australia;

Comparative Law;

Employers;

Sexual Harassment;

Vietnam;

ABSTRACT

Workplace sexual harassment presents a systemic challenge to labour governance, human dignity, and equality at work. This research examines the regulation of workplace sexual harassment in Vietnam through a comparative legal analysis with the Australian approach, which emphasizes preventive and risk-based regulation. The study applies a socio-legal research design that integrates doctrinal legal analysis, functional comparative methodology, and institutional design theory to assess the legal scope of workplace sexual harassment, employers' obligations, and enforcement and monitoring mechanisms. The findings demonstrate, first, that Vietnamese law formally recognizes workplace sexual harassment but relies primarily on reactive regulatory mechanisms, enumerative legal definitions, internal disciplinary processes, and victim-initiated enforcement. Second, the Australian regulatory approach conceptualizes sexual harassment as a systemic workplace risk and imposes proactive preventive obligations on employers, supported by independent oversight. These differences create a structural enforcement gap in Vietnam, where individual workers continue to bear the principal responsibility for prevention and enforcement. This research concludes that reform of Vietnamese law requires a transition toward a preventive regulatory framework that emphasizes organizational accountability, risk management, and proactive enforcement to ensure effective workplace protection.



This is an open access article under the [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license.



1. Introduction

Sexual harassment in the workplace is increasingly seen as a serious violation of human dignity, equality, and the right to work in a safe environment, rather than merely individual or moral wrongdoing.¹ Numerous academic studies and international labor standards indicate that sexual harassment does not arise randomly, but is often linked to power imbalances, tolerant organizational cultures, and systemic failures in labor relations governance.² Therefore, modern legislative trends are shifting from reactive regulatory

¹ Liang T., 'Sexual Harassment at Work : Scoping Review of Reviews', *Psychol Res Behav Manag*, 17.April (2024), 1635–60 <https://doi.org/10.2147/PRBM.S455753>

² Caroline Coly and Margaux Suteau, 'The Economic Effects of Sexual Harassment in the Workplace', *LSE Public Policy Review*, 2025 <https://doi.org/10.31389/lseppr.118>



models, primarily based on victim complaints, to legal frameworks that emphasize proactive prevention and the institutional responsibility of employers.³

Within this framework, the International Labour Organization (ILO) Convention No. 190 (C190) on violence and harassment at work represents a fundamental shift in global legal discourse, affirming the responsibility of states to ensure working environments that are safe, dignified, and free from violence, encompassing both physical safety and psychological and social well-being.⁴ This Convention not only expands the scope of protection beyond the traditional workplace but also emphasizes the central role of prevention, risk management, and organizational responsibility in addressing sexual harassment in the workplace.⁵

Vietnamese law has made significant progress in recent years in recognizing and regulating sexual harassment in the workplace, particularly through the 2019 Labor Code (LC2019) and its implementing regulations. However, the current approach still primarily focuses on describing and addressing specific violations, with enforcement mechanisms that are reactive and heavily reliant on the initiatives of affected workers. The employer's responsibility, while acknowledged, remains mainly tied to the obligation to issue internal regulations and receive and resolve complaints, rather than a proactive and ongoing legal obligation to prevent sexual harassment as an organizational risk.⁶ Conversely, Australian law, particularly following reforms in 2021-2023, has developed a more comprehensive regulatory model, in which sexual harassment is approached as a systemic issue of workplace governance and safety. The establishment of positive duty for employers, along with proactive monitoring and enforcement mechanisms implemented by the Australian Human Rights Commission (AHRC), reflects a clear shift from a post-violation model to a proactive prevention model centered on institutional responsibility.⁷

Stemming from these differences, the study poses a central question: what elements can Vietnamese law learn from and adapt from the Australian legal model to enhance the effectiveness of preventing and combating sexual harassment in the workplace, while ensuring suitability to the socio-economic context and legal institutions of the country? To answer this question, the study conducts a comparative analysis between Vietnamese and Australian law, focusing on three main pillars: (i) the scope and definition of sexual

³ Annabelle M Neall, Isabella Belperio, and others, 'Tracing the Evolution of Workplace Sexual Harassment Reporting and Investigations: A Historical Scoping Review', *Aggression and Violent Behavior*, 86 (2026), 102124 <https://doi.org/https://doi.org/10.1016/j.avb.2025.102124>

⁴ Muhammad Mujtaba Asad and Aysha Asif, 'Influence of Campus Harassment on Mental Health and Social Skills of Female Students of Higher Education Institution: Insights from Global Lenses', *Safer Communities*, 25.1 (2025), 87–107 <https://doi.org/https://doi.org/10.1108/SC-05-2024-0025>

⁵ Hilda I Arbonés Lapena, 'A Relative Innovation: The 190 ILO Convention and the 206 ILO Recommendation on Violence and Mobbing at Work; [Una Novedad Relativa: El Convenio 190 y La Recomendación 206 de La OIT Sobre Violencia y Acoso En El Mundo Del Trabajo]', *Revista Del Ministerio de Trabajo y Economía Social*, 147 (2020), 405 – 420 <https://doi.org/https://www.scopus.com/inward/record.uri?eid=2-s2.0-85190603402&partnerID=40&md5=22dacc754e0b9f291d2875ad11d6f8d4>

⁶ Neall, Belperio, and others.

⁷ Milena Marta Bruschini and others, 'Approaches to Preventing Workplace Sexual Harassment of Nurses or Minimising Its Adverse Consequences: A Scoping Review', *BMC Nursing*, 25.1 (2026) <https://doi.org/10.1186/s12912-025-04179-2>

harassment in the workplace; (ii) the legal obligations and responsibilities of employers; and (iii) the mechanisms for law enforcement and monitoring.⁸

The aim of this study is not to mechanically replicate the Australian model, but rather to extract core regulatory principles with reference value, thereby proposing roadmap-based reform recommendations for Vietnamese law. Through this approach, the study hopes to contribute both academically by clarifying the role of institutional responsibility in regulating sexual harassment in the workplace and practically, by proposing directions for improving the law to align with international labor standards and the requirements for protecting workers in the context of modern labor relations.⁹

The academic understanding of workplace sexual harassment in Vietnam has developed along several intersecting lines of inquiry that reflect different assumptions about the nature of the problem and the role of law. Empirical analyses, such as those conducted by Pham Xuan Quyet et al. (2023), have demonstrated how sexual harassment operates as a factor shaping labour turnover and employment instability, thereby situating harassment within broader labour market dynamics. Doctrinal examinations, including Chang (2024), have focused on clarifying the legal meaning and scope of sexual harassment under Vietnamese labour law, reinforcing normative recognition while largely accepting existing enforcement structures as fixed. Normative legal discussions, exemplified by Nguyen Thi Ngoc Uyen (2025), have sought to improve regulatory responses through enhanced sanctions and complaint mechanisms, reflecting a concern with strengthening remedies after violations occur. Taken together, these approaches illuminate important dimensions of workplace sexual harassment, yet they remain conceptually grounded in a regulatory logic that treats legal intervention as a response to individual misconduct rather than as a mechanism for shaping organizational behavior in advance.¹⁰

A contrasting regulatory rationality emerges in analyses of Australian law following recent reforms.¹¹ Allen (2023) examines the transformation of sexual harassment regulation through the introduction of positive duties, emphasizing a shift toward preventive obligations imposed on employers as part of organizational governance.¹² Cox (2024) further situates sexual harassment within the framework of work health and safety regulation, highlighting the role of proactive oversight and monitoring by regulatory authorities.¹³ These studies articulate a vision of sexual harassment regulation that prioritizes risk management, institutional responsibility, and continuous compliance, yet

⁸ Dilek Aygin and others, 'Surgical Nurses' Perceptions of Experienced Sexual Harassment Behaviors', *BMC Nursing*, 25.1 (2026) <https://doi.org/10.1186/s12912-025-04202-6>

⁹ Miranda Stewart, 'Positive Duties to Prevent Sexual Harassment at Work: Treat the Symptom or Cure the Disease?', *Alternative Law Journal*, 47.2, 101–06 <https://doi.org/10.1177/1037969X221095616>.

¹⁰ Marie Thérèse Kaufmann and others, 'Discrimination, Stalking, Sexual Harassment and Sexual Violence at the University – Exploring and Predicting Pattern-Based Subcategories among Students and Staff in a German University Sample', *BMC Public Health*, 26.1 (2026) <https://doi.org/10.1186/s12889-025-25864-6>

¹¹ Elisabeth Sundari, Helidorus Chandra Halim and Ousu Mendy, 'Should Indonesia Adopt Legal Representation in Civil Cases?', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 554–80 <https://doi.org/10.53955/jhcls.v5i2.604>

¹² Dominique Allen, 'Strengthening Australia's Workplace Laws to Promote Equality in the Post-Covid-19 Era', *Japan Labor Issues*, 7.45, 23–30.

¹³ Rachel Cox, 'Addressing Sexual Harassment in a Work Health and Safety Framework: Lessons from Belgium, Australia and Canada', *Australian Journal of Labour Law*, 37.3, 243–70 <https://search.informit.org/doi/10.3316/informit.T2024121600019601653222127>

their analytical focus remains largely confined to the Australian legal system and does not extend to a comparative engagement with labour law regimes that continue to rely on reactive enforcement models.¹⁴

Drawing on these distinct orientations, the novelty of this article lies in its reconceptualization of workplace sexual harassment regulation as a question of institutional governance and material legal design within comparative labour law.¹⁵ By systematically examining Vietnamese and Australian law through the substantive dimensions of employer obligations, enforcement mechanisms, and monitoring structures, this study identifies a structural enforcement deficit embedded in Vietnam's reactive regulatory framework. It further demonstrates how preventive duties and organizational accountability, as developed through Australia's post-2021 reforms, can inform a context-sensitive reconfiguration of Vietnamese labour law. Through this institutional and comparative approach, the article advances an original contribution by framing sexual harassment regulation not as a response to isolated violations, but as a continuous legal process for managing workplace power relations and risks in modern labour relations.¹⁶

While a growing body of Vietnamese and international scholarship has examined workplace sexual harassment from perspectives such as definitional clarification, typologies of prohibited conduct, victim protection, sanctions, and sector-specific experiences, existing studies largely continue to approach the issue as a matter of individual misconduct addressed through post-violation remedies. In the Vietnamese context in particular, prior research has predominantly focused on describing legal provisions, identifying forms of harassment, or assessing the adequacy of sanctions and complaint-based mechanisms, without systematically examining the substantive design of employer obligations and the allocation of responsibility between individual perpetrators and employers as organizational actors. As a result, the regulatory framework is rarely analyzed as a preventive governance system capable of managing workplace risks before harm occurs. Moreover, comparative legal studies have seldom engaged with workplace sexual harassment through the lens of institutional responsibility and enforcement design, leaving insufficiently explored the structural relationship between employer duties, enforcement architecture, and the continued reliance on victim-initiated complaints. This material gap becomes increasingly salient in light of recent international developments, particularly the implementation of ILO Convention No. 190 and Australia's post-2021 reforms, which reconceptualize workplace sexual harassment as a systemic issue of governance and risk management rather than isolated deviant behavior. Addressing this gap, the present article undertakes a functional comparative analysis of Vietnamese and Australian law to assess how different regulatory designs embed or fail to embed as

¹⁴ Anneke Meyer, Katie Milestone and Laura Watt, 'Sexual Harassment in the Creative and Hospitality Industries: A Comparative Media Analysis to Understand the Mobilising Power of #MeToo', *Women's Studies International Forum*, 115 (2026) <https://doi.org/10.1016/j.wsif.2025.103263>

¹⁵ Ahmad Bunyan Wahib, Muhammad Jihadul Hayat and Nurulbahiah Awang, 'Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 608–29 <https://doi.org/10.53955/jhcls.v5i2.702>

¹⁶ Yuchen Viveka Li and Lisa Eklund, 'Understanding Resilience and Resistance against Sexual Harassment in a Patri-Authoritarian Context', *Women's Studies International Forum*, 115 (2026) <https://doi.org/10.1016/j.wsif.2025.103253>

preventive duties, organizational accountability, and proactive enforcement within the legal framework.¹⁷

2. Research Method

This study adopts a socio-legal approach combining doctrinal analysis, comparative legal research, and policy-oriented analysis, informed by Seidman et al.'s (2001) theory of legislative drafting for social change. This framework enables a systematic assessment of the regulation of workplace sexual harassment in Vietnam and Australia. The doctrinal analysis examines relevant legal instruments, including the Fair Work Act 2009 (as amended), the Sex Discrimination Act 1984 (Cth), and guidance issued by the Fair Work Commission, Fair Work Ombudsman, and the Australian Human Rights Commission, alongside the 2019 Labour Code of Vietnam, its implementing decrees, and related subordinate legislation. To deepen the comparison, the study applies Ralf Michaels' (2006) functional method, focusing on how each legal system pursues the shared objective of ensuring a safe work environment within different institutional contexts. Australia is selected as the comparator due to its shift toward a positive duty model and its alignment with ILO Convention No. 190, as reflected in reforms adopted between 2021 and 2023.¹⁸ These reforms are further analyzed through Seidman et al.'s institutional design framework to illustrate the reallocation of responsibility from reactive complaint handling to proactive employer prevention. Finally, the study draws on Alan Watson's (1974) theory of legal transplants to assess the contextual feasibility of adapting Australia's preventive mechanisms to Vietnam, taking into account key socio-legal determinants such as enforcement capacity, business compliance considerations, and social awareness. Through this integrated methodological approach, the article develops analytical insights and policy recommendations aimed at strengthening the prevention and regulation of workplace sexual harassment in Vietnam.¹⁹

3. Results and Discussion

3.1. Scope and Definition of Workplace Sexual Harassment

The Results and Discussion section presents and analyzes the legal regulations on sexual harassment in the workplace in Vietnam and Australia, focusing on the legal concepts and scope of regulation, employer obligations, and enforcement mechanisms. Based on this, the article compares the two legal systems to clarify similarities, differences, and legal gaps within the Vietnamese legal framework. The comparative results not only show the degree of closeness of each system to international labor standards but also provide a basis for discussing lessons learned and proposing recommendations to improve Vietnamese labor law on preventing and combating sexual harassment in the workplace.²⁰

¹⁷ Krista Lynn Minnotte and Elizabeth Miklya Legerski, 'In the Heat of the Moment: The Emotional Labor Strategies of Women Restaurant Servers Responding to Sexual Harassment', *Sociological Inquiry*, 96.1 (2026), 151–71 <https://doi.org/10.1111/soin.70013>

¹⁸ Xuan Quyet Pham, Ho Viet Tien and Vijaya Malar V Arumugam, 'Sexual Harassment at Work and Labour Turnover via Job Positions: A Qualitative Study of Service Industry Employees in Vietnam', *International Journal of Asia Pacific Studies*, 19.1, 145–71 <https://doi.org/10.21315/ijaps2023.19.1.7>.

¹⁹ Ronee K Rice and others, 'Workplace Sexual Harassment in a Multistate Sample of Mental Health Counselors: Prevalence and Risk Factors', *Journal of Counseling and Development*, 104.1 (2026), 53–64 <https://doi.org/10.1002/jcad.70010>

²⁰ Elizabeth Shaw, 'Reducing Risk of Sexual Harassment: A Positive Duty of Care', *Australian Energy Producers Journal*, 64.2, 529–532 <https://doi.org/10.1071/EP23260>.

Australia's legal framework for sexual harassment in the workplace is primarily federally structured, with the SDA and the FWA as its cornerstones. While the former lays the groundwork for gender equality and the protection of human dignity, the latter integrates these principles into labor relations through mechanisms for disciplinary action, termination of employment, and dispute resolution. Notably, legislative reforms following the Respect@Work Report (2020), implemented during 2021-2022, marked a clear shift from a model of regulation based on individual complaints to a systemic prevention model. Within this framework, sexual harassment is viewed as an organizational risk requiring proactive management, with a focus on the positive responsibilities of employers and the supervisory, and compliance-promoting role of enforcement agencies at the organizational level.²¹

Conversely, in Vietnam, the current legal framework is still in the process of being perfected. Recent labor laws regulations have made significant progress in formalizing the concept of sexual harassment, recognizing the responsibility of employers, and establishing mechanisms for handling violations. However, the prevailing approach remains reactive, focusing on addressing the behavior after it occurs, with regulations scattered across various documents. This poses challenges regarding systematicity, predictability, and enforcement effectiveness, particularly in shifting responsibility from the individual victim to the organizational level and promoting early prevention.²²

In Australia, sexual harassment in the workplace is primarily regulated by the SDA, a law aimed at preventing discrimination based on sex, sexual orientation, gender identity, intersex status, marital status, as well as pregnancy or the possibility of pregnancy. Recent amendments, particularly in the period 2021-2023, did not alter the core conceptual structure of sexual harassment, but expanded the scope of protection and clarified the legal approach to systemic forms of harassment in the workplace.²³ Under Australian law, workplace sexual harassment is structured around two core elements: unwelcome sexual advances and other forms of unwelcome conduct of a sexual nature. Conduct is regarded as unwelcome when it is experienced by the recipient as unwanted, offensive, humiliating, or intimidating. The legal assessment does not depend on the perpetrator's subjective intention, but rather on the perspective of a reasonable person in the position of the affected individual. This victim-centred approach prevents the normalization of harassing behaviour on the basis of claims of inadvertence or lack of intent. Sexual harassment may take a wide range of forms, including unwanted physical contact or gestures, sexually suggestive remarks or jokes, the display or dissemination of pornographic material, pressure to engage in sexual acts, the circulation of sexual rumours, and other conduct that contributes to the creation of a hostile or degrading work environment.²⁴

The sexual character of the conduct distinguishes sexual harassment from other forms of workplace harassment or bullying. Such conduct need not be overtly obscene; it is sufficient that it relates to gender, sexuality, or the body, or that it infringes personal

²¹ Jessica Victoria Lichy, Carole Bousquet and Karen Middleton, 'Tackling Sexual Harassment in the Workplace—Lessons to Be Learned', *Gender, Work and Organization*, 33.1 (2026), 91–104 <https://doi.org/10.1111/gwao.70017>

²² Bruschini and others.

²³ Aygin and others.

²⁴ Meyer, Milestone and Watt.

boundaries connected to gender or gender-related characteristics. This broad understanding enables the law to capture implicit forms of conduct that, while not explicit, remain sexual in nature and detrimental to workers' dignity.²⁵

Australian law further recognizes the notion of a "hostile work environment" as an independent form of sexual harassment. Accordingly, conduct that creates, tolerates, or perpetuates an environment that is offensive, intimidating, or humiliating on gender-related grounds may constitute sexual harassment, even where no specific individual is directly targeted. This approach marks a significant departure from a strictly individual misconduct model and provides a legal basis for attributing responsibility at the organizational level. For the first time, Vietnamese law officially recognized and defined workplace sexual harassment in the LC2019, marking a significant step forward in protecting the dignity and gender identity of workers. Accordingly, workplace sexual harassment is understood as any sexual act by any person towards another in the workplace that is unwanted or unacceptable. "Workplace" is defined as any location where an employee actually works according to an agreement or assignment from the employer. The use of the phrase "any person" indicates a fairly broad scope of subjects, encompassing not only employers and employees, but also apprentices, undocumented workers, foreign workers, as well as external entities such as customers, partners, or contractors. This approach helps to minimize the omission of violations and reflects the diverse realities of workplace relationships.²⁶

To clarify the above concept, Decree No. 145/2020/ND-CP (D145) classifies workplace sexual harassment into three forms: (i) physical sexual harassment; (ii) verbal sexual harassment; and (iii) non-verbal sexual harassment. This classification provides practical guidance in identifying and handling violations. Physical sexual harassment includes acts of direct physical contact or interaction with another person that are sexual in nature. Although easily identifiable, the term "sexual in nature" is not yet specifically defined, causing difficulties in cases where the behavior is unclear. Verbal sexual harassment includes direct speech, telephone calls, or electronic means with sexual content or implications. This regulation represents progress in encompassing electronic communication; however, the boundary between social interaction and harassment remains unclear. Nonverbal sexual harassment refers to behaviors that do not involve words or direct contact but are sexually provocative or suggestive, such as gestures, intentional eye contact, or the dissemination of sexually suggestive visual material. These concepts are currently general and lack detailed guidelines.²⁷

Vietnam's legal framework on the scope and definition of workplace sexual harassment reflects significant legislative progress, particularly in articulating the concept and categorizing forms of prohibited conduct. Nevertheless, the regulatory approach remains predominantly descriptive and enumerative, offering limited engagement with the systemic nature of sexual harassment and lacking explicit recognition of hostile work environments.

²⁵ Kaufmann and others.

²⁶ Chris Ronalds, 'Sex Discrimination Act: A Brief Drafting History', *Australian Journal of Human Rights*, 30.3, 451–57 <https://doi.org/10.1080/1323238X.2025.2479267>.

²⁷ Li and Eklund.

These limitations become especially apparent when contrasted with the more structurally oriented approach adopted under Australian law.²⁸

Viewed through Ralf Michaels' functional comparative perspective, the divergence in legislative technique does not obscure a shared functional objective. Both Australian and Vietnamese legal systems seek to protect workers' dignity, equality, and safety, and both identify unwelcome sexual conduct as the central element of sexual harassment. Moreover, each system recognizes that such conduct may take multiple forms, extending beyond physical acts to include verbal, non-verbal, and electronic manifestations. However, the fundamental difference lies in the conceptual structure and scope of regulation. Australian law constructs a definition of sexual harassment in an open and impact-based manner, where the victim's experience within a reasonable context plays a decisive role. The recognition of a "hostile work environment" allows this system to identify harassment as a structural risk, aligning with Seidman et al.'s perspective that law must address the broader institutional context rather than merely prohibiting isolated acts. In contrast, Vietnamese law adopts a "prescriptive list" approach, categorizing harassment into three rigid groups: physical, verbal, and non-verbal. While this approach offers clarity, from an institutional design viewpoint, relying solely on specific behavioral categories limits the law's ability to regulate the complex interactions between "role occupants" (employers/employees) in a power-dynamic context. It inadvertently treats harassment as discrete deviations rather than a systemic failure.²⁹

When compared to international labor standards, particularly the C190, Australian law appears to be closer to the spirit and structure of international norms. Convention 190 approaches sexual harassment from an impact and context-based perspective, acknowledging the cumulative, systemic nature and role of the work environment and power dynamics. Compared to this standard, Vietnamese law, while recognizing forms of harassment and "unwelcome" elements, still tends to describe individual behavior and does not fully reflect an impact-based approach.³⁰ From a legal transplant perspective (Watson), this distinction is critical. Australian law approaches sexual harassment as a systemic phenomenon requiring management at the environmental level, while Vietnamese law views it as a specific set of violations. This "conceptual gap" suggests that simply transplanting Australian prevention mechanisms without broadening the Vietnamese legal definition to cover "systemic risks" may reduce the effectiveness of the adaptation. This will be further analyzed in the following subsections on employer obligations and enforcement mechanisms.³¹

²⁸ Minnotte and Legerski.

²⁹ Pham, Tien and Arumugam.

³⁰ Merav Ben-Natan and Yelena Hazanov, 'Sexual Harassment against Male Nurses: A Systematic Review and Meta-Analysis of Prevalence, Perpetrators, Consequences, and Reporting Behaviors', *Nursing Outlook*, 74.1 (2026) <https://doi.org/10.1016/j.outlook.2025.102671>

³¹ Annabelle M Neall, Charlotte Keenan, and others, 'Just Not Worth It: A Framework for the Motivational Dynamics of Reporting Workplace Sexual Harassment', *Work and Stress*, 2026 <https://doi.org/10.1080/02678373.2025.2607500>

Table 1. Comparison of scope of regulation on sexual harassment in the workplace under Australian and Vietnamese law

Criteria	Australian law	Vietnamese law
Regulatory approach	Impact - and context-based, open-ended definition	Behavior-based listing, relatively closed definition
Regulatory scope	Covers both individual conduct and hostile work environments	Primarily focuses on categorized isolated individual acts
Identification of harassment	Flexible, assessed based on actual impact	Limited where conduct is difficult to categorize
Recognition of hostile work environment	Explicitly recognized as a structural workplace risk	Not clearly recognized as an independent legal concept
Alignment with ILO Convention No. 190	Closely aligned with the spirit and structure of C190	Alignment remains largely formal and partial

Sources: Synthesized by authors

3.2. Employers' Legal Obligations and Responsibilities in Preventing Sexual Harassment

The above analysis shows that, although Vietnamese law has made significant progress in recognizing and regulating sexual harassment in the workplace, the current legal framework still has many limitations related to the regulatory approach, the scope of employer obligations, and the effectiveness of enforcement mechanisms. The section will focus on a comparative analysis of the legal frameworks of Vietnam and Australia, drawing lessons learned and suggesting directions for improving Vietnamese law in the future.³² Australian law approaches the responsibility of employers in preventing and combating sexual harassment from an institutional responsibility perspective, in which employers have a “positive duty” to proactively create a safe and respectful work environment, rather than merely being “indirectly responsible” after the misconduct has occurred. Accordingly, employers cannot simply wait for complaints or disputes to arise, but must integrate the prevention and control of sexual harassment into their internal governance structure, human resource policies, and organizational culture.³³

Under the Sex Discrimination Act, employers may be held vicariously liable for acts of sexual harassment committed by employees, managers, or other representatives in the course of, or in connection with, their work, unless the employer can demonstrate that all reasonable preventive measures were taken. This liability framework shifts regulatory attention away from isolated individual wrongdoing toward the adequacy of managerial practices and organizational culture.³⁴ The legal framework is further reinforced by the

³² Caroline W Kamau-Mitchell, Takashi Watari and Mark Michael Gallagher, ‘Blocked from Becoming a Physician or Nurse Because of Gender: Global State-of-the-Art Review’, *Ethics, Medicine and Public Health*, 34 (2026) <https://doi.org/10.1016/j.jemep.2025.101234>

³³ Le Bao Ngoc Pham, ‘Workplace Sexual Harassment in Vietnam: A Review of Current Legislation’, *Malaysian Journal of Law & Society*, 33, 89 <https://doi.org/10.17576/juum-2023-33-08>.

³⁴ Mitra Khakbaz, ‘Does Gender-Lens Matter—Regional Settlement Policies, Addressing Domestic and Family Violence, Promoting Community Integration’, *Sustainable Development Goals Series*, Part F1113 (2026), 221–29 https://doi.org/10.1007/978-981-95-1987-3_14

Work Health and Safety Act 2011 (Cth), which classifies sexual harassment as a risk to occupational health and safety, particularly to psychosocial well-being. Under this regime, employers are required to identify, assess, and manage harassment risks, consult with workers, provide training, establish accessible and non-retaliatory reporting mechanisms, and respond to incidents within reasonable and practicable limits. Taken together, these obligations reflect a regulatory model that conceptualizes workplace sexual harassment as a governance and risk-management failure rather than solely as individual misconduct, thereby positioning employers as the primary agents of prevention and accountability. This approach provides an important analytical reference point for comparison with the Vietnamese legal framework.³⁵

In Vietnam, employer responsibilities for preventing and addressing workplace sexual harassment are primarily stipulated in Clause 1, Article 86 of Decree No. 145, which operationalizes the 2019 Labour Code. These responsibilities encompass three main areas: ensuring compliance with legal requirements on the prevention of sexual harassment, disseminating and educating employees on relevant regulations, and promptly receiving and resolving complaints while safeguarding the lawful rights and interests of all parties involved.³⁶ As organizers and supervisors of the labour process, employers are formally identified as the key actors responsible for creating a safe working environment free from sexual harassment. For the first time, the 2019 Labour Code requires employers to adopt preventive measures; however, it leaves the content of such measures largely undefined, granting enterprises broad discretion. While this flexibility limits direct administrative intervention, it also creates risks of uneven implementation and reduced effectiveness, particularly among small and medium-sized enterprises.³⁷

Another important obligation is to issue labor regulations that include provisions on preventing and combating sexual harassment and procedures for handling violations. These regulations must clearly define prohibited behaviors, responsibilities and procedures for handling violations, disciplinary measures, and remedial measures for victims. This regulation contributes to the domestication of the obligation to prevent and combat sexual harassment at the enterprise level. However, in practice, requiring employers to specifically identify harassing behaviors remains difficult due to the general nature of the legal concept and the lack of detailed guidance. Furthermore, Vietnamese law also mandates the dissemination and education of laws on preventing and combating sexual harassment to employees. However, due to the lack of specific requirements regarding the content, frequency, or form of training, this obligation is often only carried out formally.³⁸

³⁵ Vanessa Baxter and others, 'Experiences of Bullying and Harassment, Including Sexual Harassment, amongst ENT Trainees in the UK: Survey Findings', *Journal of Laryngology and Otology*, 140.1 (2026), 65–70 <https://doi.org/10.1017/S0022215125103587>

³⁶ Francisco Perales, Alice Campbell and Nicki Elkin, 'Workplace Sexual Harassment Victimization and Employee Wellbeing among LGBTQ+ and Non-LGBTQ+ Employees', *Journal of Interpersonal Violence*, 40, 17–18 <https://doi.org/10.1177/08862605241285994>.

³⁷ Radhwan Hussein Ibrahim and others, 'Workplace Sexual Harassment and Post-Traumatic Stress Disorder Symptoms in Nurses: A Cross-Sectional Study in Southeast Iran', *BMJ Open*, 15.12 (2025) <https://doi.org/10.1136/bmjopen-2025-101722>

³⁸ Karen O'Connell, 'A Three-Dimensional Approach to Gendered Workplace Violence: The Case of Australian Sexual Harassment Reforms', in *Research Handbook on Gender, Work and Employment Relations* (Cheltenham: Edward Elgar Publishing) <https://doi.org/10.4337/9781035302567.00027>.

Notably, the employer's responsibility when a complaint or denouncement of sexual harassment is stipulated to be a response only after the act has occurred. Accordingly, the employer must promptly receive information, prevent and address the issue, and protect all parties involved. This approach has been criticized as incomplete, as it seems to place the condition of "having a complaint or denouncement" as a prerequisite for activating the employer's responsibility, while in reality, employers are fully capable - and should be - responsible for intervening even when harassment is occurring or is likely to occur, regardless of whether the victim formally complains or not.³⁹

Accordingly, employers' obligations under the current Vietnamese labour law framework continue to reflect a model of internal labour discipline management, emphasizing the formulation of rules and the handling of violations after they occur, rather than an institutionalized regime of preventive responsibility. This distinction constitutes a key point of divergence that will be further examined through comparison with the positive duty approach adopted in Australian law in the following sections. In comparison, both systems acknowledge the pivotal role of employers in preventing and combating sexual harassment. However, applying a functional analysis, a distinct divergence in regulatory philosophy is evident.⁴⁰ While Australian law views harassment as a manifestation of gaps in governance and corporate culture, Vietnamese law tends to individualize responsibility, viewing sexual harassment primarily as a disciplinary violation by the employee. Unlike the Australian concept of vicarious liability which binds the organization to the individual's act, Vietnamese law treats the harasser as an isolated rule-breaker, thereby detaching the organization from the incident.⁴¹ Consequently, under Seidman's institutional framework, the employer's responsibility in Vietnam arises mainly at the reactive stage (consequence management), rather than at the proactive stage of identifying and eliminating risks. This reactive approach limits the capacity to address structural factors such as power imbalances and permissive work environments.⁴²

A further point of divergence concerns the level of specificity attached to employers' legal obligations. Through the integration of anti-discrimination law with occupational health and safety regulation, Australian law has articulated relatively concrete standards relating to risk assessment, training, worker consultation, supervision, and managerial accountability.⁴³ By contrast, Vietnamese law affords employers broad discretion in selecting measures to prevent and address sexual harassment, while providing limited criteria for evaluation and few mechanisms for systematic monitoring. Although such flexibility allows for contextual adaptation, from an institutional design perspective,

³⁹ Bridie Allan, P J Matt Tilley and Jacqueline Hendriks, 'Sexual Content in Australian Crisis Telehealth', *Clinical EHealth*, 8 (2025), 103–16 <https://doi.org/https://doi.org/10.1016/j.ceh.2025.03.003>

⁴⁰ Prakash Shrestha and Dev Raj Adhikari, 'Workplace Sexual Harassment Cases and Policy Measures in Business Organisations', *International Journal of Organizational Analysis*, 33.8 (2024), 2222–50 <https://doi.org/https://doi.org/10.1108/IJOA-08-2024-4728>

⁴¹ Tareq Al-Billeh and others, 'The International Framework for Cyber-Attacks Under the Rules of International Humanitarian Law', *Journal of Human Rights, Culture and Legal System*, 5.2 (2025), 412–41 <https://doi.org/10.53955/jhcls.v5i2.534>

⁴² Uyen Thi Ngoc Nguyen and Thai Thi Tuyet Dung, 'Improving the Law on Handling Workplace Sexual Harassment in Vietnam from Legislative Experience in Several Countries', *VNUHCM Journal of Economics – Law and Management*, 9.1, 5839–5847 <https://doi.org/10.32508/stdjelm.v9i1.1515>.

⁴³ Eric Filice and others, 'Sexual Violence and Abuse in Online Dating: A Scoping Review', *Aggression and Violent Behavior*, 67 (2022), 101781 <https://doi.org/https://doi.org/10.1016/j.avb.2022.101781>

discretion unaccompanied by oversight undermines consistency and effectiveness in enforcement. In relation to international labour standards, particularly ILO Convention No. 190, Australian law closely reflects the convention's emphasis on duty of care and organizational responsibility. Vietnamese law, on the other hand, has largely incorporated these principles at a declaratory level, without fully translating them into concrete and enforceable legal duties.⁴⁴

On this basis, the comparison demonstrates that the fundamental difference between the two systems does not lie in the formal recognition of employer obligations, but in their underlying character. While Australian law treats employers as central preventive actors bearing continuous and proactive responsibility, Vietnamese law continues to frame employers primarily as managers of labour discipline and post-violation responses. This distinction provides a critical theoretical foundation for the subsequent discussion on legal transplantation, indicating that meaningful reform requires a shift toward strengthening organizational accountability rather than merely expanding lists of prohibited conduct.⁴⁵

Table 2. Comparison of employer obligations in preventing and combating sexual harassment in the workplace under Australian and Vietnamese law

Criteria	Australian law	Vietnamese law
Nature of obligations	Organizational and risk-management duties	Procedural and disciplinary duties
Employer responsibility	Employers are regarded as central actors in prevention	Responsibility mainly arises at the stage of handling violations
Individual-organizational link	Harassment is viewed as a consequence of governance and workplace culture failures	Responsibility is individualized; harassment is treated as a labor-disciplinary breach
Degree of regulatory specificity	Relatively detailed, linked to anti-discrimination and occupational health and safety laws	Principled and flexible, granting broad discretion to employers
Evaluation and monitoring mechanisms	Clear standards and substantive monitoring mechanisms	Lacks effective evaluation criteria and monitoring
Alignment with ILO Convention No. 190	Closely aligned with the spirit and structure of C190	Adopted mainly at the level of general principles, not fully operationalized

Sources: Synthesized by authors

A functional comparison reveals that the divergence between Australia and Vietnam extends beyond legal instruments to the core enforcement philosophy and the allocation of protective responsibilities.⁴⁶ While Australian law constructs enforcement based on proactive monitoring and organizational compliance, Vietnamese law operates primarily on a "reactive model" (post-violation response). In Vietnam, administrative, labor, civil,

⁴⁴ Nguyen and Dung.

⁴⁵ Rabia Ali, 'Silenced Online: Women's Experiences of Digital Harassment in Pakistan', *Women's Studies International Forum*, 110 (2025), 103090 <https://doi.org/https://doi.org/10.1016/j.wsif.2025.103090>

⁴⁶ Cecilia Österman and Magnus Boström, 'Workplace Bullying and Harassment at Sea: A Structured Literature Review', *Marine Policy*, 136 (2022), 104910 <https://doi.org/https://doi.org/10.1016/j.marpol.2021.104910>

and criminal measures exist simultaneously but in a fragmented manner, lacking a unified strategic framework to address harassment systematically.⁴⁷

Applying Seidman's institutional design theory regarding "Implementing Agencies", a critical disparity emerges in the burden of enforcement.⁴⁸ In Australia, the burden is shared. The AHRC acts as a powerful implementing agency with the authority to proactively investigate and enforce the "positive duty" without relying on individual complaints. This significantly reduces the psychological and financial costs for victims. Conversely, in Vietnam, the system relies on a "victim-initiated model." Employees are the primary actors forced to trigger the enforcement process (via complaints or lawsuits). Given the inherent power imbalances in labor relations, this design flaw creates a significant "enforcement deficit", as victims often fear retaliation or lack the resources to pursue legal action. Furthermore, regarding the object of enforcement, Australian mechanisms target the organizational governance system (forcing employers to improve policies/culture). Conversely, Vietnamese enforcement mechanisms focus narrowly on punishing specific acts or procedural breaches.⁴⁹ This approach addresses the symptom (the act) but fails to cure the disease (the organizational failure to manage risk). Moreover, while the Labor Inspectorate functions as the primary enforcement body, its operations are predominantly driven by periodic schedules or formal complaints. The system currently lacks a specialized, proactive monitoring mechanism for sexual harassment comparable to the mandate of the AHRC.⁵⁰

From the standpoint of international labour standards, particularly ILO Convention No. 190, Australia's enforcement framework more closely satisfies the requirements of effectiveness, accessibility, and a fair distribution of enforcement burdens. By contrast, Vietnam's enforcement system continues to lack essential elements, including proactive monitoring, a centralized or specialized enforcement mechanism, and tools designed to support long-term prevention.⁵¹ The comparative analysis indicates that the divergence between the two systems lies not in the scope or severity of sanctions, but in the operational logic of enforcement itself.⁵² Australian law employs enforcement as a means of systematically holding labour organizations accountable and shaping organizational

⁴⁷ Charlotte Keenan and others, 'The Influence of Providing Definitions of Sexual Harassment on Perceptions of Workplace Gender Harassment', *Employee Relations*, 47.9, 257–73 <<https://doi.org/10.1108/ER-12-2024-0740>>.

⁴⁸ Frank Joseph Cavico and Bahaudin Ghulam Mujtaba, 'Workplace Romance and Sexual Favoritism in the #MeToo Workplace: Legal and Practical Considerations for Management', *Equality, Diversity and Inclusion: An International Journal*, 40.6 (2021), 667–89 <https://doi.org/https://doi.org/10.1108/EDI-11-2020-0324>

⁴⁹ Tejal Jesrani and Daimiris Garcia, 'Gendered SLAPPs: Addressing Criminal Prosecutions against Exposers of Sexual and Gender-Based Violence under International Human Rights Law', *International Journal of Law, Crime and Justice*, 80 (2025), 100729 <https://doi.org/https://doi.org/10.1016/j.ijlcj.2025.100729>

⁵⁰ Hong Thu Thi Nguyen, 'Internal and External Barriers towards Sexual Harassment Prevention Efforts in the Workplace', *FWU Journal of Social Sciences*, 16.2, 50–67 <https://doi.org/10.51709/19951272/Summer2022/4>.

⁵¹ Angela Knox and Philip Bohle, 'Redressing Sexual Harassment at Work: Using Pressure, Disorganisation and Regulatory Failure to Advance Theoretical Understanding', *Journal of Industrial Relations*, 67.2, 277–98 <https://doi.org/10.1177/00221856241248353>.

⁵² María del Mar Jiménez-Lasserrotte and others, 'From Precariousness to Prostitution: Experiences of Moroccan Migrant Women with Trafficking and Sexual Exploitation in Agricultural Settings', *Women's Studies International Forum*, 112 (2025), 103162 <https://doi.org/https://doi.org/10.1016/j.wsif.2025.103162>

behaviour, whereas Vietnamese law largely treats enforcement as a response to individual violations after harm has occurred. From a legal transplant perspective, this suggests that adopting Australian definitions or employer duties in isolation, without establishing independent enforcement institutions such as the Australian Human Rights Commission or empowering labour inspectorates to exercise proactive oversight, would be unlikely to produce effective reform within the Vietnamese context.⁵³

Table 3. Comparison of law enforcement mechanisms on preventing and combating sexual harassment in the workplace in Australia and Vietnam

Criteria	Australia	Vietnam
Enforcement philosophy	Proactive, preventative, and oriented toward organizational compliance	Reactive, focused on responding after violations occur
Enforcement model	Systematic monitoring and compliance-based enforcement	Multiple parallel measures, fragmented and lacking a unified strategy
Primary enforcement actors	Shared responsibility among the State, independent bodies (AHRC), trade unions, and employers	Largely placed on workers through complaints, requests for sanctions, or litigation
Role of specialized bodies	AHRC is empowered to conduct proactive investigations without a formal complaint	No equivalent mechanism for proactive investigation
Alignment with ILO Convention No. 190	High level of alignment in terms of effectiveness, accessibility, and burden-sharing	Does not fully meet requirements on proactive monitoring and prevention

Sources: Synthesized by authors

3.3 Legal Enforcement and Monitoring Mechanisms for Workplace Sexual Harassment

A comparative analysis of Australian and Vietnamese law regarding the scope of regulation, employer obligations, and enforcement mechanisms for workplace sexual harassment reveals significant differences in approach, particularly between Australia's systematic prevention model and Vietnam's reactive regulatory model.⁵⁴ While Vietnamese law has made significant progress in recognizing sexual harassment as a legal issue in labor relations, current regulations remain fragmented, inconsistent, and have yet to establish an effective prevention mechanism at the organizational level. These limitations are clearly reflected in empirical evidence. A survey of nearly 1,000 female garment workers in Vietnam revealed alarming levels of sexual harassment experiences: 87.7% of respondents had experienced verbal harassment; 34.3% had experienced physical assault; and 29% had experienced nonverbal forms of harassment. Notably, about 10% of survey participants reported being threatened with contract termination or wage withholding if they reacted or reported the incident, and a similar percentage had been offered sexual favors in exchange for career advancement. These figures indicate that sexual harassment

⁵³ Hong Thu Thi Nguyen and Giang Thi Le, 'Victims' Perspectives towards Sexual Harassment Prevention Measures at Work: Victims' Voices to Build an Anti-Harassment Working Environment', *Intersections. East European Journal of Society and Politics*, 9.4, 159–75 <https://doi.org/10.17356/ieejsp.v9i4.1188>.

⁵⁴ Sandra Wright, 'Hierarchies and Bullying: An Examination into the Drivers for Workplace Harassment within Organisation', *Transnational Corporations Review*, 12.2 (2020), 162–72 <https://doi.org/https://doi.org/10.1080/19186444.2020.1768790>

is not an isolated incident, but a structural risk closely linked to power asymmetry in labor relations.⁵⁵

Table 4. Forms and Prevalence of Sexual Harassment among Female Garment Workers in Vietnam

Form of Sexual Harassment or Abuse	Percentage of Female Garment Workers Affected
Verbal violence or verbal sexual harassment	87.7%
Physical sexual harassment or bodily assault	34.3%
Non-verbal sexual harassment (e.g. sexually suggestive gestures)	29%
Threats of contract termination or wage withholding if reporting or resisting	10%
Promises of promotion in exchange for sexual favours	10%

Sources: Minh Hieu (2022), based on a survey conducted by an international organization involving nearly 1,000 female garment workers.

This situation highlights the urgent need to review and improve the law in a way that strengthens prevention, clarifies the responsibilities of employers, and aligns more closely with international standards on human rights at work, particularly the C190. Based on this, this section proposes several legislative and policy recommendations to enhance the effectiveness of preventing and combating sexual harassment in the workplace in the Vietnamese context. The enforcement mechanism for sexual harassment in the workplace in Australia has undergone a significant transformation, particularly since positive duty has been assigned to employers. The focus of this mechanism is no longer solely on individual complaints and civil litigation, but has expanded to include proactive monitoring and enforcement through independent bodies.⁵⁶

The AHRC plays a central role in the new enforcement mechanism. As of December 12, 2023, the AHRC has been granted direct authority to monitor and enforce compliance with proactive obligations under the SDA. Accordingly, the Commission can proactively initiate investigations when there is “reasonable suspicion” that an organization or business is not adequately fulfilling its obligations to prevent sexual harassment and other unlawful acts related to gender.⁵⁷ Importantly, the threshold of reasonable suspicion does not depend on the submission of a formal complaint by the victim, but may arise from diverse sources, including information provided by government agencies, trade unions or worker representatives, affected individuals, or even media reports.⁵⁸ This approach illustrates a

⁵⁵ Can Yavuz, ‘Adverse Human Rights Impacts of Dissemination of Nonconsensual Sexual Deepfakes in the Framework of European Convention on Human Rights: A Victim-Centered Perspective’, *Computer Law & Security Review*, 56 (2025), 106108 <https://doi.org/https://doi.org/10.1016/j.clsr.2025.106108>

⁵⁶ Laura Carballo Piñeiro and Momoko Kitada, ‘Sexual Harassment and Women Seafarers: The Role of Laws and Policies to Ensure Occupational Safety & Health’, *Marine Policy*, 117 (2020), 103938 <https://doi.org/https://doi.org/10.1016/j.marpol.2020.103938>

⁵⁷ David M Buss, ‘Sexual Violence Laws: Policy Implications of Psychological Sex Differences’, *Evolution and Human Behavior*, 44.3 (2023), 278–83 <https://doi.org/https://doi.org/10.1016/j.evolhumbehav.2023.01.003>

⁵⁸ Justice A Progressive and others, ‘Dialectical Optimizing Penal Mediation through Restorative Dialectical’, 2.2 (2024), 84–97 <https://doi.org/https://doi.org/10.70720/jjd.v2i2.51>

deliberate effort within Australian law to reduce the evidentiary and psychological burdens traditionally placed on victims in complaint-driven enforcement models.⁵⁹

In exercising its mandate, the Australian Human Rights Commission is vested with extensive investigative and enforcement powers. These include the authority to assess employers' compliance with positive duties, request relevant information and documents, summon and examine witnesses, and issue recommendations to secure compliance. Where non-compliance is identified, the Commission may issue compliance notices requiring organizations to take specified remedial actions or to cease unlawful practices.⁶⁰ Civil litigation continues to function as an important enforcement avenue within the Australian legal system, allowing individuals subjected to sexual harassment to seek remedies under the Sex Discrimination Act or related legislation.⁶¹ However, litigation no longer constitutes the primary or exclusive enforcement pathway; rather, it operates within a broader, multi-layered framework that integrates administrative oversight, regulatory intervention, and the participation of representative actors.⁶²

Taken together, these mechanisms reflect a clear transition from a victim-centred yet victim-burdened enforcement model toward a system of proactively monitored institutional accountability. This shift enhances the effectiveness of preventive obligations and underscores the roles of the State, independent agencies, and employee representative organizations in addressing workplace sexual harassment, providing a critical point of comparison with the enforcement framework under Vietnamese law, as examined in the following section.⁶³ To ensure the effective enforcement of regulations on preventing and combating sexual harassment in the workplace, Vietnamese law establishes various mechanisms for handling such cases, including administrative, labor, criminal, and civil liability.⁶⁴ These mechanisms serve both as deterrents and to protect the legitimate rights and interests of workers.⁶⁵ Firstly, administrative penalties are the most commonly applied mechanism, primarily stipulated in Decree No. 12/2022/ND-CP (D12). According to Clause 3, Article 11, sexual harassment in the workplace that does not reach the level of criminal prosecution is considered an administrative violation and is subject to corresponding penalties. This approach reflects a stratification in handling violations.

⁵⁹ Syed Danial Hashmi, Khurram Shahzad and Fakhar Abbas, 'The Interactive Effects of Sexual Harassment and Psychological Capital on Victims' Burnout: Evidence from the Post-#MeToo Movement Era', *Gender in Management*, 37.4 (2022), 509–23 <https://doi.org/https://doi.org/10.1108/GM-04-2020-0136>

⁶⁰ Dalit Yassour-Borochowitz, "It's a Total Embarrassment": Service Work and Customer Sexual Harassment', *Women's Studies International Forum*, 78 (2020), 102323 <https://doi.org/https://doi.org/10.1016/j.wsif.2019.102323>

⁶¹ Reda Manthovani and others, 'A Deconstruction of Corporate Responsibility in Criminal Law', *Journal of Justice Dialectical*, 3.1 (2025), 1–26 <https://doi.org/10.70720/jjd.v3i1.64>

⁶² Leesa Hooker and others, 'Incident Reporting and Data Monitoring of Sexual Violence and Harassment on Public Transport', *Journal of Transport & Health*, 39 (2024), 101903 <https://doi.org/https://doi.org/10.1016/j.jth.2024.101903>

⁶³ Leah D Sheppard and others, 'The Stress-Relieving Benefits of Positively Experienced Social Sexual Behavior in the Workplace', *Organizational Behavior and Human Decision Processes*, 156 (2020), 38–52 <https://doi.org/https://doi.org/10.1016/j.obhdp.2019.09.002>

⁶⁴ Fithriatus Shalihah, Andre Wijaya Laksana and Rajali H. Aji, 'Legal Protection of Workers' Rights in Indonesia's Tobacco Industry', *Contrarius*, 1.3 (2025), 191–213 <https://doi.org/10.53955/contrarius.v1i3.214>

⁶⁵ Swee-Lin Ho, 'Japan's New Anti-Harassment Law and the Ironic Legitimation of Workplace Harassment against Women Managers', *Women's Studies International Forum*, 103 (2024), 102884 <https://doi.org/https://doi.org/10.1016/j.wsif.2024.102884>

However, defining the boundary between administrative sexual harassment and criminal offenses remains difficult, as the Criminal Code 2015 (amended and supplemented in 2017) (CC2015) does not yet have a separate criminal offense for sexual harassment, but only addresses it indirectly through other offenses such as the crime of humiliating another person.⁶⁶

Furthermore, the failure to issue, publicize, or post labor regulations containing provisions on preventing and combating sexual harassment is also subject to penalties under Clause 1, Article 19 of D12.⁶⁷ The requirement for labor regulations to clearly define prohibited behaviors and procedures for handling sexual harassment is considered an important preventive tool, creating an internal legal basis for protecting employees.⁶⁸ If employers fail to fulfill this obligation, the ability of employees to identify, complain about, and protect their rights will be limited.⁶⁹ In addition to sanctions, labour law entitles employees to unilaterally terminate their employment contracts without prior notice when they are subjected to sexual harassment in the workplace. This right serves as an important protective measure, enabling workers to withdraw from unsafe working conditions.⁷⁰ With respect to criminal and civil liability, where sexual harassment constitutes a serious infringement of honour and dignity, the perpetrator may be subject to criminal prosecution for the offence of humiliating another person under the 2015 Criminal Code. In such cases, civil liability may also arise in the form of compensation for non-contractual damage pursuant to the 2015 Civil Code.⁷¹

Taken as a whole, Vietnam's legal framework for enforcing measures against workplace sexual harassment is relatively varied in form. Nevertheless, it remains fragmented and lacks a coherent, systematic structure. Relevant provisions are dispersed across the 2019 Labour Code, Decree No. 145, and Decree No. 12, creating practical difficulties for both employers and employees in accessing, interpreting, and applying the law.⁷² Moreover, existing administrative sanctions do not adequately reflect the gravity of violations

⁶⁶ Vera Heuer, 'Controlling Women's Voices: Legal Repression and the Silencing of the #MeToo Movement in India', *Women's Studies International Forum*, 114 (2026), 103226 <https://doi.org/https://doi.org/10.1016/j.wsif.2025.103226>

⁶⁷ Aeshah Alamri and Ibtisam Alamri, 'Stereotypes, Gender Norms, and Victim Blaming: Attributions of Responsibility for Stranger Harassment', *Acta Psychologica*, 262 (2026), 106189 <https://doi.org/https://doi.org/10.1016/j.actpsy.2025.106189>

⁶⁸ Xianying Lu and others, 'Prevalence, Associated Factors, and Nursing Practice-Related Outcomes of Workplace Violence towards Nursing Students in Clinical Practice: A Systematic Review and Meta-Analysis', *Nurse Education Today*, 133 (2024), 106074 <https://doi.org/https://doi.org/10.1016/j.nedt.2023.106074>

⁶⁹ Thomas Lawson Haskell, Jim Stankovich and Nancy Louisa Merridew, 'A New Framework for Australian Specialty Colleges and Other Healthcare Leaders to Address Bullying, Discrimination, and Harassment That Involves Doctors', *The Lancet Regional Health - Western Pacific*, 48 (2024), 101118 <https://doi.org/https://doi.org/10.1016/j.lanwpc.2024.101118>

⁷⁰ Evangelos Mourelatos, 'Does Mood Affect Sexual and Gender Discrimination in Hiring Choices? Evidence from Online Experiments', *Journal of Behavioral and Experimental Economics*, 106 (2023), 102069 <https://doi.org/https://doi.org/10.1016/j.socec.2023.102069>

⁷¹ Thomas Köllen and Nick Rumens, 'Challenging Cisnormativity, Gender Binarism and Sex Binarism in Management Research: Foregrounding the Workplace Experiences of Trans* and Intersex People', *Gender in Management*, 37.6 (2021), 701–15 <https://doi.org/https://doi.org/10.1108/GM-01-2022-0022>

⁷² Marc Loriol, Liliana Dassisti and Ignazio Grattagliano, 'Harassment at Work in France and Italy First Hypothesis for an International Comparison', *Aggression and Violent Behavior*, 53 (2020), 101427 <https://doi.org/https://doi.org/10.1016/j.avb.2020.101427>

affecting victims' dignity, honour, and mental well-being. The absence of a distinct criminal offence of sexual harassment in the Criminal Code further requires reliance on related offences, such as humiliating another person, which complicates enforcement and limits legal comprehensiveness. Accordingly, further efforts are necessary to enhance the effectiveness of preventing and addressing sexual harassment in labour relations practice.⁷³

From a comparative analysis of the scope and conceptual structure, it can be seen that the biggest gap between Vietnamese law and international standards lies not in whether or not to acknowledge sexual harassment in the workplace, but in how the law conceptualizes this phenomenon.⁷⁴ Therefore, Vietnam needs to gradually shift from a purely enumerative approach to a model that combines behavioral description and impact assessment within a reasonable context, thereby better reflecting the cumulative, indirect, and power-related nature of sexual harassment in the modern workplace.⁷⁵ Vietnamese law should consider adding a general principle that sexual harassment includes any unwelcome sexual conduct that, under objective circumstances, has the potential to create a hostile, offensive, or unsafe work environment, even if such conduct does not easily fall into the categories already listed.⁷⁶ This can be illustrated as follows: "Sexual harassment in the workplace is any sexual act that is unwanted or unaccepted by the victim and, under objective circumstances, may: a) infringe upon the dignity, honor, or equal rights of the worker; or b) create a hostile, offensive, threatening, or unsafe work environment". In addition, acknowledging the concept of a "hostile work environment", or an equivalent concept in labor law, would shift the focus of regulation from individual acts to systemic risks within the organization, while also providing a legal basis for determining employer liability in cases where corporate culture or power structures contribute to the perpetuation of harassing behavior. The definition of a "hostile work environment" can be illustrated as follows: "1. A hostile work environment is a situation in which sexually inappropriate behavior, considered in the overall context, is repeated or cumulative, causing employees to feel offended, threatened, isolated, or unsafe in the workplace. 2. The determination of a hostile work environment is considered on the basis of: a) the frequency, severity, and duration of the behavior; b) the power dynamics between the parties; c) the organizational context and workplace culture; d) the actual or foreseeable impact on employees in similar circumstances."⁷⁷

⁷³ Le Bao Ngoc Pham, 'Workplace Sexual Harassment in Vietnam: A Review of Current Legislation', *Malaysian Journal of Law & Society*, 33, 89 <https://doi.org/10.17576/juum-2023-33-08>.

⁷⁴ Pham Xuan Quyet, Ho Viet Tien and Vijaya Malar V Arumugam, 'Sexual Harassment at Work and Labour Turnover via Job Positions: A Qualitative Study of Service Industry Employees in Vietnam', *International Journal of Asia Pacific Studies*, 19.1, 145–71 <https://doi.org/10.21315/ijaps2023.19.1.7>.

⁷⁵ Hong Thu Thi Nguyen and Giang Thi Le, 'Victims' Perspectives towards Sexual Harassment Prevention Measures at Work: Victims' Voices to Build an Anti-Harassment Working Environment', *Intersections. East European Journal of Society and Politics*, 9.4 (2024), 159–75 <https://doi.org/10.17356/ieejsp.v9i4.1188>.

⁷⁶ Audai Al Smadi, 'Workplace Violence in Jordanian Hospitals: Sociodemographic and Occupational Characteristics Influences, Effect on Quality of Care and Recommended Solutions', *Journal of Health Organization and Management*, 40.1 (2025), 1–19 <https://doi.org/https://doi.org/10.1108/JHOM-11-2024-0467>

⁷⁷ Hong Thu Thi Nguyen and Giang Thi Le, 'Victims' Perspectives towards Sexual Harassment Prevention Measures at Work: Victims' Voices to Build an Anti-Harassment Working Environment', *Intersections. East European Journal of Society and Politics*, 9.4, 159–75 <https://doi.org/10.17356/ieejsp.v9i4.1188>.

From the perspective of selective legal transplantation, this recommendation does not seek to replicate the Australian conceptual framework in a mechanical manner, but instead to adapt its core elements to Vietnam's institutional context while maintaining substantive consistency with the principles embodied in ILO Convention No. 190. Only by broadening the conceptual basis to capture the systemic character of sexual harassment can preventive and enforcement mechanisms derived from more developed legal systems function effectively within Vietnamese legal practice.⁷⁸ The comparative analysis further indicates that meaningful reform of Vietnamese law requires a shift in legislative orientation, moving away from a response-oriented and disciplinary approach toward a model grounded in risk management and organizational responsibility, in line with the spirit of C190 and the regulatory experience of Australia.⁷⁹

Specifically, Vietnamese law should clearly stipulate that employers have the obligation to proactively identify, assess, and control the risk of sexual harassment in the workplace, similar to the risk management obligation in the field of occupational safety and health.⁸⁰ In particular, Vietnamese law could learn from the "duty of care/positive duty" and the responsibility to ensure a safe, respectful, and non-violent working environment. Specifically, it can be defined as follows: "1. Employers have the obligation to proactively ensure a safe, respectful, violence-free, and sexual harassment-free work environment. 2. The obligations stipulated in this Article include, but not limited to: a) Regularly identifying and assessing sexual harassment risks arising from the labor organization, power relations, working conditions, and corporate culture; b) Implementing appropriate preventive measures to eliminate or minimize identified risks commensurate with the size and resources of the enterprise; c) Establish and maintain a mechanism for receiving and processing complaints and grievances, ensuring independence, confidentiality, and non-retaliation; d) Organize regular training and workshops for employees and managers on preventing and combating sexual harassment; e) Review and update internal policies and preventive measures when there are changes in the labor organization or after an incident occurs". This approach allows for addressing structural factors such as power asymmetry, closed management models, workplace environments that tolerate deviant behavior, or the economic dependence of workers, rather than focusing solely on individual behaviors.⁸¹

Furthermore, to avoid giving employers free rein to choose measures without accompanying control mechanisms, the law needs to establish mandatory minimum standards for preventing and combating sexual harassment.⁸² These criteria could include: the existence of a written policy; regular training programs; consultation mechanisms with

⁷⁸ Katja Kraljević and others, 'Work-Related Determinants of Workplace Wellbeing for Women and Marginalised Groups in the European Union: A Scoping Review', *Safety Science*, 190 (2025), 106911 <https://doi.org/https://doi.org/10.1016/j.ssci.2025.106911>

⁷⁹ Margaret Thornton, 'Anti-Discrimination Legislation in Australia: A Reckoning', *International Journal of Discrimination and the Law*, 25.4, 388–413 <https://doi.org/10.1177/13582291251386746>.

⁸⁰ Hong Thu Thi Nguyen, 'Internal and External Barriers towards Sexual Harassment Prevention Efforts in the Workplace', *FWU Journal of Social Sciences*, 16.2, 50–67 <https://doi.org/10.51709/19951272/Summer2022/4>.

⁸¹ Dominique Allen, 'A New Approach to Australia's Sex Discrimination and Labour Laws Is Designed to Improve Equality for Women at Work', *Industrial Law Journal*, 52.4, 956–76 <https://doi.org/10.1093/indlaw/dwad027>.

⁸² Ni Luh Gede Astariyani and Julio de Araujo da Silva, 'Legal Protection of Doctors in the Handling of Medical Emergencies', *Contrarius*, 1.3 (2025), 214–31 <https://doi.org/10.53955/contrarius.v1i3.215>

employee representative organizations; independent internal investigation procedures; managerial accountability; and measures to protect whistleblowers from retaliation. These criteria can be regulated as follows: “Employers must implement at least the following measures: a) Issue and publish a written policy on preventing and combating sexual harassment in the workplace; b) Organize regular training for employees and managers; c) Establish a consultation mechanism with employee representative organizations; d) Ensure an independent, confidential, and timely internal investigation and reporting process; e) Clearly define the responsibilities of management in prevention and handling; f) Implement measures to protect whistleblowers from retaliation. Failure to comply with the obligations stipulated in this Article will be grounds for considering the legal liability of the employer”. Repositioning employers' responsibilities in this way will help limit the tendency to "personalize" the issue of sexual harassment, while also providing a basis for considering organizational responsibility in cases where violations reflect tolerance or failure in internal governance.⁸³

From the comparative analysis above, it can be seen that the reform of Vietnamese law in the field of preventing and combating sexual harassment in the workplace cannot stop at expanding the definition or strengthening the obligations of employers, but needs to pay special attention to the institutional design of the enforcement mechanism.⁸⁴ The focus of reform should be on shifting from the "victim-initiated" model and post-violation response to a model of proactive monitoring, prevention, and ensuring compliance at the organizational level.⁸⁵

First, Vietnamese law needs to consider expanding the authority of the labor inspection system to allow inspections and assessments of compliance with the prevention obligations of enterprises even without a specific complaint.⁸⁶ This mechanism could be designed similarly to the compliance monitoring model in the field of occupational safety and health, focusing not only on detecting and penalizing past violations but also on evaluating risk management systems, internal policies, training activities, and organizational culture related to sexual harassment. This can be regulated as follows: “1. Competent labor inspection agencies shall conduct periodic or unscheduled inspections and audits of employers' fulfillment of obligations to prevent and address sexual harassment in the workplace, regardless of whether or not a complaint has been filed by an employee. 2. The content of the inspection shall include: a) internal policies on preventing and combating sexual harassment; b) training and awareness-raising activities for employees and managers; c) mechanisms for receiving and resolving complaints; d) measures to protect whistleblowers; e) assessment and control of harassment risks within the organization. 3.

⁸³ Daniel R Clark, ‘Embracing Whistleblowing for Enhanced Firm Self-Regulation’, *Business Horizons*, 66.6 (2023), 817–33 <https://doi.org/https://doi.org/10.1016/j.bushor.2023.05.003>

⁸⁴ Ankita Sil, Subeh Chowdhury and Roselle Thoreau, ‘Moving towards an Inclusive Public Transport System for Women in the South and Southeast Asian Region’, *Transport Reviews*, 43.6 (2023), 1144–64 <https://doi.org/https://doi.org/10.1080/01441647.2023.2200983>

⁸⁵ Natalie Amos and others, ‘Factors Associated with Experiences of Harassment or Abuse among Lesbian, Gay, Bisexual, Trans, Queer, and Asexual Young People with Disability in Australia’, *Journal of Interpersonal Violence*, 39.9–10, 2189–2213 <https://doi.org/10.1177/08862605231216690>

⁸⁶ Dawn N Castillo and others, ‘Occupational Injuries and Workplace Violence’, in *International Encyclopedia of Public Health (Third Edition)*, ed. by Stella R Quah, Third Edition (Oxford: Academic Press, 2025), pp. 713–27 <https://doi.org/https://doi.org/10.1016/B978-0-323-99967-0.00056-9>

The results of the inspection must be documented and may include corrective actions within a specified timeframe.”⁸⁷

Secondly, a more centralized and independent enforcement agency in this area needs to be gradually established, possibly by strengthening the role of a specialized agency on equality and anti-discrimination or expanding the functions of an existing agency.⁸⁸ This agency should be empowered to conduct proactive investigations, demand corrective actions for systemic violations, and monitor the implementation of preventive obligations by employers, thereby reducing the burden of proof and prosecution currently placed primarily on workers. Similarly as above, a model provision can be as follows: “1. The Government shall consider establishing or assigning an independent agency with the following functions: a) receiving information on risks or acts of sexual harassment; b) conducting proactive investigations into systemic violations; c) requiring employers to implement corrective and preventive measures; d) monitoring compliance with preventive obligations as prescribed by law. 2. The agency specified in Clause 1 has the right to: a) request relevant documents; b) recommend administrative sanctions; c) request amendments to internal policies, organize training, or improve governance mechanisms; d) publish monitoring results within the limits permitted by law.”⁸⁹

The process of learning from Australian law, Vietnam needs to avoid merely "implanting" laws in a superficial manner.⁹⁰ Expanding the definition of sexual harassment or recognizing the proactive obligations of employers will be difficult to achieve substantive results without establishing or empowering enforcement agencies with the capacity for independent and proactive monitoring. Therefore, reforming the enforcement mechanism should be central to the legislative process, ensuring that new standards on prevention and organizational responsibility do not merely exist on paper but are effectively implemented in practice.⁹¹

4. Conclusion

Workplace sexual harassment is increasingly understood as a structural risk inherent in workplace relations and organizational power dynamics, rather than merely as individual misconduct. Accordingly, effective legal regulation depends not only on prohibitions and sanctions, but also on how law conceptualizes sexual harassment, allocates responsibility, and designs enforcement mechanisms capable of preventing harm. Through a comparative

⁸⁷ Rachel Cox, ‘The Legal Framework for Sexual Harassment at Work in Australia and in Québec: Case Studies of Complexity and Its Countervailing Forces’, *Comparative Labor Law & Policy Journal*, 45.1, 113–45 <https://doi.org/10.60082/2819-2567.1025>.

⁸⁸ Janice Jones, Ashokkumar Manoharan and Juan M Madera, ‘Lookism in Hospitality and Tourism Workplaces: A Multilevel Review and Research Agenda’, *International Journal of Hospitality Management*, 123 (2024), 103909 <https://doi.org/https://doi.org/10.1016/j.ijhm.2024.103909>

⁸⁹ Sarah Duffy, Michelle O’Shea and Liyaning Maggie Tang, ‘Sexually Harassed, Assaulted, Silenced, and Now Heard: Institutional Betrayal and Its Effects’, *Gender, Work & Organization*, 30.4, 1387–1406 <https://doi.org/10.1111/gwao.12997>.

⁹⁰ Fernanda Teixeira, “‘It’s Truly Exploitative’”: Labour Control and Exploitation in Domestic Work in Mexico’, *Women’s Studies International Forum*, 107 (2024), 103008 <https://doi.org/https://doi.org/10.1016/j.wsif.2024.103008>

⁹¹ Muhammad Danyal Khan and others, ‘Empirical Analysis With Legislative Solutions of Workplace Cyberbullying’., *International Journal of Cyber Behavior, Psychology and Learning*, 12.1 (2022) <<https://doi.org/https://doi.org/10.4018/IJCBPL.308303>>.

analysis of Vietnamese and Australian law, this study has examined these issues across three interrelated dimensions: conceptual scope, employers' legal obligations, and enforcement and monitoring mechanisms. *First*, with regard to the scope and definition of workplace sexual harassment, the study finds that Vietnamese law has made important progress by formally recognizing sexual harassment in the 2019 Labour Code and its implementing regulations. However, the regulatory approach remains largely enumerative and behavior-based, focusing on specific acts rather than their cumulative impact within the workplace. In contrast, Australian law adopts an impact-oriented framework that recognizes hostile work environments as a distinct form of sexual harassment, enabling a systemic assessment of workplace risks. *Second*, concerning employers' legal obligations and responsibilities, the comparison reveals a clear divergence in regulatory orientation. Australian law imposes positive duties and risk-management obligations that position employers as central preventive actors, while Vietnamese law primarily situates employer responsibility within an internal disciplinary and complaint-handling model. The absence of clearly defined preventive standards in Vietnamese law limits the effectiveness of employer obligations and weakens organizational accountability. *Third*, in terms of enforcement and monitoring mechanisms, the study identifies a significant enforcement gap in the Vietnamese framework. Australian law combines individual remedies with proactive oversight by independent regulatory bodies, reducing reliance on victim-initiated complaints. By contrast, Vietnamese enforcement remains predominantly reactive and fragmented, placing the primary burden of action on individual workers and undermining accessibility and effectiveness. The findings indicate that the principal challenge for Vietnamese law lies in the institutional design of sexual harassment regulation rather than in the absence of legal recognition. Aligning domestic law with contemporary international standards requires a shift toward a preventive framework centered on organizational accountability, proactive risk management, and effective enforcement mechanisms capable of addressing sexual harassment as a systemic workplace issue.

References

- Al-Billeh, Tareq, Jessica Al-Mudanat, Abdulaziz Almamari, Tawfiq Khashashneh and Odai Al-Hailat, 'The International Framework for Cyber-Attacks Under the Rules of International Humanitarian Law', *Journal of Human Rights, Culture and Legal System*, 5 (2025), 412–41 <https://doi.org/10.53955/jhcls.v5i2.534>
- Alamri, Aeshah and Ibtisam Alamri, 'Stereotypes, Gender Norms, and Victim Blaming: Attributions of Responsibility for Stranger Harassment', *Acta Psychologica*, 262 (2026), 106189 <https://doi.org/https://doi.org/10.1016/j.actpsy.2025.106189>
- Ali, Rabia, 'Silenced Online: Women's Experiences of Digital Harassment in Pakistan', *Women's Studies International Forum*, 110 (2025), 103090 <https://doi.org/https://doi.org/10.1016/j.wsif.2025.103090>
- Allan, Bridie, PJ Matt Tilley and Jacqueline Hendriks, 'Sexual Content in Australian Crisis Telehealth', *Clinical EHealth*, 8 (2025), 103–16 <https://doi.org/https://doi.org/10.1016/j.ceh.2025.03.003>
- Allen, Dominique, 'A New Approach to Australia's Sex Discrimination and Labour Laws Is Designed to Improve Equality for Women at Work', *Industrial Law Journal*, 52, 956–76 <https://doi.org/10.1093/indlaw/dwad027>.
- , 'Strengthening Australia's Workplace Laws to Promote Equality in the Post-Covid-19 Era', *Japan Labor Issues*, 7, 23–30

- Amos, Natalie, Adam O Hill, Anthony Lyons, Christine Bigby, Marina Carman, Matthew Parsons, and others, 'Factors Associated with Experiences of Harassment or Abuse among Lesbian, Gay, Bisexual, Trans, Queer, and Asexual Young People with Disability in Australia', *Journal of Interpersonal Violence*, 39, 2189–2213 <https://doi.org/10.1177/08862605231216690>.
- Asad, Muhammad Mujtaba and Aysha Asif, 'Influence of Campus Harassment on Mental Health and Social Skills of Female Students of Higher Education Institution: Insights from Global Lenses', *Safer Communities*, 25 (2025), 87–107 <https://doi.org/https://doi.org/10.1108/SC-05-2024-0025>
- Aygin, Dilek, Cansu Kubilay, Buşra Ecem Kumru and Hilal Kaynak Aydoğmuş, 'Surgical Nurses' Perceptions of Experienced Sexual Harassment Behaviors', *BMC Nursing*, 25 (2026) <https://doi.org/10.1186/s12912-025-04202-6>
- Baxter, Vanessa, Tharsika Myuran, Winifred Oluchukwu Eboh, Mohammad Reza Majdzadeh Tabatabai and Frederick Green, 'Experiences of Bullying and Harassment, Including Sexual Harassment, amongst ENT Trainees in the UK: Survey Findings', *Journal of Laryngology and Otology*, 140 (2026), 65–70 <https://doi.org/10.1017/S0022215125103587>
- Ben-Natan, Merav and Yelena Hazanov, 'Sexual Harassment against Male Nurses: A Systematic Review and Meta-Analysis of Prevalence, Perpetrators, Consequences, and Reporting Behaviors', *Nursing Outlook*, 74 (2026) <https://doi.org/10.1016/j.outlook.2025.102671>
- Bruschini, Milena Marta, Maj Britt D Nielsen, Rahel Naef, Maria Schubert and Tina Quasdorf, 'Approaches to Preventing Workplace Sexual Harassment of Nurses or Minimising Its Adverse Consequences: A Scoping Review', *BMC Nursing*, 25 (2026) <https://doi.org/10.1186/s12912-025-04179-2>
- Buss, David M, 'Sexual Violence Laws: Policy Implications of Psychological Sex Differences', *Evolution and Human Behavior*, 44 (2023), 278–83 <https://doi.org/https://doi.org/10.1016/j.evolhumbehav.2023.01.003>
- Carballo Piñeiro, Laura and Momoko Kitada, 'Sexual Harassment and Women Seafarers: The Role of Laws and Policies to Ensure Occupational Safety & Health', *Marine Policy*, 117 (2020), 103938 <https://doi.org/https://doi.org/10.1016/j.marpol.2020.103938>
- Castillo, Dawn N, Timothy J Pizatella, Hope M Tiesman and James R Harris, 'Occupational Injuries and Workplace Violence', in *International Encyclopedia of Public Health (Third Edition)*, ed. by Stella R Quah, Third Edition (Oxford: Academic Press, 2025), pp. 713–27 <https://doi.org/https://doi.org/10.1016/B978-0-323-99967-0.00056-9>
- Cavico, Frank Joseph and Bahaudin Ghulam Mujtaba, 'Workplace Romance and Sexual Favoritism in the #MeToo Workplace: Legal and Practical Considerations for Management', *Equality, Diversity and Inclusion: An International Journal*, 40 (2021), 667–89 <https://doi.org/https://doi.org/10.1108/EDI-11-2020-0324>
- Clark, Daniel R, 'Embracing Whistleblowing for Enhanced Firm Self-Regulation', *Business Horizons*, 66 (2023), 817–33 <https://doi.org/https://doi.org/10.1016/j.bushor.2023.05.003>
- Coly, Caroline and Margaux Suteau, 'The Economic Effects of Sexual Harassment in the Workplace', *LSE Public Policy Review*, 2025 <https://doi.org/10.31389/lseppr.118>
- Cox, Rachel, 'Addressing Sexual Harassment in a Work Health and Safety Framework: Lessons from Belgium, Australia and Canada', *Australian Journal of Labour Law*, 37, 243–70 <https://search.informit.org/doi/10.3316/informit.T2024121600019601653222127>
- , 'The Legal Framework for Sexual Harassment at Work in Australia and in Québec: Case Studies of Complexity and Its Countervailing Forces', *Comparative Labor Law & Policy*

- Journal*, 45, 113–45 <https://doi.org/10.60082/2819-2567.1025>.
- Duffy, Sarah, Michelle O’Shea and Liyaning Maggie Tang, ‘Sexually Harassed, Assaulted, Silenced, and Now Heard: Institutional Betrayal and Its Effects’, *Gender, Work & Organization*, 30, 1387–1406 <https://doi.org/10.1111/gwao.12997>.
- Filice, Eric, Kavishka D Abeywickrama, Diana C Parry and Corey W Johnson, ‘Sexual Violence and Abuse in Online Dating: A Scoping Review’, *Aggression and Violent Behavior*, 67 (2022), 101781 <https://doi.org/https://doi.org/10.1016/j.avb.2022.101781>
- Hashmi, Syed Danial, Khurram Shahzad and Fakhar Abbas, ‘The Interactive Effects of Sexual Harassment and Psychological Capital on Victims’ Burnout: Evidence from the Post-#MeToo Movement Era’, *Gender in Management*, 37 (2022), 509–23 <https://doi.org/https://doi.org/10.1108/GM-04-2020-0136>
- Haskell, Thomas Lawson, Jim Stankovich and Nancy Louisa Merridew, ‘A New Framework for Australian Specialty Colleges and Other Healthcare Leaders to Address Bullying, Discrimination, and Harassment That Involves Doctors’, *The Lancet Regional Health - Western Pacific*, 48 (2024), 101118 <https://doi.org/https://doi.org/10.1016/j.lanwpc.2024.101118>
- Heuer, Vera, ‘Controlling Women’s Voices: Legal Repression and the Silencing of the #MeToo Movement in India’, *Women’s Studies International Forum*, 114 (2026), 103226 <https://doi.org/https://doi.org/10.1016/j.wsif.2025.103226>
- Ho, Swee-Lin, ‘Japan’s New Anti-Harassment Law and the Ironic Legitimation of Workplace Harassment against Women Managers’, *Women’s Studies International Forum*, 103 (2024), 102884 <https://doi.org/https://doi.org/10.1016/j.wsif.2024.102884>
- Hooker, Leesa, Jessica Ison, Kirsty Forsdike, Fiona Giles, Nicola Henry and Angela Taft, ‘Incident Reporting and Data Monitoring of Sexual Violence and Harassment on Public Transport’, *Journal of Transport & Health*, 39 (2024), 101903 <https://doi.org/https://doi.org/10.1016/j.jth.2024.101903>
- Ibrahim, Radhwan Hussein, Abdulhakeem Jamil Ahmed, Maryam Zeighami, Samaneh Behzadi Fard and Mahlegha Dehghan, ‘Workplace Sexual Harassment and Post-Traumatic Stress Disorder Symptoms in Nurses: A Cross-Sectional Study in Southeast Iran’, *BMJ Open*, 15 (2025) <https://doi.org/10.1136/bmjopen-2025-101722>
- Jesrani, Tejal and Daimiris Garcia, ‘Gendered SLAPPs: Addressing Criminal Prosecutions against Exposers of Sexual and Gender-Based Violence under International Human Rights Law’, *International Journal of Law, Crime and Justice*, 80 (2025), 100729 <https://doi.org/https://doi.org/10.1016/j.ijlcj.2025.100729>
- Jones, Janice, Ashokkumar Manoharan and Juan M Madera, ‘Lookism in Hospitality and Tourism Workplaces: A Multilevel Review and Research Agenda’, *International Journal of Hospitality Management*, 123 (2024), 103909 <https://doi.org/https://doi.org/10.1016/j.ijhm.2024.103909>
- Kamau-Mitchell, Caroline W, Takashi Watari and Mark Michael Gallagher, ‘Blocked from Becoming a Physician or Nurse Because of Gender: Global State-of-the-Art Review’, *Ethics, Medicine and Public Health*, 34 (2026) <https://doi.org/10.1016/j.jemep.2025.101234>
- Kaufmann, Marie Thérèse, Noemi Preisendanz, Joërg Michael Fegert and Vera Clemens, ‘Discrimination, Stalking, Sexual Harassment and Sexual Violence at the University – Exploring and Predicting Pattern-Based Subcategories among Students and Staff in a German University Sample’, *BMC Public Health*, 26 (2026) <https://doi.org/10.1186/s12889-025-25864-6>

- Keenan, Charlotte, Barbara Masser, Annabelle Neall and Fiona Kate Barlow, 'The Influence of Providing Definitions of Sexual Harassment on Perceptions of Workplace Gender Harassment', *Employee Relations*, 47, 257–73 <https://doi.org/10.1108/ER-12-2024-0740>.
- Khakbaz, Mitra, 'Does Gender-Lens Matter—Regional Settlement Policies, Addressing Domestic and Family Violence, Promoting Community Integration', *Sustainable Development Goals Series*, Part F1113 (2026), 221–29 https://doi.org/10.1007/978-981-95-1987-3_14
- Khan, Muhammad Danyal, Muhammad Daniyal, Ali Hassan, Muhammad Arif Saeed and Kassim Tawiah, 'Empirical Analysis With Legislative Solutions of Workplace Cyberbullying', *International Journal of Cyber Behavior, Psychology and Learning*, 12 (2022) <https://doi.org/https://doi.org/10.4018/IJCBPL.308303>
- Knox, Angela and Philip Bohle, 'Redressing Sexual Harassment at Work: Using Pressure, Disorganisation and Regulatory Failure to Advance Theoretical Understanding', *Journal of Industrial Relations*, 67, 277–98 <https://doi.org/10.1177/00221856241248353>.
- Köllen, Thomas and Nick Rumens, 'Challenging Cisnormativity, Gender Binarism and Sex Binarism in Management Research: Foregrounding the Workplace Experiences of Trans* and Intersex People', *Gender in Management*, 37 (2021), 701–15 <https://doi.org/https://doi.org/10.1108/GM-01-2022-0022>
- Kraljević, Katja, Phuong Nhung Doan, Evangelia Demou, Peter Craig and Theocharis Kromydas, 'Work-Related Determinants of Workplace Wellbeing for Women and Marginalised Groups in the European Union: A Scoping Review', *Safety Science*, 190 (2025), 106911 <https://doi.org/https://doi.org/10.1016/j.ssci.2025.106911>
- Lapena, Hilda I Arbonés, 'A Relative Innovation: The 190 ILO Convention and the 206 ILO Recommendation on Violence and Mobbing at Work; [Una Novedad Relativa: El Convenio 190 y La Recomendación 206 de La OIT Sobre Violencia y Acoso En El Mundo Del Trabajo]', *Revista Del Ministerio de Trabajo y Economía Social*, 147 (2020), 405 – 420 <https://doi.org/https://www.scopus.com/inward/record.uri?eid=2-s2.0-85190603402&partnerID=40&md5=22dacc754e0b9f291d2875ad11d6f8d4>
- Li, Yuchen Viveka and Lisa Eklund, 'Understanding Resilience and Resistance against Sexual Harassment in a Patri-Authoritarian Context', *Women's Studies International Forum*, 115 (2026) <https://doi.org/10.1016/j.wsif.2025.103253>
- Lichy, Jessica Victoria, Carole Bousquet and Karen Middleton, 'Tackling Sexual Harassment in the Workplace—Lessons to Be Learned', *Gender, Work and Organization*, 33 (2026), 91–104 <https://doi.org/10.1111/gwao.70017>
- Loriol, Marc, Liliana Dassisti and Ignazio Grattagliano, 'Harassment at Work in France and Italy First Hypothesis for an International Comparison', *Aggression and Violent Behavior*, 53 (2020), 101427 <https://doi.org/https://doi.org/10.1016/j.avb.2020.101427>
- Lu, Xianying, Chaoming Hou, Dingxi Bai, Jing Yang, Jiali He, Xiaoyan Gong, and others, 'Prevalence, Associated Factors, and Nursing Practice-Related Outcomes of Workplace Violence towards Nursing Students in Clinical Practice: A Systematic Review and Meta-Analysis', *Nurse Education Today*, 133 (2024), 106074 <https://doi.org/https://doi.org/10.1016/j.nedt.2023.106074>
- del Mar Jiménez-Lasserrotte, María, María Kinza El Amrani Escot, Dulcenombre de María García-López, Karim El Marbouhe El Faqyr, José Granero-Molina and Erica Briones-Vozmediano, 'From Precariousness to Prostitution: Experiences of Moroccan Migrant Women with Trafficking and Sexual Exploitation in Agricultural Settings', *Women's Studies International Forum*, 112 (2025), 103162 <https://doi.org/https://doi.org/10.1016/j.wsif.2025.103162>

- Meyer, Anneke, Katie Milestone and Laura Watt, 'Sexual Harassment in the Creative and Hospitality Industries: A Comparative Media Analysis to Understand the Mobilising Power of #MeToo', *Women's Studies International Forum*, 115 (2026) <https://doi.org/10.1016/j.wsif.2025.103263>
- Minnotte, Krista Lynn and Elizabeth Miklya Legerski, 'In the Heat of the Moment: The Emotional Labor Strategies of Women Restaurant Servers Responding to Sexual Harassment', *Sociological Inquiry*, 96 (2026), 151–71 <https://doi.org/10.1111/soin.70013>
- Mourelatos, Evangelos, 'Does Mood Affect Sexual and Gender Discrimination in Hiring Choices? Evidence from Online Experiments', *Journal of Behavioral and Experimental Economics*, 106 (2023), 102069 <https://doi.org/https://doi.org/10.1016/j.socec.2023.102069>
- Neall, Annabelle M, Isabella Belperio, Jessie Jones, Indianna Marrone, Charlotte Keenan, Lydia Woodyatt, and others, 'Tracing the Evolution of Workplace Sexual Harassment Reporting and Investigations: A Historical Scoping Review', *Aggression and Violent Behavior*, 86 (2026), 102124 <https://doi.org/https://doi.org/10.1016/j.avb.2025.102124>
- Neall, Annabelle M, Charlotte Keenan, Lydia Woodyatt, Isabella Belperio, Jessie Jones and Melanie KT Takarangi, 'Just Not Worth It: A Framework for the Motivational Dynamics of Reporting Workplace Sexual Harassment', *Work and Stress*, 2026 <https://doi.org/10.1080/02678373.2025.2607500>
- Nguyen, Hong Thu Thi, 'Internal and External Barriers towards Sexual Harassment Prevention Efforts in the Workplace', *FWU Journal of Social Sciences*, 16, 50–67 <https://doi.org/10.51709/19951272/Summer2022/4>
- , 'Internal and External Barriers towards Sexual Harassment Prevention Efforts in the Workplace', *FWU Journal of Social Sciences*, 16, 50–67 <https://doi.org/10.51709/19951272/Summer2022/4>
- Nguyen, Hong Thu Thi and Giang Thi Le, 'Victims' Perspectives towards Sexual Harassment Prevention Measures at Work: Victims' Voices to Build an Anti-Harassment Working Environment', *Intersections. East European Journal of Society and Politics*, 9, 159–75 <https://doi.org/10.17356/ieejsp.v9i4.1188>
- , 'Victims' Perspectives towards Sexual Harassment Prevention Measures at Work: Victims' Voices to Build an Anti-Harassment Working Environment', *Intersections. East European Journal of Society and Politics*, 9, 159–75 <https://doi.org/10.17356/ieejsp.v9i4.1188>
- Nguyen, Uyen Thi Ngoc and Thai Thi Tuyet Dung, 'Improving the Law on Handling Workplace Sexual Harassment in Vietnam from Legislative Experience in Several Countries', *VNUHCM Journal of Economics – Law and Management*, 9, 5839–5847 <https://doi.org/10.32508/stdjelm.v9i1.1515>
- Ni Luh Gede Astariyani and Julio de Araujo da Silva, 'Legal Protection of Doctors in the Handling of Medical Emergencies', *Contrarius*, 1 (2025), 214–31 <https://doi.org/10.53955/contrarius.v1i3.215>
- O'Connell, Karen, 'A Three-Dimensional Approach to Gendered Workplace Violence: The Case of Australian Sexual Harassment Reforms', in *Research Handbook on Gender, Work and Employment Relations* (Cheltenham: Edward Elgar Publishing) <https://doi.org/10.4337/9781035302567.00027>
- Österman, Cecilia and Magnus Boström, 'Workplace Bullying and Harassment at Sea: A Structured Literature Review', *Marine Policy*, 136 (2022), 104910 <https://doi.org/https://doi.org/10.1016/j.marpol.2021.104910>

- Perales, Francisco, Alice Campbell and Nicki Elkin, 'Workplace Sexual Harassment Victimization and Employee Wellbeing among LGBTQ+ and Non-LGBTQ+ Employees', *Journal of Interpersonal Violence*, 40, 17–18 <https://doi.org/10.1177/08862605241285994>.
- Pham, Le Bao Ngoc, 'Workplace Sexual Harassment in Vietnam: A Review of Current Legislation', *Malaysian Journal of Law & Society*, 33, 89 <https://doi.org/10.17576/juum-2023-33-08>.
- , 'Workplace Sexual Harassment in Vietnam: A Review of Current Legislation', *Malaysian Journal of Law & Society*, 33, 89 <https://doi.org/10.17576/juum-2023-33-08>.
- Pham, Xuan Quyet, Ho Viet Tien and Vijaya Malar V Arumugam, 'Sexual Harassment at Work and Labour Turnover via Job Positions: A Qualitative Study of Service Industry Employees in Vietnam', *International Journal of Asia Pacific Studies*, 19, 145–71 <https://doi.org/10.21315/ijaps2023.19.1.7>.
- Progressive, Justice A, Criminal Law, Maydika Ramadani and Cindy Yosiana, 'Dialectical Optimizing Penal Mediation through Restorative Dialectical', 2 (2024), 84–97 <https://doi.org/https://doi.org/10.70720/jjd.v2i2.51>
- Quyet, Pham Xuan, Ho Viet Tien and Vijaya Malar V Arumugam, 'Sexual Harassment at Work and Labour Turnover via Job Positions: A Qualitative Study of Service Industry Employees in Vietnam', *International Journal of Asia Pacific Studies*, 19, 145–71 <https://doi.org/10.21315/ijaps2023.19.1.7>.
- Reda Manthovani, Erni Mustikasari, Mukhlis and Naglaa Fathy El Dessouky, 'A Deconstruction of Corporate Responsibility in Criminal Law', *Journal of Justice Dialectical*, 3 (2025), 1–26 <https://doi.org/10.70720/jjd.v3i1.64>
- Rice, Ronee K, John M Laux, Leslie Neyland-Brown, Susan M Long and Christine M Fox, 'Workplace Sexual Harassment in a Multistate Sample of Mental Health Counselors: Prevalence and Risk Factors', *Journal of Counseling and Development*, 104 (2026), 53–64 <https://doi.org/10.1002/jcad.70010>
- Ronalds, Chris, 'Sex Discrimination Act: A Brief Drafting History', *Australian Journal of Human Rights*, 30, 451–57 <https://doi.org/10.1080/1323238X.2025.2479267>.
- Shalihah, Fithriatus, Andre Wijaya Laksana and Rajali H. Aji, 'Legal Protection of Workers' Rights in Indonesia's Tobacco Industry', *Contrarius*, 1 (2025), 191–213 <https://doi.org/10.53955/contrarius.v1i3.214>
- Shaw, Elizabeth, 'Reducing Risk of Sexual Harassment: A Positive Duty of Care', *Australian Energy Producers Journal*, 64, 529– 532 <https://doi.org/10.1071/EP23260>.
- Sheppard, Leah D, Jane O'Reilly, Marius van Dijke, Simon Lloyd D Restubog and Karl Aquino, 'The Stress-Relieving Benefits of Positively Experienced Social Sexual Behavior in the Workplace', *Organizational Behavior and Human Decision Processes*, 156 (2020), 38–52 <https://doi.org/https://doi.org/10.1016/j.obhdp.2019.09.002>
- Shrestha, Prakash and Dev Raj Adhikari, 'Workplace Sexual Harassment Cases and Policy Measures in Business Organisations', *International Journal of Organizational Analysis*, 33 (2024), 2222–50 <https://doi.org/https://doi.org/10.1108/IJOA-08-2024-4728>
- Sil, Ankita, Subeh Chowdhury and Roselle Thoreau, 'Moving towards an Inclusive Public Transport System for Women in the South and Southeast Asian Region', *Transport Reviews*, 43 (2023), 1144–64 <https://doi.org/https://doi.org/10.1080/01441647.2023.2200983>
- Al Smadi, Audai, 'Workplace Violence in Jordanian Hospitals: Sociodemographic and

- Occupational Characteristics Influences, Effect on Quality of Care and Recommended Solutions’, *Journal of Health Organization and Management*, 40 (2025), 1–19 <https://doi.org/https://doi.org/10.1108/JHOM-11-2024-0467>
- Stewart, Miranda, ‘Positive Duties to Prevent Sexual Harassment at Work: Treat the Symptom or Cure the Disease?’, *Alternative Law Journal*, 47, 101–06 <https://doi.org/10.1177/1037969X221095616>.
- Sundari, Elisabeth, Helidorus Chandera Halim and Ousu Mendy, ‘Should Indonesia Adopt Legal Representation in Civil Cases?’, *Journal of Human Rights, Culture and Legal System*, 5 (2025), 554–80 <https://doi.org/10.53955/jhcls.v5i2.604>
- T., Liang, ‘Sexual Harassment at Work : Scoping Review of Reviews’, *Psychol Res Behav Manag*, 17 (2024), 1635–60 <https://doi.org/https://doi.org/10.2147/PRBM.S455753>
- Teixeira, Fernanda, “‘It’s Truly Exploitative’: Labour Control and Exploitation in Domestic Work in Mexico’, *Women’s Studies International Forum*, 107 (2024), 103008 <https://doi.org/https://doi.org/10.1016/j.wsif.2024.103008>
- Thornton, Margaret, ‘Anti-Discrimination Legislation in Australia: A Reckoning’, *International Journal of Discrimination and the Law*, 25, 388–413 <https://doi.org/10.1177/13582291251386746>.
- Wahib, Ahmad Bunyan, Muhammad Jihadul Hayat and Nurulbahiah Awang, ‘Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood’, *Journal of Human Rights, Culture and Legal System*, 5 (2025), 608–29 <https://doi.org/10.53955/jhcls.v5i2.702>
- Wright, Sandra, ‘Hierarchies and Bullying: An Examination into the Drivers for Workplace Harassment within Organisation’, *Transnational Corporations Review*, 12 (2020), 162–72 <https://doi.org/https://doi.org/10.1080/19186444.2020.1768790>
- Yassour-Borochowitz, Dalit, “‘It’s a Total Embarrassment’: Service Work and Customer Sexual Harassment’, *Women’s Studies International Forum*, 78 (2020), 102323 <https://doi.org/https://doi.org/10.1016/j.wsif.2019.102323>
- Yavuz, Can, ‘Adverse Human Rights Impacts of Dissemination of Nonconsensual Sexual Deepfakes in the Framework of European Convention on Human Rights: A Victim-Centered Perspective’, *Computer Law & Security Review*, 56 (2025), 106108 <https://doi.org/https://doi.org/10.1016/j.clsr.2025.106108>