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**SOME INADEQUACIES ON LAND PRICE APPRAISAL
IN SERVICE OF COMPENSATION, SITE CLEARANCE IN VIETNAM NOWADAYS**

**A SURVEY ON APPLYING DATA ENVELOPMENT ANALYSIS
ON MEASURING BANK EFFICIENCY**

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MACRO FINANCE

- 1 Vietnam import-export - A look back of development
Dr. Pham Vinh Thang
- 2 Transition from non-governmental organization to social enterprise in Vietnam for sustainable purpose
**Do Thi Phi Hoai,
Vu Tri Dung,
Do Khac Huong**

STUDY EXCHANGE

- 4 Bancassurance - A valuable tool for banks in Vietnam
Dao Dinh Thi

CORPORANCE FINANCE

- 5 Some inadequacies on land price appraisal in service of compensation, site clearance in Vietnam nowadays
PhD. Nguyen Ho Phi Ha
- 6 Factors affecting dividend policy of listed construction companies on Vietnam stock exchange
Nguyen Thu Thuong
- 7 The impact of Vietnam listed firms' performance on stock returns
**Nguyen Thi Hoa Hong
Nguyen Thi Quynh**
- 8 Factors affecting the capital structure of Vietnamese listed firms in food production and processing industry
**Nguyen Thi Lien Huong
Nguyen Ngoc Khanh Linh**
- 9 A survey on applying data envelopment analysis on measuring bank efficiency
PhD. Phung Thu Ha

10 Determinants of digital banking adoption in Vietnam

PhD. Ngo Duc Tien

11 The roles of financial policies in promoting the development of Vietnam marine economy and recommendations

MA. Nguyen Thanh Thao

12 Protection of employment rights of female workers in Vietnam

Nguyen Thi Hong Loan

Bui Thi Thu Thuy

Pham Thu Trang

Nguyen Thi Ngoc Anh

Nguyen Hong Thai

INTERNATIONAL FINANCE

13 Comparing motivations for entrepreneurship and future business intention of students in South Korea and Vietnam

PhD. Luu Thi Minh Ngoc

PhD. Nguyen Phuong Mai

TODAY ISSUES

15 Overview of high-quality formal training program in corporate finance major

Assoc. Prof. Ph.D. Doan Huong Quynh

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TS. Phạm Vĩnh Thắng
- 2 Chuyển đổi từ tổ chức phi chính phủ thành doanh nghiệp xã hội ở Việt Nam vì mục đích bền vững
**Đỗ Thị Phi Hoài
Vũ Trí Dũng
Đỗ Khắc Hường**

NGHIÊN CỨU TRAO ĐỔI

- 4 Phân phối bảo hiểm qua kênh ngân hàng - Công cụ hiệu quả cho các ngân hàng Việt Nam
Đào Đình Thi

TÀI CHÍNH DOANH NGHIỆP

- 5 Một số yếu tố ảnh hưởng việc phê duyệt giá đất dịch vụ bồi thường, giải phóng mặt bằng tại Việt Nam hiện nay
TS. Nguyễn Hồ Phi Hà
- 6 Các nhân tố ảnh hưởng đến chính sách cổ tức của các công ty xây dựng niêm yết trên sàn chứng khoán Việt Nam
Nguyễn Thu Thương
- 7 Tác động của hiệu quả hoạt động của các công ty niêm yết tại Việt Nam đối với lợi nhuận cổ tức
**Nguyễn Thị Hoa Hồng
Nguyễn Thị Quỳnh**
- 8 Các nhân tố ảnh hưởng đến cơ cấu vốn của các doanh nghiệp niêm yết trong ngành sản xuất và chế biến thực phẩm tại Việt Nam
**Nguyễn Thị Liên Hương
Nguyễn Ngọc Khánh Linh**
- 9 Khảo sát về việc áp dụng phân tích bao bì dữ liệu để đo lường hiệu quả tại các ngân hàng
TS. Phùng Thu Hà

10 Các yếu tố quyết định đến việc triển khai ngân hàng số tại Việt Nam

TS. Ngô Đức Tiến

11 Vai trò của chính sách tài chính thúc đẩy phát triển kinh tế biển Việt Nam và một số khuyến nghị chính sách

ThS. Nguyễn Thanh Thảo

12 Bảo vệ quyền lao động của lao động nữ tại Việt Nam

**Nguyễn Thị Hồng Loan
Bùi Thị Thu Thủy
Phạm Thu Trang
Nguyễn Thị Ngọc Anh
Nguyễn Hồng Thái**

TÀI CHÍNH QUỐC TẾ

13 So sánh động cơ khởi nghiệp và ý định kinh doanh trong tương lai của sinh viên Hàn Quốc và Việt Nam

**TS. Lưu Thị Minh Ngọc
TS. Nguyễn Phương Mai**

VẤN ĐỀ HÔM NAY

15 Đánh giá tổng quát chương trình đào tạo chất lượng cao chuyên ngành TCDN

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PROTECTION OF EMPLOYMENT RIGHTS OF FEMALE WORKERS IN VIETNAM

**Nguyen Thi Hong Loan* - Bui Thi Thu Thuy* - Pham Thu Trang*
Nguyen Thi Ngoc Anh* - Nguyen Hong Thai****

As the meaning of an important task for the socio-economic development of the country, protecting the employment rights of female workers is concerned and implemented by not only international organizations, but also all countries in the world. The Covid-19 pandemic has been affecting the global economy, and has had a bad impact on the incomes and employment of female worker. In Vietnam, there is an increase in unemployment rate of female workers, the gender inequality in employment as well as the ability to secure their employment. The article analyzes the current situation of regulations and the implement the employment rights of Vietnamese female workers in the context of the economy affected by the Covid-19 pandemic and proposes some recommendations on legal provisions related to training backup jobs, arrange and employ female employees during the period of leave due to the Covid-19 epidemic and on policies related to female workers and their employers. These recommendations will contribute to the improvement of Vietnam's labor law on employment rights of female workers, as well as to the enhancement of the efficiency of human resource use and socio-economic development..

• Keywords: Female worker, employment rights, Vietnam.

Với ý nghĩa là nhiệm vụ quan trọng đối với sự phát triển kinh tế - xã hội của đất nước, bảo vệ quyền việc làm của lao động nữ được không chỉ được các tổ chức quốc tế mà tất cả các quốc gia trên thế giới quan tâm và thực hiện. Đại dịch Covid-19 đã và đang ảnh hưởng đến nền kinh tế toàn cầu, tác động xấu đến thu nhập và việc làm của lao động nữ. Tại Việt Nam, tỷ lệ thất nghiệp của lao động nữ đang gia tăng, bất bình đẳng giới trong việc làm cũng như khả năng đảm bảo việc làm của họ. Bài báo phân tích thực trạng các quy định và việc thực hiện quyền việc làm của lao động nữ Việt Nam trong bối cảnh nền kinh tế bị ảnh hưởng bởi đại dịch Covid-19 và đề xuất một số kiến nghị về các quy định pháp luật liên quan đến đào tạo nghề dự phòng, bố trí và sử dụng lao động nữ trong thời gian nghỉ do dịch Covid-19 và về các chính sách liên quan đến lao động nữ và người sử dụng lao động. Những khuyến nghị này sẽ góp phần hoàn thiện pháp luật lao động Việt Nam về vấn đề quyền của lao động nữ, cũng như nâng cao hiệu quả sử dụng nguồn nhân lực và phát triển kinh tế - xã hội.

Từ khóa: lao động nữ, quyền lợi việc làm, Việt Nam.

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1. Introduction

The employment rights of female workers are legal capabilities which are suitable with gender specificities and confirmed, regulated and ensured to implementation for female workers in the field of employment. In all countries, including Vietnam, the rights of female workers in general and their employment rights in particular are always protected by national laws, recognized and guaranteed by international law as the citizens' rights. The protection of female workers' rights not only has the aim for the protection of the labor force, their legitimate rights and, but also ensures gender equality in employment, occupation, income, and protection of dignity, their needs of rest. In recent times,

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the improvement of Vietnamese labor law system on the rights of female workers, the promulgation and implementation of related socio-economic policies have shown the progress in legal thought on female workers' rights and ensure the efficiency of protection of their employment rights.

According to the datas of International Labour Organization (ILO), by the end of 2019, nearly 70% of working age women have joined the labor market and account for about 49% of the labor force of Vietnam [8]. In addition, their opportunities to learn, develop and take decision-making positions in organizations/enterprises are increasingly expanded. In addition, the proportion of female workers is about 50% in the labor force, but only holds less than 25% of decision-making positions in organizations/enterprises [6]. Especially in the two recent years, the Covid-19 pandemic led the change in businesses' ways, the demand in the labor market that is going to increase existing gender inequalities in Vietnamese labor market, creating new inequalities and reducing the ability of female workers to implement their employment rights.

According to datas of the General Statistics Office, by the end of 2020, the unemployment rate of female workers during the ages of 15 to 24 was 9.2%, nearly twice that of male workers (5.2%), the unemployment rate of female workers over the age of 25 is 2.1% while this rate of male workers is 1.1% [4]. Although there have been efforts in looking for jobs, the little number of new jobs are created and concentrated in the informal sector. Therefore, by the first quarter of 2021, the percentage of female workers in this sector increased by 2.5 percentage points while that of male workers was 1.2 percentage points in comparison with that in 2020 [4]. There are several reasons for

this situation, such as: (1) existing inequality in employment and income between female workers compared to male workers; (2) the proportion of professional trained female workers is lower than that of male workers, therefore, the employment of female workers is often concentrated in the informal or self-employed sectors. Their transform in job is also more difficult; (3) Regulations on the creation and use of reserve vocational training funds and provision of vocational training for female workers have not been implemented effectively and are not suitable with the new context of the economy with strong impacts of the Covid-19 pandemic; (4) female workers have to paid more time for housework, especially the time to take care of and support children in online learning at home... that limits their employment opportunities as well as their ability to meet the requirements of the employer, thus they are forced to accept less stable jobs as long as they can ensure their incomes.

From the above fact, the article analyzes the current situation of protecting the employment rights of female workers in Viet Nam, especially in the period of influence of the Covid-19 pandemic on the economy, thereby proposing recommendations related to policies and laws to strengthen the protection of employment rights of female workers.

2. Overview of regulations on employment rights female workers

2.1. The female workers' rights to equality on occupation

Universal Declaration of Human Rights of 1948 declare: "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. Everyone, without any discrimination, has the right to equal pay

for equal work...” (Articles 23 and 24) [3]. Therefore, the right to work as an inalienable right of all human beings, regardless of genders. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was adopted by the United Nations General Assembly also affirms : “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights”[1]. According to this Convention, the equal rights of women in the work place include: “(1) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;(2) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (3) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; (4) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave; (5) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.” (Article 11).

Labor Code of the Philippines ensures equal rights for women in labor are protected by the government. “The State shall afford protection to labor, promote full employment, ensure equal work opportunities regardless of sex, race or creed and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization,

collective bargaining, security of tenure, and just and humane conditions of work.”[24] (Article 3). Article 135 of the Philippine Labor Code further clarifies that gender discrimination is illegal. Specifically:“It shall be unlawful for any employer to discriminate against any woman employee with respect to terms and conditions of employment solely on account of her sex. The following are acts of discrimination: (a). Payment of a lesser compensation, including wage, salary or other form of remuneration and fringe benefits, to a female employees as against a male employee, for work of equal value; and (b) Favoring a male employee over a female employee with respect to promotion, training opportunities, study and scholarship grants solely on account of their sexes” [24].

Human rights and citizen rights are stipulated and protected by laws and the Constitution, including the rights of women and female’s workers. Constitution of the Republic of Vietnam (2013) stipulates “No one shall be discriminated in his or her political, civic, economic, cultural, and social life”(Article 16). The Constitution also clearly stipulates the role of the state, the society, and the family in ensuring equal rights for women: “(1) Male and female citizens have equal rights in all fields. The State has a policy to guarantee equal gender rights and opportunities. (2). The State, the society, and the family create conditions for women’s comprehensive developments and promotion of their role in the society. (3). Sex discrimination is strictly prohibited.” (Article 26) and equal rights to work, to choice job and workplace are also affirmed: “Citizen has the right to work and to select career, job, and workplace. (2). Worker shall be provided equal and safe conditions of work and shall be paid with salary and enjoy break policy. (3). Discrimination, forced labor,

and employment of worker under minimum age of labor are strictly prohibited.” (Article 35) [14].

Vietnamese law also affirms that female workers have the right to choose jobs in accordance with their capacity and aspirations without being forced by any organization or individual. This is prescribed in the 2019 Labour Code. Article 5 of the 2019 Labour Code stipulates that: “An employee has the rights to: work; freely choose an occupation, workplace or occupation; participate in basic and advanced occupational training; develop professional skills; suffer no discrimination, forced labor and sexual harassment in the workplace”. According to this law, workers in general and female workers in particular have the right to choose their own jobs, depending on their health and expertise. The State has policies to ensure the jobs for female workers: Article 135 stipulates that: “Necessary measures shall be implemented to create employment opportunities, improve working conditions, develop occupational skills, provide healthcare, and strengthen the material and spiritual welfare of female employees in order to assist them in developing effectively their vocational capacities and harmoniously combine their working lives with their family lives.” [12]. In general, the provisions on woman workers’ Right to work in Vietnam are similar to International conventions. These regulations are aimed at equal rights of female workers in matters of training, work opportunities, recruitment and employment.

Moreover, gender equality in workplace are also recognized in Article 13 of Law on Gender Equality in 2006: “Man and woman are equal in terms of qualifications and age in recruitment, are treated equally in workplaces regarding work, wages, pay and bonus, social

insurance, labour conditions and other working conditions”; and “Man and woman are equal in terms of qualifications and age when they are promoted or appointed to hold titles in the title-standard professions” [15].

Decree No. 145/2020/NĐ-CP, dated December 14, 2020 of the Government also details and guides the implementation of a number of articles of the Labour Code regarding gender equality are stipulated in the Article 78: “Employers have the responsibility to ensure equality of male and female employees; implement measures for assurance of gender equality in terms of recruitment, employment, training, salary, rewarding, promotion, remuneration payment, social insurance, health insurance, unemployment insurance, working conditions, labor safety, working hours, rest periods, sick leave, maternal leave, other material and spiritual benefits;”. The State of Vietnam also encourages employers in the use of female workers, which is announced as follows: “The State encourages employers to: (a) Give priority to hiring females if they are qualified for works that are suitable for both genders; renew employment contracts with female employees when their employment contracts expire; (b) Provide benefits for female employees that are better than those prescribed by law” [16].

2.2. The right to be guaranteed employment of female workers

International conventions and Vietnam laws also protect the right to work of female as requiring that employers must not dismiss an employee or unilaterally terminate the employment contract with an employee due to her marriage, pregnancy, maternity leave, or nursing a child. Maternity Protection Recommendation of ILO (R191) stipulates: A woman should be entitled to return to her

former position or an equivalent position paid at the same rate at the end of her leave in the maternity leave period; and “A pregnant or nursing woman should not be obliged to do night work if a medical certificate declares such work to be incompatible with her pregnancy or nursing” [9].

For the purpose of preventing discrimination against women due to her marriage, pregnancy, maternity leave, or nursing a child, ensuring the right to work of female workers; Article 11 of CEDAW stipulates: “In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status; (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances; (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities; (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them” [1].

Article 137 of the Philippine Labor Code also affirms: “It shall be unlawful for any employer: To discharge or refuse the admission of such woman upon returning to her work for fear that she may again be pregnant” [24].

The Vietnam Labor Code in 2019 regulates “The employer must not dismiss an employee or unilaterally terminate the employment contract with an employee due to his/her

marriage, pregnancy, maternity leave, or nursing a child under 12 months of age...”. To ensure the work of female employees when the labor contract expires during maternity leave, Article 137 of the Vietnam Labor Code 2019 stipulates: “Upon expiration of the employment contract with female employee who is pregnant or nursing a child under 12 months of age, conclusion of a new employment contract shall be given priority”. In case the labor contract has not expired and after the maternity leave, the female employee’s rights to maintain work and incomes is specified in Article 140 of the Labor Code 2019: “An employee shall be reinstated to his/her previous work when he/she returns to work after the maternity leave prescribed without any reduction in his/her salary, rights and benefits before the leaving. In case the previous work is no longer available, the employer must assign another work for her with a salary which is not lower than the salary before her maternity leave” [12].

The above regulations ensure not only employment rights of female workers during pregnancy, maternity leave, or nursing a child, but also her mental and physical health. This helps women feel secure to perform their motherhood well.

3. The implementation of regulations on employment rights of female workers

3.1. The implementation of regulations on female workers’ rights to equality on occupation

Vietnam regulations on women workers’ rights in the workplace are in compliance with the international conventions, especially CEDAW. In order to help women workers overcome joblessness, and ensure backup occupations for female employees, Vietnam Labor Code 2019 notes: “The State shall develop various forms of training to enable

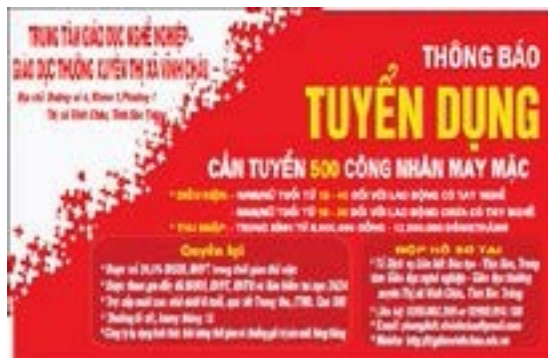
female employees to acquire additional occupational skills that are suitable to their physical and physiological characteristics and their motherhood roles.” (Article 135) and “Necessary measures shall be implemented to create employment opportunities, improve working conditions, develop occupational skills, provide healthcare, and strengthen the material and spiritual welfare of female employees in order to assist them in developing effectively their vocational capacities and harmoniously combine their working lives with their family lives”. “Employers are encouraged to enable both male and female employees to work regularly, and to widely apply the systems of flexible working hours, part-time work, or outwork”(Article 135) [12].

Regulations and enforcement of regulations on recruitment, employment and training of workers in state-owned enterprises and large economic groups have ensured the equality of female workers in employment and recruitment opportunities and promotion opportunities. However, the equal rights of female workers have not been effectively implemented in private enterprises, especially small and medium enterprises, in terms of recruitment and promotion opportunities. Currently, many enterprises have included gender and/or age criteria in their recruitment standards. This has created inequality between male and female workers in recruitment.



Figure 1. Gender and age inequalities in recruitment for female workers

According to the provisions of Decree No. 145. /2020/ND, Circular No. 32/2018/TT – BLDTBXH, the government details and guides the implementation of a number of articles of the Labor Code 2019 on labor conditions and labor relations or appoints employees and provides financial support for female employees to participate in the vocational training at vocational training institutions. Because the State has not yet issued a regulation to encourage enterprises to provide advanced vocational training for female workers, small and medium enterprises have not yet developed plans and organized training for female workers. Currently, pre-employment training has almost met the needs of indirect workers working in specialized departments, and female direct workers receive on-the-job training. In contrast, advanced vocational training, especially preventive vocational training for female workers, has not been paid attention. A survey results of Vietnam Women’s Union show that nearly 60% of female workers who have a need for vocational training to improve their professional qualifications have been trained. They often have to arrange their own study in the evenings and weekends. Most of them haven’t received financial support from the business during advanced training. Because of the lack of preventive vocational training



for female employees and the lack of specific regulations and implementation solutions, by the end of 2020, after 1 year of being affected by Covid-19, businesses have encountered a lot of problems. The financial difficulties leading to the shutdown or application of measures to reduce labor costs, the unemployment rate of female workers tends to increase. In addition, in the process of labor reduction, age and sex discrimination is clearly shown, whereby, 6.9% of employers choose the elderly group of workers pregnant women and nursing young children to give up or resign during this period. Therefore, there exists a relatively large gap in the unemployment rate between female workers (9.2% among 15-24 year olds and 2.1% over 25 years old) compared with male workers (with the respective rates of 5.2% and 1.1%) [8].

3.2. Practice of protecting the rights to be guaranteed employment of female workers

The rights to be guaranteed employment of female workers in Vietnam has been protected through the labor law provisions on similar job and income if employees return to work after maternity leave, on prioritizing to re-signed the expired labor contract during pregnancy...

However, in fact, in many small and medium enterprises in Vietnam, female workers has not been guaranteed the same job and income as before when they come back to the work after maternity leave. The main reason is that enterprises have to recruit replacement workers. In the case, when coming back to the work after maternity leave, female workers have to do other jobs that are harder or not professionally qualified...

To face to the difficult situations due to the Covid-19, the Government has issued many policies to support employees and employers such as: (1) interest rate support for employers with the fund of VND 250,000 billion; (2) temporary exempt from the obligation to pay

fees of union, pension and death insurance fund. Nevertheless, the real efficiency of the policy was not as expected because of the administrative procedures and regulations that make employees difficulty achieving the favor or giving up [5].

According to the datas of the Ministry of Labor - Invalids and Social Affairs and employees' opinions, only employees with labor contracts can be supported while a large number of affected employees are in the informal sector or freelance workers, and seasonal workers so they have no labor contracts and can not achieve the favor. On the other hand, the low level loan support (1 million VND/person-month) that helps employers with income payment has a long approval process, so many employers do not request the support. In addition, in order to support the proceduers for employers in salary payment during the stoppage due to to the epidemic, there is the issued document No 1064 dated March 25, 2020 guiding the payment of stoppage wages and settlement of benefits for employees [18]. However, in fact, more than 80% of the surveyed small and medium enterprises said that because of financial pressure, they only provided the original salary support with the key labor force to retain employees, the rest had to leave the job. Therefore, it is necessary to have more effective measures to maintain jobs for Vietnamese femael workers, especially in the Covid-19 period.

4. Recommendations to strengthen the protection of female workers' rights in employment and income

4.1. Recommendations to improve the legal provisions on the employment rights of female employees

Firstly, perfecting regulations on vocational training, especially regulations on vocational training, creating and using vocational training funds for female employees at

enterprises. In order to ensure that the female worker can both meet the requirements of the market and perform their motherhood well, quickly employed again and reducing the unemployment rate in the situation of many changes in demand for labors as well as in industry structure, there should be more specific regulations on vocational training and handling of violations of regulations on vocational training for female workers[11]. However, with the number of 93.5% of enterprises in Vietnam are small and medium-sized, it is relatively difficult to training plan in vocation and back up occupations for employees, so it is necessary to supplement regulations on training association between enterprises and vocational training centers and stipulates on the responsibility of enterprises in setting up and using the back up occupation training fund for female workers. In addition, it is also necessary to supplement regulations on encouraging enterprises to implement solutions that female workers can be trained to improve their skills, provide additional training in suitable preventive occupations to their physical, physiological characteristics and function of women's motherhood;

Secondly, additional regulations on work arrangements for female employees. The Labor Law's regulation on encouraging enterprises to implement solutions that ensures female and male workers have regular jobs, applies the part-time or flexible working regime with, or assigns jobs at home has demonstrated the State's policies on protecting the rights of female workers, and is suitable for the conditions of the economy being impacted by the Covid-1. However, there should be specific regulations and financial mechanisms to support employers in implementing their solutions to ensure the effectiveness of Government policies and reduce their burden

and promote them to effectively implement the provisions of the law.

4.2. Recommendations on improving the efficiency of implementing female workers' rights in terms of employment and income

Firstly, raise the awareness of female workers and employers about labor law, especially labor law on female workers' rights. It is necessary to flexibly apply the various methods of dissemination and training for female workers with labor law, such as direct dissemination, through social networks (facebook, zalo, instagram, tiktok, ...) or through campaigns "for female workers' rights"... the methods will help them to have full information, good awareness of the labor law in general and the rights of female workers in particular and to know how to protect their rights themselves, especially the rights in recruiting and appointing to important positions. Besides, in order to increase the knowledge of labor laws in the rights of female workers', enterprises should regularly organize periodic training for managers and leaders to promptly and properly update legal regulations to raise gender awareness in employees' recruitment, training, and appointment.

Secondly, synchronously and effectively implement policies to support businesses and workers in order to quickly restore production and restore the economy after the time of the Covid-19. Effectively implement policies for supporting social security, creating jobs, training human resources and conditions for female workers to quickly get the jobs, ensure the labor force for increasing production and business. This not only ensures the rights of female workers, but also promotes the process of economic development and recovery after the time of the Covid-19.

Thirdly, strengthen the inspection, examination and handling of violations of the labor law. In

recent years, the inspection and examination of violations of the labor law are not tight enough, especially the handling of violations has not been highly deterrent, there is the gender inequality in recruitment and payment, the illegal firing of the employees, the violation in wages, working hours... Therefore, it is necessary to improve the quality of inspection and examination by unifying the inspection order, promulgating clear regulations on inspection and evaluation and strengthening the contingent of inspectors. By the way, the issue of correct and sufficient implementation of the legal provisions in the rights of female workers will be ensured and effective.

Fourthly, implement income tax exemption and reduction policy on multi-field corporations such as e-commerce, digital technology, and communication corporations. The Law on Tax Administration stipulates that production, construction, and transportation enterprises that have a lot of female employees are entitled to a reduction in corporate income tax equal to the amount of additional expenditures on female employees. However, the current reality, the professions in digital technology, telecommunications, e-commerce,... are developing and attracting many female workers to join the labor market. Jobs related to Industry 4.0 require the application of high-tech knowledge and skills, and a modern working environment which is suitable with female workers. The State should have more policies to encourage enterprises to use female workers to create more opportunities for female workers to develop with higher income for a suitable working position.

5. Conclusions

The article proposes a number of recommendations to improve the provisions of the Labor Law which are focus on maintaining the gender equality on employment, ensuring jobs for female labors during pregnancy, childbirth and child-rearing, or due to pandemic such as the Covid-19 as well as force majeure situations. In addition, the article proposes several recommendations for planning, carrying out Government policies, for applying Labor Laws regulations of female employees and employers. The recommendations will take a part in improving the implementation efficiency of female laborers' rights, thereby contributing to promoting the rights of female laborers and strengthening the protection of their employment rights.

Reference:

- General Assembly of the United Nations, Convention on the Elimination of all forms of Discrimination against Women (CEDAW),* <https://www.un.org> . 1979.
- General Assembly of the United Nations (1966), International Covenant on Economic, Social and Cultural Rights,* <https://www.un.org> . 1966.
- General Assembly of the United Nations, The Universal Declaration of Human Rights,* <https://www.un.org> . 1948.
- General Statistics Office, Report on Labour force and employment in 3rd Quarter and 9 months in 2020,* <https://www.gso.gov.vn> . 2020.
- Hong Kieu, Support package of VND 62,000 billion only reaches 53%: Lessons in policy development,* <https://www.vietnamplus.vn> . 2021.
- International Labour Organization, COVID-19 widens existing gender inequalities, creates new gaps in Viet Nam,* <https://www.ilo.org> . 2021.
- International Labour Organization, Equal Remuneration Convention (No. 100). 1951.*
- International Labour Organization, Gender and the labour market in Viet Nam: This is an analysis based on the Viet Nam Labour Force Survey* <https://www.ilo.org> . 2021.