



# Advocacy and Influencing Impact Reporting (AIIR) Tool

**OVERVIEW** This tool gathers information and evidence on CARE’s advocacy wins. It should be completed by country office (or CI member) staff after we achieve an advocacy win, understood as an outcome-level change in policy or practice of an advocacy target. Examples include influencing government policies at national or local level; influencing governments, donors or NGOs to adopt a CARE program model; or influencing the private sector to change their company policies or operating practices.<sup>1</sup> CARE’s program activities and fundraising successes are not advocacy wins in themselves, though they may be steps contributing to a win.

This tool captures the **significance** of the win, the level of **contribution** of CARE and our partners, the **impact** (who stands to benefit from the change), and the **evidence** to support these claims. The AIIR tool is linked to the annual PIIRS IMPACT form for indicator 20 on advocacy and policy change. Like PIIRS, the tool should be updated in subsequent years to capture evidence of actual impact of the advocacy win.

#### Acronyms:

- CARE in Vietnam: CVN
- Department of Legal Affairs: DLA
- Ministry of Labour, Invalids and Social Affairs: MOLISA
- Ministry of Justice: MOJ
- International Labour Organization: ILO
- Vietnam General Confederation of Labour: VGCL
- Civil society organizations: CSO
- Sexual harassment prevention: SHP

Basic Information about the Advocacy Win	
Title of Advocacy Win	Promotion of the Sexual harassment provisions in the Revised Labour Code 2019 and the drafted Decree on Stipulating the policies on female employees and guarantee of gender equality
Name of CARE Program / Project Linked to the Advocacy Win (if any)	IWI, TARGET, STOP – SMP program
Outcome Area / Sector of Win	Click “Choose an item” and choose the ONE that most closely fits: Gender If Other, please specify → Sexual harassment prevention
Location	Vietnam
Date AIIR tool drafted or updated	10/9/2020
Contact Person / Email	<a href="mailto:Nguyenanh.tuan@care.org.vn">Nguyenanh.tuan@care.org.vn</a> and <a href="mailto:Hoanghuy.thanh@care.org.vn">Hoanghuy.thanh@care.org.vn</a>
Success	
1. What is the advocacy win? Include details such as: <ul style="list-style-type: none"> <li>• A description of the win, and how it was achieved</li> <li>• How long the advocacy process has taken</li> </ul>	1. The first advocacy win is the Revised Labour Code, approved by the National Assembly on 20/11/2019, included revisions in line with CVN’s recommendations on promoting workplace gender equality on 4 main areas: <ul style="list-style-type: none"> <li>(i) Narrowing the gap in retirement age for men and women;</li> </ul>

<sup>1</sup> See the [CARE International Advocacy Handbook](#) for more information and definitions of advocacy.

<ul style="list-style-type: none"> <li>• Incremental wins that happened along the way</li> <li>• The main decision makers that CARE and our partners influenced to achieve this win</li> </ul>	<ul style="list-style-type: none"> <li>(ii) <i>Enabling fathers to take paternity leave and leave to care for sick children;</i></li> <li>(iii) <i>Enabling both women and men to make informed choice about certain occupations with potential impacts on their reproductive health;</i></li> <li>(iv) <i>Strengthening sexual harassment provisions.</i></li> </ul> <p><i>The win was the result of CVN's advocacy efforts since Dec 2017, including a public campaign during Apr 2018 to May 2019, jointly with partners under Investing in Women Initiative (detailed in the AIIR tool 2019)</i></p> <p><i>2. The second advocacy milestone was the provisions of sexual harassment prevention (SHP) being concretised in the draft Decree on Stipulating the policies on female employees and guarantee of gender equality.</i></p> <p><i>The advocacy achievement is the result of CVN's efforts since 10/2019 when initiating the collaboration with the Department of Legal Affairs (DLA) of the MOLISA; including:</i></p> <p><i>* Providing technical inputs for MOLISA with evidence-based recommendations and legal analysis of international experience through multiple activities</i></p> <ul style="list-style-type: none"> <li>- <i>A national survey to evaluate the implementation of the Decree no. 85/2015/NĐ-CP on Stipulating the policies on female employees;</i></li> <li>- <i>A series of technical meetings with ministries representatives, NGOs, and technical consultants;</i></li> <li>- <i>A thematic report on reviewing the implementation of SHP at workplace</i></li> <li>- <i>A series of 03 consultation workshops in Hanoi, Binh Dinh and Ho Chi Minh City, jointly with partners, NGO alliances, employers and employees representing Northern, Central and Southern areas</i></li> </ul> <p><i>* Coordinating civil society organizations (CSO) and national networks in order to share technical support and collaborate for the amplification of collective voices. Recommendation letters, input by CVN, have been submitted under the name of GBVNet to the drafting committee.</i></p> <p><i>During the process, incremental wins that happened were:</i></p> <ul style="list-style-type: none"> <li>- <i>SHP was concretised with the definition of SH at the workplace; requirements for workplace regulation to protect employees from SH; and responsibilities of employers, employees and related stakeholders in SHP.</i></li> <li>- <i>The improvement of SHP regulations in the first drafted Decree, the public drafted version<sup>2</sup> and the latest drafted Decree (26 Aug), submitted to the Ministry of Justice</i></li> <li>+ <i>The first draft and the public draft repeated SH definition from the Labour Code 2019 without explanation and no specific identification of SH behaviours; while the draft of 26 Aug provided clear explanation of SH behaviours and distinguished 03 types of SH at the workplace.</i></li> </ul>
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<sup>2</sup> <http://duthaovanban.molisa.gov.vn/detail.aspx?tab=2&vid=736>.

	<ul style="list-style-type: none"> <li>+ <i>Drafted versions of the Decree also widened the scope of workplace, compared to the Labour Code 2019, closed to the recommendation of CVN, which covered all spaces related to employment inside and outside working areas, as well as all forms of communications that is work-related.</i></li> <li>+ <i>The draft of 26 Aug emphasized the victim-centered approach when required the internal work regulation to regulate the compensation for survivals and damaged control activities; holding responsibilities of employers and relevant stakeholders in creating a SH-free environment.</i></li> </ul> <p><i>Main decision makers that CVN influenced included: 4 members of the Drafting Committee from MOLISA (1 vice-minister, Head of DLA, Deputy heald of DLA, Deputy head, Women’s Affair Department, VGCL)</i></p>
<p>3. Why is this advocacy win important in your context? What was the reality prior to the advocacy win that the win aims to address?</p>	<p><i>The advocacy win is significant for these reasons:</i></p> <ul style="list-style-type: none"> <li>- <i>It indicates the change of approach in policymaking mindset of the Government from protecting women to promoting gender quality.</i></li> <li>- <i>SHP is not a priority concern for both policy-makers and workers, compared to other controversial issues such as overtime, retirement age, or resting hours for female employees with children under 12 months; therefore, if CVN had not taken actions, this policy opportunity might have been passed by.</i></li> <li>- <i>Improved sexual harassment provisions in the Labour Code and the development of the Decree will create a strong national legal framework to support gender quality in the workplace. This critical foundation will strengthen the practicality of interventions like STOP in adapting SHP regulation in business level and contribute to further work on changing social norms that have been strongly shaping gender inequality at the workplace.</i></li> <li>- <i>Through partnership with MOLISA, CVN was aware that Vietnam would not ratify the ILO Convention 190 on Violence and Harrassmen yett; therefore, advocating for the improvement of the Labor Code and draft Decree will provide a necessary foundation for the ratification and implementation of Convention 190 in the future.</i></li> </ul> <p><i>The reality prior to the win:</i></p> <ul style="list-style-type: none"> <li>- <i>There is no specific regulations on SHP at the workplace, such as the identification of SH behaviours, how to establish a SH-free workplace and responsibilities of employers, employees and other related stakeholders in SHP in the workplace. These regulations were totally omitted in the previous Decree No.85/2015/NĐ CP on Stipulating the policies on female employees.</i></li> </ul>
<p>4. If this win is part of a larger advocacy or long-term program goal, please describe the larger goal.</p>	<p><i>The win was part of CVN’s long-term advocacy goal for improved legal framework and workplace mechanisms on preventing and addressing sexual harassment at work and socially marginalized population program goal for 2018-2020 period, related to women economic empowerment and gender-based violence.</i></p>
<p>5. How have the advocacy process and outcomes supported gender equality?</p>	<p><i>The focus and long-term goal of the process is to prevent and addressing sexual harassment at the workplace, a GBV issue. The advocacy process</i></p>

	<p><i>aims to create a working environment that both male and female employees are free from SH. Promoting gender equality is also the key approach during this process.</i></p>
<p><b>Contribution</b></p>	
<p>6. How would you rate the contribution of CARE and our partners to the advocacy win? <i>(Please check the box that best describes the type and level of contribution.)</i></p>	<p><input type="checkbox"/> <b>Lead actor:</b> CARE was the primary or only organization calling for the change</p> <p><input type="checkbox"/> <b>Partner-led:</b> One or more CARE partners were primary actors, with CARE support</p> <p><input checked="" type="checkbox"/> <b>Coordinator/initiator:</b> CARE organized a coalition calling for the change</p> <p><input type="checkbox"/> <b>Contributor:</b> CARE was one of many actors who worked together for the change</p> <p><input type="checkbox"/> <b>Niche role:</b> CARE made a specific, vital contribution to a process led by others</p>
<p>7. Describe CARE's contribution; specify CARE's unique role as well as the role of partner organizations and coalitions, including organizations promoting women's rights and local women's groups.</p>	<p><i>The contribution to the advocacy win by CVN is success, CVN's key roles are:</i></p> <ul style="list-style-type: none"> <li>- <i>Providing technical input and detailed recommendation in text for the draft Decree. In partnership with DLA (MOLISA), CVN has conducted the national assessment on Decree No.85/2015/NĐ-CP and a thematic report on reviewing the implementation of SHP at workplace and lesson learnt from international experience. CVN also organized a series of technical meetings and national consultation workshops across Vietnam with MOLISA to collect more inputs and feedbacks for the draft Decree. Furthermore, CVN closely follows the revision process to update recommendation accordingly to timely address the differences between CVN and MOLISA's approach with SHP.</i></li> <li>- <i>Coordinating CSOs and different stakeholders throughout the process to amplify collective voices. CVN shared the advocacy process and key advocacy messages with Ambassador Group Meeting. Two co-chairs of the group (Spanish Ambassador and UN Resident Coordinator in Vietnam) referenced key advocacy messages and supporting arguments/evidence when discussing to the press on the Decree. CVN also provided recommendations and position papers on SHP in the Decree to UNWomen, GBVNet<sup>3</sup>, Mnet<sup>4</sup>, SUN CSA Vietnam<sup>5</sup>, GIZ, Fairwear Foundation, VGCL; gathered and invited brand representatives, employers, HR, Trade Union officer and factory workers to give recommendation to the drafted Decree, thereby to strengthen the collective voices from different stakeholders on the issues.</i></li> </ul> <p><i>Roles of partner organizations and coalitions:</i></p> <ul style="list-style-type: none"> <li>- <i>UNWomen and GIZ: Financial support and technical recommendation for the national survey on the Implementation of the Decree no. 85/2015/NĐ-</i></li> </ul>

<sup>3</sup> GBVNet is a network of CSOs focused on addressing gender-based violence. The network sent recommendation paper to the Head of DLA, MOLISA, drafted by CVN

<sup>4</sup> MNet is a network of CSOs focused on advancing migrant worker agendas who also engage in advocacy

<sup>5</sup> Scaling up Nutrition network in Vietnam, a network of CSOs, advocating and influencing actions towards improved nutrition at strategic levels in Vietnam

	<p><i>CP; SHP implementation and the consultation workshop in Binh Dinh province</i></p> <ul style="list-style-type: none"> <li>- SUN CSA Vietnam: On the basis of their priorities, shared recommendation paper, together with UNWomen, with drafting committee member and presented in consultation workshop to promote associated gender quality concerns in the Decree.</li> <li>- VGCL: As a member of drafting committee of the Decree, shared official recommendation to the drafting committee on the consultation of representative of female employee; regulations on resting time for female employees having children under 12; breastfeeding area; and SHP at the workplace, focusing on a clear identical guidance of SH behaviour, based on the Code of Conduct (2015)<sup>6</sup></li> <li>- GBVNet: Provided recommendation letter to the Head of DLA, MOLISA, based on the draft position paper of CVN with clear evidence, supporting arguments and suggestion on a clear and comprehensive definition of SH behaviour in the Decree. The letter also emphasized a wider scope of workplace, in line with the ILO Convention No. 190<sup>7</sup> on Violence and Harassment in the world of work.</li> </ul>
<p>8. What evidence supports our claim to have contributed to this win?</p>	<ul style="list-style-type: none"> <li>- <a href="#"><u>Ambassador Group's discussion to the press</u></a> on SH at the workplace</li> <li>- SUN CSA Vietnam and UNWomen <a href="#"><u>recommendation letter</u></a> to member of the drafting committee and <a href="#"><u>presentation</u></a> in consultation workshop.</li> <li>- <a href="#"><u>VGCL's recommendation letter</u></a> on SH identification at the workplace</li> <li>- <a href="#"><u>GBVNet's recommendation letter</u></a> on SHP</li> <li>- <a href="#"><u>Consultation Report of Drafting Committee</u></a>, submitted to MOJ</li> <li>- <a href="#"><u>Feedbacks and extracts from draft versions</u></a></li> <li>- <a href="#"><u>Recommendation from external legal consultant</u></a></li> <li>- <a href="#"><u>Draft versions</u></a></li> </ul>
<p><b>Potential Impact:</b></p>	
<p>9. What are the impact populations that are expected to benefit from the advocacy win? Describe how the win will translate into a better life for people of different genders, ages, and/or other groups.</p>	<p><i>Female and male employees with benefit from the advocacy win, in particular:</i></p> <ul style="list-style-type: none"> <li>- A more comprehensive national legal framework with clear guidance on SHP will enable businesses to create a safer working environment for employees, regulated by their work regulation and policies. Therefore, all employees will be protected from SH in the workplace.</li> <li>- All employees will have better understanding of the issues and be aware of the responsibilities of their employers and themselves, as the result, they are more confident to report SH and protect each other from SH at work.</li> </ul>

<sup>6</sup> The Code of Conduct on Sexual harassment in the workplace, VGCL, MOLISA, VCCI, retrieved at [http://www.oit.org/wcmsp5/groups/public/asia/ro-bangkok/ilo-hanoi/documents/publication/wcms\\_421220.pdf](http://www.oit.org/wcmsp5/groups/public/asia/ro-bangkok/ilo-hanoi/documents/publication/wcms_421220.pdf)

<sup>7</sup> The C190 - Violence and Harassment Convention, retrieved at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)



<p>10. If the change we influenced is fully implemented and resourced, can you quantify the number of lives that could potentially be improved by this advocacy win?</p>	<p><i>By the time that the Decree will come to be effective (1/1/2021), if fully implemented, it's estimated of 28.25 million Vietnamese workers, who are regulated by the Labour Code, will benefit from the advocacy win, equivalent of 51.1% of Vietnamese workforce<sup>8</sup></i></p>
<p><b>Actual Impact:</b></p>	
<p>11. How many people's lives have improved to date as a result of this advocacy win? Provide available evidence that this impact has been achieved, and describe how people of different genders, ages, and/or other groups have benefited from the win.</p>	<p><i>The Decree is still under the approval process.</i></p> <p><i>Enter the actual number of people that have been impacted from advocacy wins that have been partially or fully implemented. Explain how you calculated this number and disaggregate data by sex, age, and/or other relevant factors. (Do not count the direct impact of CARE programming conducted prior to or after the advocacy win; that should be reported through PIIRS in the appropriate outcome area.) Include links to human interest stories or other communication pieces that relate to the win.</i></p> <p><i>If no actual impact has been achieved yet, skip this section. Go back to it annually to give updated actual impact data and assess sustainability of the win. Evidence is likely to rely on secondary quantitative data (such as national or World Bank statistics) and/or extrapolation from local surveys.</i></p>
<p><b>Reflection and Learning:</b></p>	
<p>12. What were the main challenges you faced, and were they overcome? If so, how?</p>	<p><i>- Sexual harassment at the workplace is a sensitive issue, and not a priority concern for both workers and employers, compared to such controversial issues as resting hours for female employees with children under 12 months, breastfeeding area or the tax return for business in relation to the protection of female employees.</i></p> <p><i>→ CVN has promoted for the inclusion of SHP intensively at all platforms and activity implementation. Topic on SHP was compulsory input in the national assessment on Decree No.85/2015/NĐ-CP. In technical meetings and consultation workshops, SHP was always scheduled and brought up as the first topic for discussion in order to maintain participants' attention and engagement.</i></p> <p><i>- Differences between CVN and MOLISA's approach regarding SHP occurred throughout the process in relation to cultural practices and market machanism. In the beginning, culture has constantly been used as an excuse for sexual jokes, and regulation for SHP would be up to employers to decide; all of which practically contrasted with CVN's approach. MOLISA does not want to put a clear definition of SH and plans to leave it open for employers to define in their work regulation.</i></p> <p><i>→ CVN has partnered with legal experts to carefully frame these issues and point out the inadequacies of these arguments and the negative consequences it might bring about, then provide a set of detailed recommendation in text for improvement of the draft Decree.</i></p>

<sup>8</sup> Vietnam labour force, the 1<sup>st</sup> quarter of 2020, retrieved at <https://gso.gov.vn/Default.aspx?tabid=382&idmid=&ItemID=19673>

	<p>→ CVN has consulted with representatives of brands and multiple factories with thousands of workers to give their opinions on the importance of a clearly worded definition of SH in the draft Decree and invited them to consultation workshops to share their ideas.</p> <p>- It was challenging to raise the discussion of sexual harassment, a topic that is legally complicated, and has yet had any official legal framework to refer to.</p> <p>→ CVN closely engaged with legal expert who has been collaborated with CVN in the implementation of STOP's SHP package and has strong experience on dealing with SH cases with business. The discussion were well responded with agreement and feedbacks from factories, provincial Trade Union as well as drafting committee members.</p> <p>- The covid-19 pandemic led to the delayed consultation and evidence collection in the field</p> <p>→ CVN promoted the consultation workshop with current partner organizations and factories via different ways of communication to gather feedbacks and recommendation</p>
<p>13. What influencing tactics were particularly effective/ineffective?</p>	<p><i>Effective tactics:</i></p> <ul style="list-style-type: none"> <li>- Forming partnerships, coalitions of NGOs, networks to have a stronger voice when giving recommendations to the drafting committee</li> <li>- Gathering feedbacks, inviting representatives of brands, businesses, employers, employees, legal consultants to consultation workshop and relevant platforms for a collective voice</li> <li>- Promoting CVN's advocacy agenda and messages via different forums with partners who are members of the drafting committee (VGCL, Vietnam Women's Union)</li> <li>- Developing recommendation letter with very clear supporting arguments, evidence and suggestion text to drafting committee, not just with principles or general recommendations.</li> <li>- Framing the topic of SHP using legal analysis and practical feedbacks from brand and employers to address the inadequacies of the draft and its negative consequences</li> <li>- Positioning CVN carefully – CVN has provided significant technical inputs for multiple recommendation regarding SHP for different stakeholders, networks and coalitions and submit under their names. Furthermore, consultants working with CVN are also advised not to bring up CVN and CNV's projects too much to keep the discussion neutral.</li> <li>- Keeping up the conversations with representatives of VGCL, FWF, consultants and other stakeholders, and emphasizing key messages / advocacy points that should be addressed so that they will present them in consultation workshops and technical meetings accordingly. Meanwhile, CVN will share other uncovered issues after that.</li> </ul>

<p>14. What unintended outcomes or unexpected consequences did you observe?</p>	<p><i>Though CVN's key advocacy message is on the identification of SH at the workplace; two articles (13, 14) of the draft Decree shows comprehensible responsibilities of related stakeholders such as employers, employees and employee representative organization in SHP at the workplace.</i></p>
<p>15. What would you do differently next time?</p>	<p><i>Focusing on gathering evidence and feedbacks from businesses earlier to contribute effectively to recommendation/position letter and discussion with policy makers</i></p> <p><i>Diversify ways to do advocacy and engage more with the public through social campaign and/or activities on online platform. While it is crucial to form partnership with the DLA and other organizations, CVN can play a more active role in facilitating social discussion of the public on SHP, and thereby putting more pressure towards policy-makers instead of following their agenda in drafting the Decree.</i></p>
<p>16. What are the next steps or follow-up actions for this advocacy win, such as measurement of actual impact and/or external communications? What resources will be necessary to document impact from the win?</p>	<ul style="list-style-type: none"> <li>- <i>Closely follow up with relevant stakeholder to stay update with the approval process of the Decree.</i></li> <li>- <i>Maintain the interests and motivation from media, businesses in the issues via the on-going implementation of the SHP intervention</i></li> <li>- <i>Exploring collaboration opportunities with partner organizations, alliances to promote and communicate about the Decree.</i></li> <li>- <i>Developing communication plan for SHP to raise awareness on the topic and make sure the Decree is put in practice</i></li> <li>- <i>Exploring possibility of partnership with Labor Inspector under MOLISA to strengthen their role in supervising the enforcement of the SHP provisions in Labour Code and Decree in practice</i></li> </ul>

**Questions about how to fill out an AIIR Tool?** Please ask [Andrew Wells-Dang](#), [Jay Goulden](#), or [Ximena Echeverria](#). Share your completed draft with them or with your Regional Advocacy Adviser for review.

More information on the AIIR Tool can also be found on [CARE Shares](#). A database of completed AIIR Tools is available [here](#). Some AIIRs have become the basis for externally-oriented advocacy success stories such as [this example](#) from Egypt.