Science of Law
Vol. 2026, No. 10, 9-17, 2026
ISSN(E) 2995-8717
DOI: 10.55220/2995-8717.v2026i10.3342
© 2026 by the author; licensee Scientific Hub

ILO Convention No. 193 on Decent Work in the Platform Economy: Implications and Recommendations for Vietnam's Lawmakers

Pham Thanh Nga

Hanoi Department of Justice, Vietnam.

Abstract

On 12 June 2026, the International Labour Conference adopted the Decent Work in the Platform Economy Convention, 2026 (No. 193), the first binding international labour standard dedicated to digital platform work. The Convention establishes a global floor of protections for an estimated 150 - 400 million platform workers worldwide, covering employment - status determination, algorithmic management, remuneration, occupational safety and health (OSH), social protection, collective rights, and access to justice regardless of how a worker is formally classified. This paper examines the content and legal architecture of Convention No. 193, situates it against Vietnam's existing labour framework, and identifies the principal gaps between Vietnamese law and the Convention's requirements. It concludes with a set of concrete, sequenced recommendations for lawmakers of Vietnam, aimed at positioning Vietnam for informed ratification and effective domestic implementation.

Keywords: Convention No. 193, Decent work in the platform economy, ILO, Implications, Recommendations, Vietnamese lawmakers.

1. Introduction

Vietnam's platform economy has grown from a novelty in 2014, when Grab and Uber first entered the market, into a structural feature of urban employment. Today more than 600,000 ride-hailing and delivery drivers work through apps such as Grab, Be, Gojek, and ShopeeFood, alongside a fast-growing population of freelance and location-independent digital workers. Despite more than a decade of debate, Vietnamese law still has no dedicated category for these workers, platforms classify them as "business partners" under civil-law cooperation contracts rather than as employees, which relieves platforms of the obligation to pay social insurance, health insurance, unemployment insurance, or to observe minimum-wage and occupational-safety rules that apply to standard employment relationships.

The adoption of ILO Convention No. 193 changes the international reference point against which this domestic gap must now be measured. Although the Convention only binds states that ratify it, it crystallizes an emerging global consensus expressed through 406 votes in favour, 8 against, and 36 abstentions at the International Labour Conference that platform - mediated work is work, and that legal form should not determine whether a person receives a floor of protection. For a country that has ratified seven of the ILO's ten fundamental Conventions in the past decade (including Conventions 98, 105, and moving toward 87) largely in connection with trade-agreement commitments under the EU–Vietnam Free Trade Agreement and the CPTPP, Convention No. 193 raises both an opportunity and a policy choice: whether, when, and how to align domestic law with an instrument that speaks directly to one of the most visible and politically sensitive labour issues in the country.

2. Literature Review

The regulation of platform work sits at the intersection of several overlapping bodies of scholarship: (i) the broader literature on precarious and informalized work, within which platform work is often theorized; (ii) labour-law scholarship on the classification of work and the personal scope of employment protection; (iii) a more recent, platform-specific literature on algorithmic management and its implications for legal control tests; (iv) comparative regulatory literature examining how different jurisdictions have responded to platform-worker classification; (v) literature on extending social protection to informal and non-standard workers; and (vi) a smaller but growing body of country-specific empirical work on Vietnam's gig economy. This section reviews each in turn, then situates the present paper's contribution relative to the gaps in that literature.

2.1. Theoretical Framing

Before turning to platform-specific scholarship, it is useful to locate platform work within the broader theoretical literature on the transformation of employment relationships under which it is usually analyzed. Guy Standing's the Precariat, the New Dangerous Class (2011) coined the now-standard vocabulary for describing workers who lack the seven forms of labour-related security historically associated with standard employment income security, employment security, job security, work security, skill-reproduction security, representation

© 2026 by the author; licensee Scientific Hub

security, and voice security and platform workers are routinely cited as a paradigmatic instance of this "precariat" condition, lacking most of these securities simultaneously. David Weil's The Fissured Workplace that "Why Work Became So Bad for So Many and What Can Be Done to Improve It" (2014) offers a complementary organizational account, arguing that firms have deliberately shed direct employment relationships through subcontracting, franchising, and, more recently, platform intermediation while retaining functional control over the work performed, shifting compliance risk and reputational exposure downward while retaining economic benefit. Weil's "fissuring" thesis is directly relevant to the Vietnamese context examined in Section 4: the "business partner" label functions as precisely the kind of contractual fissure Weil describes, formally separating Grab, Be, and Gojek from legal responsibility for a workforce whose day-to-day activity they nonetheless direct through pricing, routing, and rating algorithms. The ILO's own Decent Work Agenda, developed since 1999 around the four pillars of employment creation, social protection, rights at work, and social dialogue, supplies the normative framework Convention No. 193 operationalizes for the platform context specifically, and is the conceptual backdrop against which this paper's gap analysis (Section 5) is conducted each of the four pillars maps onto a corresponding cluster of Convention obligations (employment-status determination and remuneration; social protection; fundamental rights and OSH; and collective bargaining/social dialogue, respectively).

2.2. The Classification Debate

The foundational problem this paper addresses whether platform workers are employees, independent contractors, or something else long predates platform work itself, but the gig economy gave it new urgency. Valerio De Stefano's influential early analysis, The Rise of the "Just-in-Time Workforce": On-Demand Work, Crowd-work, and Labour Protection in the "Gig-Economy" (2016), remains the most widely cited framing of the problem: he argued that on-demand platform work exploits the traditional binary between "employee" and "independent contractor" to externalize social-protection costs onto workers who are, in substance, economically dependent on a single or dominant platform. De Stefano's paper also previewed a debate this paper directly engages in Section 6.1: whether the correct policy response is (a) to litigate or legislate platform workers into existing employee status, (b) to create an intermediate legal category ("dependent contractor" or similar) carrying a subset of protections, or (c) to detach a floor of fundamental rights from employment status altogether and apply it universally - the approach Convention No. 193 ultimately adopts through its distinction between universal and status-linked protections (Section 3.4).

Prassl and Risak's Uber, TaskRabbit, & Co: Platforms as Employers? Rethinking the Legal Analysis of Crowdwork (2016) offered an influential functional critique of control-based employment tests, arguing that traditional single-employer models fail to capture platforms' role as intermediaries that simultaneously perform several classic "employer functions" inception and termination of the relationship, receiving labour and its fruits, exercising control, and bearing entrepreneurial risk even while formally disclaiming employer status. Aloisi's contemporaneous case-study research, Commoditized Workers: Case Study Research on Labour Law Issues Arising from a Set of "On-Demand/Gig Economy" Platforms (2016), reached similar conclusions through empirical analysis of specific platform contracts, documenting the gap between platforms' contractual self-description and the operational reality of their control over workers.

A parallel strand of the literature has proposed intermediate legal categories rather than binary reclassification. Harris and Krueger's Hamilton Project proposal, A Proposal for Modernizing Labor Laws for Twenty-First-Century Work: The "Independent Worker" (2015), argued for a third statutory category between employee and independent contractor, carrying a subset of protections (collective bargaining rights, civil-rights protections, tax withholding) without full employment status, a proposal that anticipated, and was later criticized as a template for, the "dependent contractor" categories some jurisdictions have since adopted or debated. Cherry and Aloisi's critical response, "Dependent Contractors" in the Gig Economy: A Comparative Approach (2017), cautioned that such intermediate categories have historically proven administratively unstable, prone to erosion, and vulnerable to being captured by the very platforms they were meant to regulate unless anchored to enforceable, judicially reviewable minimum floors a caution this paper carries directly into its treatment of an interim "dependent platform worker" category for Vietnam (Section 6.2, Recommendation 5). This functional, multi-factor approach to control has since informed statutory presumptions of employment in several jurisdictions and is reflected in Convention No. 193's own non-exhaustive, indicator-based approach to status determination (Article 9).

Stewart and Stanford's Regulating Work in the Gig Economy: What Are the Options? (2017) remains useful for this paper's recommendation design because it systematically catalogues the regulatory menu available to lawmakers ranging from stricter enforcement of existing employee tests, to intermediate categories, to platform-specific sectoral regulation, to universal minimum standards independent of status and evaluates the trade-offs of each. Their typology underlies the distinction this paper draws between a full reclassification approach and an interim "dependent platform worker" category.

2.3. Algorithmic Management as a Distinct Regulatory Problem

A second strand of literature treats algorithmic management not merely as a factor within existing control tests but as a qualitatively distinct governance problem requiring its own regulatory response the approach Convention No. 193 takes in Articles 13–16. Kellogg, Valentine, and Christin's Algorithms at Work: The New Contested Terrain of Control (2020) synthesizes organizational-behaviour and labour-process research to show how algorithmic systems restructure the classic dimensions of workplace control (direction, evaluation, discipline) in ways that are more continuous, more opaque to the worker, and harder to contest than conventional managerial control, a diagnosis directly relevant to this paper's recommendation \that Vietnam mandate disclosure and human-review rights rather than relying on general data-protection law alone.

Empirically, Rosenblat and Stark's early case study, Algorithmic Labor and Information Asymmetries: A Case Study of Uber's Drivers (2016), was among the first to document how platforms use asymmetric access to performance and pricing data to shape driver behaviour without direct instruction, a mechanism the authors term "soft control" while Wood, Graham, Lehdonvirta, and Hjorth's cross-country survey, Good Gig, Bad Gig:

© 2026 by the author; licensee Scientific Hub

Autonomy and Algorithmic Control in the Global Gig Economy (2019), found that algorithmic ratings and deactivation systems produced high perceived autonomy alongside high structural precarity, a combination the authors argue conventional labour-law categories struggle to capture. Gandini's Labour Process Theory and the Gig Economy (2019) situates these dynamics within the older labour-process tradition, arguing that rating systems and algorithmic deactivation function as a decentralized, worker-internalized disciplinary mechanism, a dynamic empirically documented in food-delivery contexts by Galière's ethnographic study of French riders (2020) and, from a migrant-labour perspective, by Lata's Australian research (2023), both of whom found that algorithmic opacity compounds workers' structural vulnerability rather than merely inconveniencing them.

At the policy level, Aloisi and De Stefano's European Commission Joint Research Centre report, European Legal Framework for "Digital Labour Platforms" (2018), and the ILO's own working paper by De Stefano, Durri, Stylogiannis, and Wouters, Platform Work and the Employment Relationship (2021), directly anticipated many of the design choices later embodied in Convention No. 193 including the tension between harmonized minimum standards and national flexibility, and the argument that algorithmic transparency obligations are enforceable only if paired with an empowered labour inspectorate, a point this paper carries into Recommendation 9.

2.4. Comparative Regulatory Responses

A distinct and increasingly large literature evaluates how specific jurisdictions have responded legislatively or judicially to platform-worker classification, and this comparative record is what Convention No. 193 effectively codifies into a common floor. In the United States, California's Assembly Bill 5 (2019) codified the "ABC test" (already established in the state supreme court's Dynamex decision) to presume employee status unless the hiring entity can satisfy all three prongs of the test, only for the state's voters to partially reverse this for app-based transportation and delivery platforms through the 2020 ballot initiative Proposition 22 an outcome widely discussed in the literature as an illustration of how platform companies can use direct democracy and well-funded ballot campaigns to resist reclassification even after it has been legislated. In the United Kingdom, the Supreme Court's decision in Uber BV v Aslam (2021) held that Uber drivers were "workers" (a UK intermediate category carrying a subset of employment rights, including minimum wage and paid leave) based on the practical reality of Uber's control over fares, routes, and standards, notwithstanding contractual language to the contrary a judicial, control-based route to broadly the same destination Convention No. 193 pursues legislatively through Article 9. Spain's 2021 "Ley Rider" (Riders' Law) went further, introducing a statutory presumption of employment specifically for delivery-platform workers together with an algorithmic-transparency obligation requiring platforms to disclose the parameters, rules, and instructions underlying the algorithms that affect working conditions the most direct comparative precedent for Convention No. 193's Articles 13.16, and the specific model this paper draws on in Recommendation. At the regional level, the European Union's Platform Work Directive combined a rebuttable presumption of employment with algorithmic-management rights across all member states, providing the closest existing template for a jurisdiction attempting to legislate both pieces (status and algorithmic governance) together, as this paper recommends Vietnam eventually do.

Outside Europe and North America, India's Code on Social Security, 2020 introduced a statutory definition of "gig worker" and "platform worker" and created a framework not yet fully operationalized for extending welfare-fund-based social security financed partly through platform-aggregator contributions, without reclassifying such workers as employees; commentary on India's 2026 abstention on Convention No. 193 itself (noting that India's government abstained while its worker and employer delegates voted in favour) illustrates the tension between a state's stated domestic legal position and its tripartite constituents' views a tension structurally similar to, though institutionally distinct from, the internal disagreement documented within Vietnam's own VGCL leadership. This wider comparative record spanning judicial reclassification (UK), direct statutory presumption (Spain, EU), voter-driven reversal (California), and a welfare-fund model that avoids reclassification altogether (India) is the basis for this paper's argument in Section 6.2 that Vietnam has genuine institutional choices in how it implements Convention No. 193's obligations, rather than a single mandated template.

2.5. Extending Social Protection to Informal and Non-Standard Workers

Because a large share of Vietnam's platform workforce currently falls into the same coverage gap as other informal-economy workers, the literature on extending social protection to non-standard and informal work is directly relevant to Section 6.2's recommendation on compulsory, income-linked social insurance. The ILO's own standard-setting in this area Recommendation No. 202 concerning National Floors of Social Protection (2012) and Recommendation No. 204 concerning the Transition from the Informal to the Formal Economy (2015) establishes the normative baseline that access to a basic social-protection floor should not depend on employment status, a principle Convention No. 193 extends specifically to platform work. Behrendt and Nguyen's ILO working paper, Innovative Approaches for Ensuring Universal Social Protection Coverage for the Future of Work (2018), surveys mechanisms other countries have used to collect contributions from workers with irregular, multi-source, or platform-mediated income including withholding at the point of digital payment, simplified single-contribution schemes, and aggregator-level collection and is the direct comparative basis for this paper's Recommendation that Vietnamese platforms be assigned a statutory withholding-and-remittance obligation to Vietnam Social Security, since platforms already possess the transaction-level income data that make such withholding administratively feasible.

2.6. Vietnam-Specific Literature on Platform Work

Country-specific scholarship on Vietnam's platform economy is comparatively thin but has grown steadily since app-based ride-hailing arrived in 2014. Do Hai Ha, Toan Le, and co-authors' multi-part project including David, Goliath and the State: A Battle for Workers' Rights in Vietnam's Gig Economy and Platformisation as Informalisation: The Decomposition and Recomposition of Platform Workers in Vietnam (in press/forthcoming), along with their Friedrich-Ebert-Stiftung report Behind the Myth of a Business Partnership: Vulnerable Platform Workers in Urgent Need of Legal Protection in Vietnam provides the most detailed empirical account available of

© 2026 by the author; licensee Scientific Hub

how the "business partner" classification operates in practice, including drivers' precarious net income after platform commissions and self-funded costs, a finding this paper draws on directly. Their companion article on wildcat strikes among Grab drivers, discussed in labourreview.org's "Mercedes in Two Years?" commentary, documents the informal, extra-institutional channels through which driver discontent has surfaced in the absence of a legal organizing framework evidence this paper relies.

This Vietnam-specific literature sits within a longer tradition of scholarship on Vietnamese labour politics under the country's corporatist, single-union industrial-relations system notably Angie Ngoc Tran's Ties That Bind: Cultural Identity, Class, and Law in Vietnam's Labour Resistance (2013) and Joe Buckley's Vietnamese Labour Militancy: Capital-Labour Antagonisms and Self-Organised Struggles (2021), both of which document a longstanding pattern in Vietnam: wildcat, self-organized worker action outside and often ahead of the official trade union structure (the VGCL), followed by ex post legal or policy accommodation. This pattern is directly relevant to how a platform-worker organizing framework might realistically develop in Vietnam the literature suggests that any statutory framework will likely be responding to, rather than pre-empting, worker self-organization, which has already produced sporadic commission-related work stoppages among app-based drivers.

Yusof Ishak Institute's policy commentary, App-Based Drivers in Vietnam: More Workers than Contractors (2023), bridges the academic and policy literatures, tracing the internal disagreement within the VGCL's own leadership over whether app-based drivers should be treated as employees with officials such as Vice President Ngọ Duy Hiểu and deputy labour-relations director Lê Đình Quảng reportedly favouring recognition of an employment relationship based on the platforms' direction over routes, conduct, and pay and documenting the VGCL's 2022 policy submission to the then-Ministry of Labour, Invalids and Social Affairs (MOLISA) proposing expanded social-protection access for drivers. This internal split within Vietnam's sole legal trade-union confederation is treated in this paper as a starting point for Recommendation, since it suggests that at least part of the institutional apparatus needed for reform already favours a direction broadly consistent with Convention No. 193.

2.7. The Institutional Literature

A final relevant strand concerns the ILO standard-setting process itself and Vietnam's historical pattern of engagement with it. The ILO's own World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work provided the empirical and policy groundwork later cited in the run-up to Convention No. 193's negotiation, establishing baseline global estimates of platform-worker numbers and documenting the classification and social-protection gaps the Convention was designed to address. On the institutional side, academic and NGO commentary on Vietnam's ratification of Conventions 98 (2019) and 105 (2020), and its anticipated ratification of Convention 87 - including reporting tied to the EU–Vietnam Free Trade Agreement's Trade and Sustainable Development chapter (Socialists and Democrats, 2020; Good Electronics, 2024) - documents a consistent institutional pattern: Vietnam ratifies ILO conventions in connection with external trade commitments and only after domestic legal alignment work has been substantially completed, rather than ratifying first and legislating afterward. This pattern, examined in the GEG Oxford study on the Implementation of Ratified ILO Fundamental Conventions in Vietnam (2015), which also confirms that Vietnam's monist legal system generally requires specific implementing legislation before a ratified convention has direct domestic effect, is the empirical basis for this paper's central recommendation that ratification of Convention No. 193 should follow, not precede, domestic legislative alignment.

2.8. Gaps in the Literature and this Paper's Contribution

Four gaps in the existing literature motivate this paper. First, because Convention No. 193 was adopted only in June 2026, no peer-reviewed literature yet analyzes it directly; the closest available scholarship addresses either the pre-Convention policy debate (De Stefano; Prassl and Risak; Cherry and Aloisi) or comparable but non-identical instruments, such as the EU Platform Work Directive and national laws like Spain's Ley Rider. This paper is accordingly positioned as an early applied analysis rather than a contribution to a mature secondary literature, a limitation already noted in Section 1.1's methodology discussion. Second, the Vietnam-specific literature (Do Hai Ha et al.; Tran; Buckley; FULCRUM) is rich on labour politics and lived driver experience but has not, to this author's knowledge, been systematically mapped against a specific binding international instrument in the way Section 5's gap-analysis table attempts. Third, the comparative regulatory-options literature was written predominantly for jurisdictions with adversarial litigation traditions, referendum mechanisms, or federal welfare-fund architectures (the US, UK, Spain, EU, India); relatively little scholarship considers how classification and algorithmic-management reforms would need to be adapted for a one-party corporatist industrial-relations system with a monist treaty-incorporation practice, such as Vietnam's. Fourth, the social-protection-extension literature (Behrendt and Nguyen; ILO Recommendations 202 and 204) is generally pitched at the informal economy broadly and has not been applied specifically to the withholding mechanics of app-mediated digital payment flows, which differ in important respects (transaction-level granularity, platform intermediation of payment itself) from the cash-based informal work such literature typically addresses. This paper's recommendations attempt to fill these gaps by explicitly reasoning from Vietnam's institutional characteristics the VGCL's dual state/representative role, the DOLISA inspection structure, the country's conformity-first ratification practice, and the digital-payment infrastructure already used by Vietnamese platforms rather than transplanting a European, American, or Indian regulatory model unmodified.

3. Research Methodology

This paper combines several complementary methods common to comparative and applied labour-law research:

Doctrinal legal analysis. The paper analyzes the operative text and structure of Convention No. 193 as reported in ILO conference records, and cross-reads it against the text and structure of Vietnam's Labour Code 2019 (No. 45/2019/QH14), the Social Insurance Law, and related implementing decrees, to identify the precise legal obligations each instrument creates.

© 2026 by the author; licensee Scientific Hub

Gap (compliance) analysis. A standard tool in ILO ratification-readiness studies, this method maps each substantive obligation in the Convention against the corresponding (or absent) provision in domestic law, classifying the distance between the two the approach reflected in Section 5's comparative table. This mirrors the methodology the ILO and national governments typically use in pre-ratification tripartite reviews.

Comparative legal method. Where Vietnamese law is silent, most notably on algorithmic-management disclosure and employment-status presumptions, the paper references how other jurisdictions facing the same classification problem (Spain, the European Union, the United Kingdom, the Netherlands, California) have legislated or adjudicated equivalent questions, to test which regulatory models might be adapted to Vietnamese conditions rather than imported wholesale.

Secondary-source and documentary review. Because Convention No. 193 was adopted in June 2026 after this paper's primary knowledge base was fixed the summary of its content, the record of the adoption vote, and the account of Vietnam's platform-labour conditions rely on a targeted review of contemporaneous reporting, ILO official communications, legal-practitioner analysis (e.g., Ogletree Deakins, Wolters Kluwer), labour-focused academic and advocacy commentary (OnLabor, the Global Labour Journal, FULCRUM/ISEAS), and Vietnamese and international business press (VnExpress International). This is a documentary - qualitative synthesis method rather than an empirical or quantitative one, and it is disclosed as a limitation below.

Policy analysis and recommendation design. The recommendations follow a standard regulatory-design method: options are sequenced by time horizon and institutional feasibility, weighed against Vietnam's own stated ratification practice (aligning domestic law before ratifying, as with Conventions 98 and 105), rather than treated as a single undifferentiated reform package.

3.1. Limitations

This is a desk-based legal and policy study, not an empirical one. It does not include primary data collection (surveys, interviews with drivers, or platform financial records), and the estimates of platform-worker numbers and conditions are drawn from secondary sources rather than independently verified. Because Convention No. 193 is very recently adopted, authoritative ILO commentary and the interpretive Recommendation are still pending, which the paper flags wherever conclusions rest on early, potentially provisional analysis. Readers using this paper for legislative drafting should verify the Convention's authoritative text via the ILO NORMLEX database directly.

4. Findings and Discussion

4.1. Overview of ILO Convention No. 193

4.1.1. Origins and Adoption

Convention No. 193 was negotiated over the 2025 and 2026 sessions of the International Labour Conference under a tripartite process involving government, employer, and worker delegates from the ILO's member states. Negotiations advanced slowly as of the end of 2025 delegates had agreed only on basic definitions and scope before the operative text was finalized in the closing days of the 114th Session in June 2026. Notably, the Conference ran out of time to negotiate an accompanying Recommendation, which would ordinarily provide non-binding interpretive guidance; instead, delegates adopted a resolution directing the ILO Governing Body to place the Recommendation on a future agenda. This means that, for now, states implementing the Convention have less interpretive scaffolding than is typical for a new ILO instrument, placing a greater premium on careful national tripartite consultation during transposition.

4.1.2. Scope and Definitions

The Convention defines a "digital labour platform" broadly, as an entity that organizes or facilitates work performed by persons for remuneration, on request of a client, whether that work is performed online (e.g., freelance digital tasks) or is location-based (e.g., ride-hailing, delivery, domestic services). It applies to platform workers "whether or not [they are] in an employment relationship," including self-employed workers, and covers both the formal and informal economy. Exclusions are permitted only in limited circumstances, following tripartite consultation, where substantial implementation problems arise, and are subject to reporting obligations to the ILO. This scope is deliberately expansive: it is intended to prevent the Convention from being circumvented simply by re-labelling relationships or platform types.

4.1.3. Employment-Status Determination

A central and legally consequential provision requires ratifying states to ensure that platform workers' employment status is determined correctly, based on the facts of the working relationship rather than its contractual label, having regard to indicators such as the degree of control exercised by the platform (including through algorithmic direction), economic dependence, and integration into the platform's business. The Convention stops short of mandating a specific classification test or a statutory presumption of employment, leaving states flexibility in method — but commentary on the text observes that the obligation to "ensure" correct classification will be difficult for a state to satisfy without either a rebuttable presumption of employment status or an equally effective mechanism that shifts the practical burden of proof onto the platform, coupled with an empowered labour inspectorate capable of investigating platform work arrangements.

4.1.4. Universal Protections Regardless of Status

The Convention distinguishes between rights that attach to all platform workers regardless of employment status, and rights that depend on status once correctly determined. Universal protections include the fundamental principles and rights at work: freedom of association and the right to collective bargaining, elimination of forced and child labour, non-discrimination, and a safe and healthy working environment. Beyond these, the Convention requires that platform workers receive adequate remuneration (including timely payment and reimbursement of platform-related costs), access to social protection, and protection from violence and harassment, again without

© 2026 by the author; licensee Scientific Hub

regard to formal classification. For workers who are correctly classified as employees, the Convention requires that they receive protection no less favourable than other employees in comparable status.

4.1.5. Algorithmic Management

For the first time in a binding international labour instrument, Convention No. 193 directly regulates algorithmic management. Platforms must disclose the use and general logic of automated or algorithmic systems that affect working conditions, including task allocation, pricing/remuneration determination, performance ratings, and account suspension or deactivation; ensure meaningful human oversight and review of significant automated decisions, particularly those resulting in deactivation, suspension, or other measures with serious consequences for a worker's livelihood; protect workers' personal data collected through platform monitoring, limiting its use to purposes necessary for the operation of the platform; and provide workers with a right to contest automated decisions and obtain a timely human review.

4.1.6. Other Core Areas

The Convention also addresses occupational safety and health, extending OSH obligations to platform work notwithstanding its dispersed and often home- or street-based character; Social protection, requiring states to progressively extend access to social security schemes (health, injury, old-age, unemployment) to platform workers, adapting contribution mechanisms to irregular, multi-platform, and intermittent income patterns; Collective rights, requiring an enabling framework for platform workers including the self-employed to organize and bargain collectively, addressing the specific obstacles algorithmic management and jurisdictional fragmentation pose to organizing; Access to justice and dispute resolution, including accessible complaint mechanisms and remedies; and cross-border and multi-jurisdictional platform structures, recognizing that a platform, worker, and client may sit in three different jurisdictions, and calling for cooperation mechanisms between states.

4.1.7. Legal Status and the Ratification Pathway

Like all ILO Conventions, No. 193 binds only states that ratify it; it will enter into force twelve months after the first two ratifications are registered, and for each subsequent ratifying state twelve months after its own ratification. Under Article 19 of the ILO Constitution, all member states including those that do not intend to ratify must bring the Convention to the attention of their competent domestic authority (in Vietnam's case, the National Assembly) for consideration of legislative or other action, even absent an intention to ratify immediately. Even without ratification, the Convention functions as an authoritative reference point that can inform national policy, employer practice, and worker organizing.

4.2. Vietnam's Current Legal Framework of Platform Labor

4.2.1. The 2019 Labour Code

Vietnam's Labour Code (No. 45/2019/QH14), in force since January 2021, modernized the country's employment framework but does not contain a bespoke category for platform work. It defines an employment relationship functionally where an individual performs work under an employer's management, direction, and supervision in exchange for remuneration which, on its face, could capture many app-based drivers, who receive algorithmically generated instructions on routes, fares, acceptance rates, and conduct standards. In practice, however, platforms have since 2014 classified drivers as "business partners" or "cooperating individuals" under civil-law cooperation agreements rather than labour contracts. This classification has never been definitively tested or overturned by Vietnamese courts or labour authorities at scale, and it has become the default industry position.

The consequence is that Vietnam's roughly 600,000 ride-hailing and delivery drivers, along with a growing pool of app-based domestic-service and freelance digital workers, fall outside the Labour Code's coverage for social insurance, health insurance, unemployment insurance, minimum wage, working-time limits, and occupational-injury protection — even though many depend on platform income as their primary or sole livelihood, and even though the Vietnam General Confederation of Labour's own officials have argued that the underlying relationship functionally resembles employment.

4.2.2. Social Insurance and Protection Gaps

Vietnam's Social Insurance Law extends compulsory coverage to employees under labour contracts of one month or more, financed through employer and employee contributions administered by Vietnam Social Security. Because platform drivers are not classified as employees, they are excluded from this compulsory scheme and, absent voluntary enrollment (which offers a narrower benefit package, excluding, for instance, occupational-injury and unemployment benefits), bear the full risk of accident, illness, and old age without employer contribution. Civil society and academic research documents that many drivers lack basic awareness of even the voluntary social-insurance options available to them, compounding the coverage gap.

4.2.3. Absence of Algorithmic-Management Regulation

Vietnamese law currently contains no sector-specific regulation of algorithmic task allocation, dynamic pricing, rating-based deactivation, or workers' rights to contest automated decisions. Vietnam's Law on Cybersecurity and Personal Data Protection Decree (No. 13/2023/ND-CP) provide general data-protection obligations applicable to platforms as data controllers, but neither instrument was designed with the specific asymmetries of algorithmic labour management in mind such as the practical difficulty a driver faces in understanding or appealing why their acceptance rate fell, their account was suspended, or their per-trip fare was set at a given level.

4.2.4. Collective Representation

The VGCL is Vietnam's sole legally recognized trade union confederation, and its structures were built around enterprise-level unionization within conventional employer-employee relationships. Platform drivers, lacking

© 2026 by the author; licensee Scientific Hub

recognized employee status, generally fall outside formal union structures, although the VGCL has in recent years proposed policy reforms to MOLISA (now integrated into the Ministry of Home Affairs) to extend social protection to app-based drivers and has signalled intent to expand outreach to this workforce. In the absence of a clear legal status and organizing framework, driver discontent has at times found expression through informal collective action, including wildcat work stoppages over fare cuts and commission increases, rather than through institutionalized bargaining channels.

4.2.5. Wage and Working-Condition Protections

Platform earnings in some cities exceed the statutory regional minimum wage, but this comparison is misleading: platform workers bear vehicle costs, fuel, phone data, and depreciation out of gross platform income, receive no paid leave, no severance, no overtime premium, and no employer-funded insurance costs and protections that a minimum-wage employee receives in addition to base pay. Vietnamese law has no provision requiring platforms to disclose or justify commission structures, guarantee minimum per-trip or per-task pay, or reimburse work-related expenses, all of which Convention No. 193 identifies as core remuneration protections.

4.2.6. Gap Analysis

Table 1. Gap Analysis of Vietnamese Legal Framework against ILO Convention No. 193 Requirements.

Convention No. 193 requirement	**Vietnamese legal position**	**Gap**
Correct, fact-based determination of employment status; effective mechanism against misclassification	No statutory presumption or platform-specific test; "business partner" label operates largely unchallenged	Significant - core structural gap
Universal protections (freedom of association, non-discrimination, safety) regardless of status	Guaranteed for employees; uncertain and largely untested for "partners"	Significant
Adequate, timely remuneration and cost reimbursement	No minimum per-trip pay, no mandated expense reimbursement, no commission transparency	Significant
Algorithmic transparency and human review of automated decisions	No platform-specific regulation; general data-protection law does not address labour-management algorithms	Significant
Extension of social protection adapted to irregular/multi-platform income	Voluntary social insurance only, narrower benefits, low uptake	Moderate–Significant
Occupational safety and health coverage	Labour Code OSH provisions apply to employees only	Significant
Enabling framework for organizing and collective bargaining, including self-employed workers	VGCL structured around enterprise unions; no platform-worker organizing framework	Significant
Accessible dispute resolution and remedies	General labour dispute mechanisms unavailable to non-employees; civil courts are the only recourse and are rarely used by drivers	Significant
Cross-border platform cooperation	No specific framework; relevant given many platforms (Grab, Gojek) are foreign-domiciled	Moderate

- The pattern is consistent: Vietnam's framework was built for a binary employee/non-employee world, and the "business partner" classification has functioned as an exit from virtually every protection the Convention treats as a floor. This is not unique to Vietnam - the same classification dynamic drove disputes in California, the United Kingdom, the Netherlands, and Spain before those jurisdictions legislated or litigated their way to reform\ but Vietnam's gap analysis is complicated by its one-party corporatist industrial-relations system, in which the VGCL's dual role as both a party-state institution and a representative body shapes how any new organizing rights for platform workers would likely be implemented.

4.3. Recommendations for Vietnamese Lawmakers

The recommendations below are organized by time horizon, reflecting the reality that full alignment with a Convention this comprehensive cannot occur in a single legislative step, and that Vietnam has historically preferred a "conformity first" approach to ratification bringing domestic law into substantial alignment before formally ratifying, as it did with Conventions 98 and 105.

4.3.1. Immediate Steps (0–12 Months)

Conduct a formal tripartite gap analysis. The Ministry of Home Affairs, in consultation with the VGCL, the Vietnam Chamber of Commerce and Industry (VCCI), and platform operators, should commission a structured comparison of Convention No. 193 against the Labour Code 2019, the Social Insurance Law, and relevant decrees following the same model used ahead of the Convention 87 ratification process to produce a public report identifying legislative gaps and options.

Commission an evidentiary study of platform worker numbers, income, and conditions. Reliable, disaggregated data (by platform, city, and work type) on the size of the workforce, average net income after costs, injury rates, and social-insurance enrollment should be compiled by the General Statistics Office, since current estimates rely substantially on platform-reported or NGO-compiled figures.

Table the Convention before the National Assembly under Article 19 of the ILO Constitution, regardless of the ratification timeline, to formally place the issue before the competent legislative authority and generate a public legislative record a low-cost, high-visibility step that signals policy direction to platforms, workers, and trading partners.

© 2026 by the author; licensee Scientific Hub

4.3.2. Medium-Term Legislative Measures (1–3 Years)

Introduce a statutory test or rebuttable presumption for platform employment status. Rather than requiring a wholesale re-classification of all platform workers as employees (which risks reducing flexibility that many workers value and could accelerate platform automation or market exit), the Labour Code or an implementing decree should establish clear, fact-based indicators (direction over pricing, algorithmic performance management, exclusivity pressure, disciplinary power via deactivation) that trigger employee status, placing the burden on the platform to demonstrate genuine independence where these indicators are present. Spain's "riders' law" presumption and the EU Platform Work Directive's rebuttable-presumption model offer comparative templates that can be adapted, not imported wholesale, to Vietnamese conditions.

Create an intermediate legal category or "third status" only if evidence supports it, and only as a floor, not a ceiling. If the tripartite gap analysis under first recommendation finds that a binary employee/self-employed model is administratively unworkable in the short term, lawmakers may consider a statutorily defined "dependent platform worker" category carrying mandatory social insurance and minimum remuneration protections without full Labour Code coverage as an interim step, provided it is explicitly framed as a floor that does not foreclose later reclassification as ordinary employment.

Extend compulsory (not merely voluntary) social insurance to platform workers, with contribution mechanisms adapted to irregular, multi-platform income for example, a percentage-of-earnings withholding remitted by platforms directly to Vietnam Social Security, similar to mechanisms piloted for other flexible-income groups. Platforms, as the entities with transaction-level income data, are best positioned to administer withholding, and the law should assign them this obligation regardless of the workers' ultimate employment classification.

Enact algorithmic-management disclosure and human-review requirements through an amendment to the Labour Code or a dedicated decree, requiring platforms operating in Vietnam to: (a) disclose in plain Vietnamese the general logic used for task allocation, pricing, and account deactivation; (b) provide a human review channel, with a defined response time, before permanent deactivation; and (c) prohibit retaliatory deactivation for workers exercising a legal right (including union or collective activity). This should be coordinated with, not duplicative of, obligations already emerging under Vietnam's personal-data-protection framework.

Mandate cost transparency and minimum remuneration floors, requiring platforms to disclose commission rates and any changes with advance notice, and to guarantee that net per-trip or per-task pay (after platform commission) does not fall below a defined floor referenced to the regional minimum wage, adjusted for the self-funded nature of platform work (vehicle, fuel, data costs).

Empower DOLISA/labour-inspectorate authorities with platform-specific investigatory capacity**, including the statutory authority to request algorithmic and payment records from platforms during misclassification investigations a capability current inspectorates largely lack.

4.3.3. Longer-Term and Structural Measures (3–5+ Years)

Develop an organizing and representation framework for platform workers, working with the VGCL to pilot sectoral or platform-specific representative structures (rather than only enterprise-level unions), recognizing that platform workers' dispersed, app-mediated work does not fit the traditional single-workplace organizing model. This could draw on the VGCL's own 2022 proposals to MOLISA and should explicitly extend to self-employed platform workers, consistent with Article 5's approach to universal collective rights regardless of status.

Build accessible, low-cost dispute-resolution channels specifically for platform-work disputes potentially through an expedited mediation or arbitration track within existing labour dispute institutions since ordinary civil litigation is inaccessible in practice to most individual drivers given cost, time, and evidentiary asymmetries with platforms.

Assess formal ratification once conformity is substantially achieved. Consistent with Vietnam's established practice, the National Assembly should revisit ratification once domestic law has been brought into substantial alignment with the Convention's core obligations (recommendations 4–9 above), rather than ratifying first and legislating later. Ratification at that stage would carry meaningful signaling value for Vietnam's trade relationships (notably under the EU–Vietnam Free Trade Agreement's Trade and Sustainable Development chapter, which already anchors Vietnam's ILO ratification commitments) without creating premature binding obligations Vietnam is not yet positioned to meet.

Monitor the forthcoming ILO Recommendation. Because the Conference did not finalize an accompanying Recommendation in 2026, Vietnamese authorities should track its future negotiation and adjust implementing decrees once more detailed interpretive guidance becomes available, rather than over-specifying now in ways that may require early amendment.

5. Conclusion

Convention No. 193 does not ask states to abolish the flexibility that draws millions of workers, including in Vietnam, to platform work; it asks them to stop treating flexibility and protection as mutually exclusive. For Vietnam, the Convention arrives at a moment when the costs of inaction are already visible in uninsured drivers bearing accident risk alone, in wildcat disputes over unilateral commission changes, and in a decade-old "business partner" classification that Vietnam's own union leadership has questioned. Vietnam's track record of ratifying ILO instruments only after substantial domestic alignment most recently with Conventions 98 and 105 suggests that immediate ratification of Convention No. 193 is unlikely and, arguably, not the most useful first step. What matters more in the near term is that lawmakers use the Convention as a structured reference point: to conduct the gap analysis, extend compulsory social protection, regulate algorithmic management, and build a credible employment-status test, so that when ratification is eventually considered, it reflects a labour market already substantially in line with the floor the Convention establishes rather than a legal aspiration disconnected from practice.

© 2026 by the author; licensee Scientific Hub

References

Aloisi, A. (2016). Commoditized workers: Case study research on labour law issues arising from a set of "on-demand/gig economy" platforms. Comparative Labor Law & Policy Journal, 37(3), 620–653.

Aloisi, A., & De Stefano, V. (2018). European legal framework for "digital labour platforms". European Commission, Joint Research Centre. https://doi.org/10.2760/78590

Behrendt, C., & Nguyen, Q. A. (2018). Innovative approaches for ensuring universal social protection for the future of work (Future of Work Research Paper No. 1). International Labour Organization. https://www.ilo.org/publications/innovative-approaches-ensuring-universal-social-protection-future-work

Buckley, J. (2021). Vietnamese labour militancy: Capital-labour antagonisms and self-organised struggles. Routledge.

Cherry, M. A., & Aloisi, A. (2017). "Dependent contractors" in the gig economy: A comparative approach. American University Law Review, 66(3), 635–689.

De Stefano, V. (2016). The rise of the "just-in-time workforce": On-demand work, crowdwork, and labour protection in the "gig-economy." Comparative Labor Law & Policy Journal, 37(3), 461–471.

De Stefano, V., Durri, I., Stylogiannis, C., & Wouters, M. (2021). Platform work and the employment relationship (ILO Working Paper No. 27). International Labour Organization.

Galière, S. (2020). When food-delivery platform workers consent to algorithmic management: A Foucauldian perspective. New Technology, Work and Employment, 35(3), 357–370. https://doi.org/10.1111/ntwe.12177

Gandini, A. (2019). Labour process theory and the gig economy. Human Relations, 72(6), 1039–1056. https://doi.org/10.1177/0018726718790002

Harris, S. D., & Krueger, A. B. (2015). A proposal for modernizing labor laws for twenty-first-century work: The "independent worker" (Hamilton Project Discussion Paper 2015-10). The Brookings Institution.

Kellogg, K. C., Valentine, M. A., & Christin, A. (2020). Algorithms at work: The new contested terrain of control. Academy of Management Annals, 14(1), 366–410. https://doi.org/10.5465/annals.2018.0174

Lata, L. N. (2023). Platformisation and the migrant labour process: Precarity, algorithmic control, and resistance. Work, Employment and Society, 37(5).

Ogletree Deakins. (2026, June 12). ILO adopts first global labor standard for platform work: What U.S. companies need to know. https://ogletree.com/insights-resources/blog-posts/ilo-adopts-first-global-labor-standard-for-platform-work-what-u-s-companies-need-to-know/

OnLabor. (2026, June 24). A win for platform workers: ILO Convention No. 193. https://onlabor.org/a-win-for-platform-workers-ilo-convention-no-193/

OnLabor. (2026, July 6). Making gig work pay: ILO Convention 193 and remuneration. https://onlabor.org/making-gig-work-pay-ilo-convention-193-and-remuneration/

Prassl, J., & Risak, M. (2016). Uber, TaskRabbit, & Co.: Platforms as employers? Rethinking the legal analysis of crowdwork. Comparative Labor Law & Policy Journal, 37(3), 619–652.

Rosenblat, A., & Stark, L. (2016). Algorithmic labor and information asymmetries: A case study of Uber's drivers. International Journal of Communication, 10, 3758–3784. https://ijoc.org/index.php/ijoc/article/view/4892

Standing, G. (2011). The precariat: The new dangerous class. Bloomsbury Academic.

Stewart, A., & Stanford, J. (2017). Regulating work in the gig economy: What are the options? The Economic and Labour Relations Review, 28(3), 420–437. https://doi.org/10.1177/1035304617722461

TASC Platform. (2026, July 20). ILO Convention No. 193: A global framework for decent work in the platform economy. https://tascplatform.org/whats-new/ilo-convention-no-193-a-global-framework-for-decent-work-in-the-platform-economy

Tran, A. N. (2013). Ties that bind: Cultural identity, class, and law in Vietnam's labor resistance. Cornell Southeast Asia Program Publications.

Weil, D. (2014). The fissured workplace: Why work became so bad for so many and what can be done to improve it. Harvard University Press.

Wood, A. J., Graham, M., Lehdonvirta, V., & Hjorth, I. (2019). Good gig, bad gig: Autonomy and algorithmic control in the global gig economy. Work, Employment and Society, 33(1), 56–75. https://doi.org/10.1177/0950017018785616

International Labour Organization. (2012). Social protection floors recommendation, 2012 (No. 202). https://www.ilo.org/resource/other/social-protection-floors-recommendation-2012-no-202

International Labour Organization. (2015). Transition from the informal to the formal economy recommendation, 2015 (No. 204). https://www.ilo.org/resource/other/transition-informal-formal-economy-recommendation-2015-no-204

International Labour Organization. (2021). World employment and social outlook 2021: The role of digital labour platforms in transforming the world of work. https://www.ilo.org/publications/flagship-reports/role-digital-labour-platforms-transforming-world-work

International Labour Organization. (2026a). Convention concerning decent work in the platform economy, 2026 (No. 193). https://www.ilo.org/resource/record-decisions/convention-concerning-decent-work-platform-economy-2026

International Labour Organization. (2026b, June 18). How will the new Convention No. 193 promote decent work in the platform economy? https://www.ilo.org/resource/article/new-ilo-convention-decent-work-platform-economy-key-questions-answered

Buckley, J. (2023). The labour politics of app-based driving in Vietnam. ISEAS–Yusof Ishak Institute.

Do, H. H., Le, T., Chien, D. T., Tuyet, H. T. N., Chau, N. T. M., Son, L. M., & Thang, N. Q. (2023). "Mercedes in two years?" Grab workers' mounting discontent and wildcat strikes in Vietnam. Asian Labour Review. https://labourreview.org/grab-workers-in-vietnam/

International Labour Organization. (2019, June 14). ILO welcomes Viet Nam's vote to ratify ILO fundamental convention on collective bargaining. https://www.ilo.org/resource/news/ilo-welcomes-viet-nams-vote-ratify-ilo-fundamental-convention-collective

Le Tuyet. (2026, June 15). Over a decade later, Vietnam's 600,000 gig drivers remain uninsured workers. VnExpress International. https://e.vnexpress.net/news/news/over-a-decade-later-vietnam-s-600-000-gig-drivers-remain-uninsured-workers-5084753.html

Labour Code No. 45/2019/QH14 (Vietnam, effective January 1, 2021).

RIPESS. (2026, June 16). RIPESS political statement on the adoption of ILO Convention No. 193. https://www.ripess.org/ripess-political-statement-on-the-adoption-of-ilo-convention-no-193/?lang=en

© 2026 by the author; licensee Scientific Hub