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LABOUR RIGHTS PROTECTION IN THE AGE OF ARTIFICIAL INTELLIGENCE: REGULATORY CHALLENGES AND REFORM DIRECTIONS FOR VIETNAMESE LABOUR LAW

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ABSTRACT

This article critically examines the impact of artificial intelligence (AI) on labour relations and labour rights protection under Vietnamese labour law in the context of digital transformation and platform-based employment. The study analyses the legal implications of algorithmic management, automated decision-making, workplace surveillance technologies, and digital labour platforms. Employing doctrinal legal research, comparative legal analysis, and qualitative policy evaluation, the article assesses the adequacy of the Vietnamese Labour Code 2019 and related legal instruments in addressing emerging technological risks affecting workers' rights.

We argue that the current Vietnamese legal framework remains insufficiently equipped to regulate AI-driven employment governance, particularly regarding platform worker classification, algorithmic transparency, automated managerial decision-making, workplace surveillance, and employee data protection. Comparative analysis of the European Union's Artificial Intelligence Act, the proposed Platform Work Directive, Germany's co-determination approach, and Spain's Riders Law demonstrates the increasing international recognition that labour law must adapt to technologically mediated employment relations while preserving fundamental labour protections.

The article contributes to the emerging scholarship concerning AI and labour law in Vietnam by integrating labour law analysis with international labour standards, comparative legal experiences, and technological governance principles. It further proposes a comprehensive reform agenda for Vietnamese labour law based on transparency, human oversight, algorithmic accountability, anti-discrimination safeguards, and strengthened collective labour rights in digital workplaces.

KEYWORDS: artificial intelligence; labour law; algorithmic management; digital labour platforms; workplace surveillance; platform work; labour rights; Vietnamese labour law.



INTRODUCTION

Artificial intelligence (AI) is increasingly transforming labour markets and employment relations worldwide. The use of algorithmic management, automated decision-making, and digital labour platforms has significantly altered traditional workplace governance and labour organization. Employers now rely on AI systems to recruit workers, allocate tasks, monitor productivity, and evaluate employee performance. As a result, managerial authority in many workplaces is gradually shifting from direct human supervision to data-driven technological control.

The expansion of AI-driven employment models also creates major challenges for labour law. Traditional labour law frameworks were primarily designed for standard employment relationships characterized by stable workplaces and clear subordination between employers and employees. However, platform work and automated management systems increasingly blur the distinction between employees and independent contractors, thereby weakening conventional labour protections. Furthermore, AI-based workplace governance raises growing concerns regarding algorithmic discrimination, workplace surveillance, employment insecurity, and collective labour rights.

In Vietnam, digital transformation and artificial intelligence have become important national development priorities. Digital labour platforms and technology-based employment models are rapidly expanding in sectors such as transportation, delivery services, e-commerce, and online freelance work. Nevertheless, Vietnamese labour law has not yet developed a comprehensive legal framework capable of effectively regulating AI-driven employment relations and protecting workers from emerging technological risks.

International scholarship concerning AI and labour rights has grown significantly in recent years. Existing studies mainly focus on algorithmic management, platform work, and automated employment governance. The International Labour Organization (ILO) emphasizes that while digital technologies may improve productivity and economic efficiency, they may also increase labour precarity and weaken labour protections if not adequately regulated. At the regional level, the European Union has adopted important regulatory initiatives, including the Artificial Intelligence Act and the proposed Platform Work Directive, aimed at strengthening transparency, human oversight, and labour rights protection in digital workplaces.

Despite the growing international literature, Vietnamese legal scholarship concerning AI and labour relations remains relatively limited. Existing domestic studies primarily examine digital transformation or economic policy, while comprehensive labour-law-oriented analyses of algorithmic governance and labour rights protection remain insufficient. In particular, issues such as workplace surveillance, automated decision-making, and the legal status of platform workers have not yet been adequately examined under Vietnamese labour law.



Against this background, this article examines the challenges posed by artificial intelligence to labour rights protection under Vietnamese labour law. The article addresses three principal questions: (i) how AI affects labour rights and employment relations in Vietnam; (ii) what legal gaps currently exist within Vietnamese labour law; and (iii) what reforms should be adopted to ensure effective labour rights protection in the digital economy.

Methodologically, the article employs doctrinal legal research, comparative legal analysis, and qualitative policy analysis. Vietnamese labour legislation is analysed in comparison with international labour standards and the European Union's regulatory framework concerning artificial intelligence and platform work. Through these approaches, the article seeks to provide a comprehensive legal assessment of AI-driven employment relations in Vietnam.

RESEARCH FINDINGS

2.1. AI and the Transformation of Labour Relations

The rapid development of artificial intelligence has fundamentally transformed the structure and operation of labour relations in the digital economy. Unlike previous technological innovations that mainly supported human labour, contemporary AI systems increasingly perform managerial, supervisory, and decision-making functions traditionally exercised by employers or human managers. As a result, labour relations are no longer shaped solely by contractual arrangements between employers and employees, but are also increasingly influenced by automated systems, algorithmic governance, and data-driven management models.

One of the most significant consequences of AI development is the growing level of automation within labour markets. Automation technologies powered by artificial intelligence are capable of replacing human labour in both manual and cognitive tasks across various industries, including manufacturing, transportation, logistics, finance, and customer services. While automation may increase productivity and economic efficiency, it also creates substantial risks relating to technological unemployment, job displacement, and labour market polarization. In particular, low-skilled and routine-based occupations are more vulnerable to automation, thereby increasing inequality and employment insecurity among workers. Consequently, AI-driven automation has generated important debates concerning the future of work and the adequacy of existing labour law protections.

In addition, AI has accelerated the expansion of platform work and non-standard forms of employment. Digital labour platforms such as ride-hailing, food delivery, and online freelancing services increasingly rely on AI technologies to allocate work, monitor performance, calculate remuneration, and discipline workers. In these employment models, the traditional employer-employee relationship becomes less visible because managerial functions are embedded within digital platforms and automated systems rather than exercised directly by human supervisors. As a result, platform workers often experience significant legal uncertainty regarding their employment status and access to labour protections.



Another important transformation concerns the rise of algorithmic supervision in workplaces. Employers increasingly utilize AI systems to collect and analyse workers' data in real time, including productivity levels, behavioural patterns, location tracking, and communication activities. Through algorithmic supervision, employers are able to exercise continuous monitoring and behavioural control over workers with unprecedented intensity. However, the extensive use of digital surveillance technologies raises serious legal concerns regarding privacy rights, human dignity, and proportionality in employment relations. Furthermore, algorithmic decision-making processes are often opaque, making it difficult for workers to understand, challenge, or appeal decisions affecting their employment conditions.

The transformation of labour relations is also characterized by the emergence of data-driven employment models. In digital workplaces, workers' personal data and performance metrics increasingly become central elements of labour management and economic value creation. AI systems process large amounts of employee data to optimize workforce allocation, productivity measurement, and managerial decision-making. This shift toward data-driven employment has intensified concerns regarding data ownership, informed consent, workplace transparency, and the protection of personal information in labour relations.

Finally, AI-driven labour relations contribute to new forms of digital dependency between workers and digital platforms. Although platform work is often presented as flexible and autonomous, many workers become economically dependent on platform algorithms that determine access to work opportunities, remuneration levels, customer visibility, and performance ratings. In practice, workers may have limited bargaining power and little control over algorithmic systems governing their working conditions. Therefore, the apparent flexibility of digital employment may conceal asymmetrical power relations similar to traditional employment dependency.

From a labour law perspective, these transformations challenge many foundational assumptions of traditional employment regulation. Existing labour law frameworks were primarily designed to regulate stable and identifiable employment relationships characterized by direct managerial authority and physical workplaces. However, AI-driven labour relations increasingly blur the boundaries between employment and self-employment, human management and algorithmic governance, as well as workplace autonomy and digital control. Consequently, labour law systems, including Vietnamese labour law, face growing pressure to adapt to emerging forms of technological management and to ensure effective protection of workers' rights in the digital economy.

2.2. Emerging Risks to Labour Rights

The growing application of artificial intelligence in employment relations has generated new and complex risks to labour rights that traditional labour law frameworks were not originally designed to address. Although AI technologies may improve efficiency, productivity, and labour market



flexibility, they also create significant challenges relating to equality, privacy, employment security, and collective labour rights. In many cases, technological governance mechanisms have strengthened managerial control over workers while simultaneously weakening the effectiveness of existing labour protections. Consequently, the expansion of AI-driven employment systems requires careful legal examination from the perspective of workers' rights protection.

a) Discrimination and Automated Decision-Making

One of the most significant concerns associated with AI-driven employment systems relates to discrimination arising from automated decision-making processes. Increasingly, employers use AI technologies to recruit employees, screen job applicants, evaluate work performance, and determine promotion or dismissal decisions. These systems rely heavily on algorithmic models trained on historical datasets that may contain structural biases relating to gender, age, race, disability, or socio-economic background. As a result, AI systems may reproduce or even intensify discriminatory practices that already exist within labour markets.

The risk of algorithmic discrimination is particularly serious because automated decision-making processes are often opaque and difficult to challenge. Workers and job applicants frequently lack access to information regarding how algorithmic systems evaluate performance or make employment-related decisions. Consequently, individuals affected by discriminatory AI decisions may be unable to identify the existence of discrimination or exercise their procedural rights effectively. This problem is commonly described as the "black box" nature of artificial intelligence, where the internal logic of algorithmic decision-making remains inaccessible even to employers themselves.

Furthermore, the increasing use of automated dismissal systems raises concerns regarding fairness and due process in employment relations. Some digital labour platforms rely on automated ratings and performance metrics to suspend or deactivate workers without meaningful human review. Such practices may undermine fundamental labour principles relating to transparency, accountability, and the right to contest adverse employment decisions.

b) Workplace Surveillance and Privacy

Another major challenge concerns the expansion of workplace surveillance through AI-powered monitoring technologies. Employers increasingly utilize digital tools capable of collecting and analysing large amounts of employee data in real time, including productivity metrics, communication records, internet activity, biometric information, and location tracking. AI technologies enable employers to monitor workers continuously and evaluate behavioural patterns with unprecedented precision and intensity.

The widespread use of workplace surveillance technologies creates serious concerns regarding employees' privacy rights and human dignity. Traditional labour law generally recognizes that managerial authority should be balanced against workers' rights to privacy and personal autonomy.



However, AI-driven monitoring systems significantly expand the scope and intensity of employer surveillance, thereby increasing the risk of excessive control and intrusive data collection practices.

Particularly controversial is the use of biometric technologies such as facial recognition systems, fingerprint identification, emotion-detection software, and voice analysis tools in workplaces. Although these technologies are often justified on grounds of efficiency and security, they may expose workers to substantial risks concerning misuse of personal data, unauthorized data sharing, and discriminatory profiling. Moreover, employees in dependent employment relationships may not be in a genuine position to provide free and informed consent to the collection of sensitive personal data. Consequently, the application of biometric surveillance technologies raises important legal questions concerning proportionality, necessity, and data protection in employment relations.

c) Employment Insecurity

Artificial intelligence and digital labour platforms have also contributed to growing employment insecurity in the digital economy. Platform-based work arrangements are often characterized by short-term engagements, unstable income, irregular working hours, and limited access to social protection mechanisms. While platform work is frequently promoted as flexible and autonomous, many workers remain economically dependent on digital platforms without enjoying the legal protections traditionally associated with employment relationships.

A central issue concerns the emergence of disguised employment relationships. Many digital platforms classify workers as independent contractors rather than employees, even though platforms may exercise significant control over pricing, work allocation, performance standards, and disciplinary measures through algorithmic systems. As a result, platform workers may perform work under conditions functionally similar to employment while remaining excluded from labour law protections such as minimum wage guarantees, occupational safety, social insurance, and collective bargaining rights.

The expansion of AI-driven labour markets may also intensify economic precarity and labour market fragmentation. Automated systems allow employers to externalize labour costs and reduce long-term employment commitments by relying increasingly on temporary, task-based, and on-demand work arrangements. Consequently, workers may experience declining job stability and increased vulnerability to economic fluctuations and technological replacement.

d) Challenges to Collective Labour Rights

AI-driven employment models also create substantial challenges for the protection of collective labour rights. Digital labour platforms and algorithmic management systems often fragment the workforce by decentralizing work arrangements and reducing direct interaction among workers. Unlike traditional workplaces where employees share common physical spaces and organizational structures, platform workers frequently operate individually and remotely through digital interfaces.



This fragmentation may weaken collective solidarity and reduce workers' capacity to organize trade unions or engage in collective bargaining. In addition, platform operators frequently classify workers as self-employed individuals, thereby excluding them from legal frameworks governing collective labour rights in many jurisdictions. As a result, workers may face significant barriers in exercising rights relating to unionization, collective representation, and industrial action.

Moreover, algorithmic management systems may further weaken collective labour protections by individualizing employment relations through personalized ratings, performance evaluations, and incentive structures. Instead of fostering collective working conditions, digital platforms often encourage competition among workers and rely on opaque algorithmic systems that limit transparency and accountability. Consequently, the rise of AI-driven labour relations may undermine traditional mechanisms of collective labour protection and require new regulatory approaches capable of protecting workers' collective interests in digitally mediated workplaces.

From a broader legal perspective, these emerging risks demonstrate that artificial intelligence is not merely a technological issue but also a significant labour rights challenge. Therefore, labour law systems must adapt to ensure that technological innovation remains compatible with principles of equality, human dignity, decent work, and social justice.

2.3. Limitations of Vietnamese Labour Law

Despite significant reforms in recent years, Vietnamese labour law has not yet developed a comprehensive legal framework capable of effectively regulating artificial intelligence and digital labour relations. Existing labour legislation was primarily designed for conventional employment relationships characterized by direct managerial supervision, fixed workplaces, and stable contractual arrangements. Consequently, the rapid emergence of algorithmic management, platform work, and AI-driven employment models has exposed substantial regulatory limitations within the current Vietnamese labour law system.

a) Limitations of the Labour Code 2019

The Labour Code 2019 constitutes the principal legal instrument governing employment relations in Vietnam. The Code introduced several important reforms relating to labour contracts, workplace dialogue, collective bargaining, and dispute resolution mechanisms in order to improve compliance with international labour standards. Nevertheless, the Labour Code 2019 was enacted before the widespread expansion of artificial intelligence technologies in labour governance. As a result, many of its provisions remain primarily oriented toward traditional employment structures and are not fully capable of addressing technologically mediated labour relations.

One major limitation concerns the legal criteria used to identify employment relationships. Under Article 13 of the Labour Code 2019, an employment relationship exists where a worker performs work under the management, supervision, and administration of another party in exchange for remuneration.



However, AI-driven labour relations increasingly rely on indirect and automated forms of managerial control exercised through algorithms and digital platforms rather than direct human supervision. Consequently, traditional legal indicators of subordination may no longer adequately reflect the realities of platform work and algorithmic governance.

In addition, the Labour Code 2019 does not contain specific provisions regulating the use of artificial intelligence in recruitment, performance evaluation, automated dismissal, or workplace surveillance. Although the Code recognizes general principles of equality, dignity, and non-discrimination in employment relations, these provisions were not specifically designed to address the risks associated with algorithmic decision-making systems and AI-based managerial practices.

b) Absence of AI-Specific Labour Protections

Another significant limitation of Vietnamese labour law is the absence of AI-specific labour protections. Current legislation does not establish clear legal obligations regarding transparency, explainability, accountability, or human oversight in automated employment decision-making processes. As employers increasingly utilize AI technologies to recruit workers, allocate tasks, monitor productivity, and impose disciplinary measures, workers may become subject to extensive algorithmic control without sufficient procedural safeguards.

Comparatively, the Artificial Intelligence Act classifies AI systems used in employment and workforce management as high-risk technologies subject to strict regulatory obligations, including transparency requirements, human oversight, and risk assessments. In contrast, Vietnamese labour law currently lacks a specialized legal framework governing the deployment of artificial intelligence in labour relations. Consequently, there are no explicit legal requirements concerning algorithmic auditing, anti-discrimination testing, or workers' rights to contest automated employment decisions.

This regulatory gap may significantly weaken labour rights protection in technologically mediated workplaces. Employees affected by automated managerial decisions may encounter considerable difficulties in understanding the operation of algorithmic systems or seeking effective legal remedies against unfair treatment. Therefore, the absence of AI-specific safeguards creates substantial risks relating to discrimination, procedural fairness, and accountability in employment relations.

c) Unclear Legal Status of Platform Workers

One of the most controversial legal issues in Vietnam concerns the uncertain legal status of platform workers. Digital labour platforms operating in sectors such as transportation, food delivery, e-commerce, and online services have expanded rapidly in recent years. However, Vietnamese labour law has not yet established a coherent legal framework determining whether platform workers should be classified as employees, independent contractors, or an intermediate category of dependent workers.



In practice, many digital platforms characterize themselves merely as technology intermediaries connecting service providers and consumers rather than employers. Nevertheless, these platforms frequently exercise substantial control over workers through algorithmic systems governing work allocation, pricing mechanisms, customer ratings, and disciplinary sanctions. Such forms of digital control may create relationships functionally similar to employment despite the formal absence of labour contracts.

The legal ambiguity surrounding platform workers creates significant uncertainty regarding the applicability of labour protections. Many platform workers remain excluded from important rights guaranteed under labour law, including minimum wage protection, occupational safety standards, social insurance coverage, and collective bargaining rights. Consequently, the absence of clear legal classification criteria may facilitate disguised employment relationships and undermine the effectiveness of labour law in the digital economy.

d) Limited Regulation of Automated Management

Vietnamese labour law also demonstrates important limitations regarding the regulation of automated management and algorithmic governance in workplaces. Existing legal provisions governing managerial authority were developed primarily for traditional workplaces in which employers directly supervise and control employees. However, AI-driven management systems increasingly perform these functions through automated technologies capable of continuously monitoring workers' behaviour, productivity, and performance.

At present, Vietnamese law does not clearly regulate the permissible scope of algorithmic monitoring, automated performance evaluation, or AI-based disciplinary systems in employment relations. Moreover, employers are not subject to specific legal obligations requiring disclosure of the existence, functioning, or decision-making logic of algorithmic management systems. As a result, workers may be subjected to extensive digital surveillance and automated managerial control without meaningful transparency or procedural protection.

The limited regulation of automated management also raises concerns regarding legal accountability. Algorithmic systems may generate discriminatory or erroneous decisions affecting workers' employment conditions while legal responsibility for such decisions remains unclear. Consequently, existing labour law frameworks face substantial challenges in ensuring fairness, accountability, and effective human oversight within AI-driven employment environments.

e) Insufficient Data Protection in Employment Relations

Another major limitation concerns the insufficient protection of personal data in employment relations. AI-driven employment systems increasingly depend on the collection, processing, and analysis of workers' personal information, including behavioural data, location tracking, biometric identifiers, and productivity metrics. Nevertheless, Vietnamese labour law has not yet established a



comprehensive legal framework specifically regulating employee data protection in workplaces.

Although Vietnam adopted Decree No. 13/2023/NĐ-CP, the regulation mainly addresses general issues of personal data governance and does not provide detailed labour-specific safeguards. In employment relationships characterized by unequal bargaining power, workers may not be in a genuine position to provide free and informed consent regarding the collection and use of personal data. Therefore, reliance solely on consent-based mechanisms may be insufficient to protect workers' privacy rights effectively.

Furthermore, Vietnamese law currently lacks detailed regulations concerning workplace surveillance technologies, biometric data processing, algorithmic profiling, data minimization obligations, and employees' rights to access or challenge automated data processing practices. This regulatory gap becomes increasingly problematic as employers expand the use of AI-powered monitoring systems and data-driven managerial practices.

From a broader perspective, these limitations indicate that Vietnamese labour law remains largely reactive rather than proactive in responding to technological transformation. Consequently, substantial legal reforms may be necessary to ensure that labour rights protection remains effective and compatible with emerging forms of AI-driven employment relations.

2.4. Comparative Legal Experiences

The rapid expansion of artificial intelligence and digital labour platforms has prompted various international organizations and jurisdictions to develop new regulatory approaches aimed at protecting labour rights in technologically mediated employment relations. Comparative legal experiences demonstrate that traditional labour law frameworks are increasingly insufficient to address algorithmic management, platform work, workplace surveillance, and automated decision-making systems. Consequently, several jurisdictions — particularly the European Union and certain European states — have adopted innovative legal mechanisms designed to balance technological innovation with labour rights protection. These experiences may provide important references for future labour law reforms in Vietnam.

a) European Union

The European Union has emerged as one of the most active jurisdictions in regulating artificial intelligence and digital labour relations. The EU regulatory approach is largely rights-oriented and seeks to ensure that technological development remains compatible with fundamental rights, human dignity, and social justice.

A particularly important legal instrument is the Artificial Intelligence Act, which establishes the world's first comprehensive legal framework governing artificial intelligence. The Act adopts a risk-based regulatory approach by classifying AI systems according to the level of risk they pose to



individuals and society. AI systems used in employment, recruitment, worker management, and access to self-employment are classified as “high-risk” technologies subject to strict legal obligations.

Under the AI Act, providers and deployers of high-risk AI systems must comply with numerous requirements, including risk assessment procedures, human oversight mechanisms, transparency obligations, data governance standards, and record-keeping duties. Importantly, the regulation recognizes that AI systems used in labour relations may significantly affect workers’ fundamental rights, including equality, privacy, and fair working conditions. Therefore, the Act seeks to limit discriminatory and opaque algorithmic decision-making practices in employment contexts.

Another important initiative is the proposed Platform Work Directive, which aims to improve labour protections for platform workers throughout the European Union. The Directive addresses two major issues: the legal classification of platform workers and the regulation of algorithmic management. Under the proposed framework, a rebuttable presumption of employment may arise where digital platforms exercise significant control over workers’ activities. This approach seeks to prevent disguised employment relationships and ensure that platform workers receive appropriate labour protections.

In addition, the Directive establishes important transparency obligations concerning algorithmic management systems. Digital labour platforms must inform workers about automated monitoring systems and decision-making processes affecting working conditions, remuneration, work allocation, and suspension decisions. Workers are also granted rights to human review of significant automated decisions. These measures reflect an emerging international consensus that algorithmic management should remain subject to procedural fairness and human accountability.

The European Union has also strengthened data protection within employment relations through the General Data Protection Regulation (GDPR). The GDPR establishes comprehensive rules governing the collection, processing, and use of personal data, including employment-related information. Particularly significant are provisions concerning automated decision-making and profiling under Article 22 GDPR, which grants individuals the right not to be subject to decisions based solely on automated processing where such decisions significantly affect them.

The GDPR also recognizes the structural imbalance of power in employment relationships and emphasizes that employee consent may not always constitute a valid legal basis for data processing. Consequently, European data protection law imposes stricter obligations on employers regarding workplace surveillance, biometric data processing, and algorithmic profiling.

b) Germany

Germany has developed a relatively advanced legal framework concerning workplace data protection and employee participation in technological governance. German labour law traditionally places strong emphasis on co-determination and workers’ participation rights in workplace decision-making



processes.

Under the German Works Constitution Act, works councils possess substantial rights to participate in decisions involving technical systems designed to monitor employee behaviour or performance. Employers introducing AI-based monitoring technologies or algorithmic management systems are often required to consult and negotiate with employee representatives before implementation. This approach reflects the principle that technological innovation in workplaces should not undermine workers' dignity and autonomy.

Germany has also adopted strict rules governing employee data protection through the interaction between national labour law and the GDPR framework. Courts and regulatory authorities have increasingly scrutinized the proportionality and necessity of workplace surveillance technologies, particularly regarding biometric monitoring and continuous digital tracking systems.

The German experience demonstrates the importance of integrating labour rights protections with data governance and employee participation mechanisms in the regulation of artificial intelligence at work.

c) Spain

Spain has become an influential jurisdiction in regulating platform work and algorithmic management. In 2021, Spain adopted the so-called "Riders Law," which introduced significant legal protections for platform delivery workers. The legislation establishes a legal presumption that delivery riders working through digital platforms are employees rather than independent contractors where the platform exercises organizational and managerial control through algorithms.

The Spanish reform is particularly notable because it explicitly recognizes the role of algorithmic management in determining employment relationships. Rather than focusing exclusively on formal contractual arrangements, Spanish law examines the actual economic dependency and technological control exercised by digital platforms.

Furthermore, the Riders Law introduced important transparency obligations relating to algorithms used in employment management. Employers are required to inform workers' representatives about the parameters, rules, and instructions underlying algorithmic systems that affect working conditions, access to employment, or performance evaluations. This represents one of the first legislative attempts worldwide to regulate algorithmic transparency specifically within labour relations.

The Spanish experience illustrates that labour law may evolve to recognize new forms of digital subordination and algorithmic control while preserving the protective function traditionally associated with employment regulation.

d) International Labour Organization Standards

The International Labour Organization has also played an important role in shaping international discussions concerning artificial intelligence and labour rights. Although the ILO has not yet adopted



a specific convention regulating AI in employment relations, existing international labour standards provide important normative principles applicable to digital labour governance.

Core ILO conventions relating to freedom of association, collective bargaining, non-discrimination, occupational safety, and decent work remain highly relevant in the context of AI-driven employment. In particular, the ILO emphasizes that technological innovation should contribute to “human-centred” labour markets that promote decent work, social justice, and inclusive economic development.

The ILO has also expressed concern regarding the expansion of algorithmic management and digital labour platforms. Recent ILO reports highlight risks relating to opaque decision-making, excessive worker surveillance, employment insecurity, and weakened collective labour rights in platform economies. Consequently, the organization has increasingly called for stronger regulation ensuring transparency, accountability, and worker participation in digital labour governance systems.

Comparative legal experiences demonstrate that the regulation of artificial intelligence in labour relations requires an integrated legal approach combining labour law, data protection law, human rights principles, and technological governance mechanisms. These international developments may provide valuable guidance for Vietnam in developing a more comprehensive legal framework capable of protecting labour rights in the digital economy.

2.5. Recommendations for Vietnamese Labour Law Reform

The rapid expansion of artificial intelligence, digital labour platforms, and algorithmic management systems requires Vietnamese labour law to undergo substantial reform in order to ensure effective labour rights protection in the digital economy. Comparative legal experiences demonstrate that traditional labour law frameworks are increasingly insufficient to regulate technologically mediated employment relations. Therefore, Vietnam should adopt a comprehensive and rights-oriented regulatory approach integrating labour law, data protection, technological governance, and human rights principles.

a) Legal Recognition of Algorithmic Management and Platform Work

One of the most urgent reform priorities concerns the legal recognition of algorithmic management and platform work within Vietnamese labour law. Existing legal provisions continue to rely primarily on conventional indicators of employment relationships based on direct managerial supervision and physical workplace organization. However, AI-driven labour relations increasingly involve indirect technological control exercised through digital platforms and automated systems.

Vietnamese labour law should therefore introduce a legal definition of “algorithmic management” to clarify the forms of automated control exercised through artificial intelligence systems in employment relations. Such a definition should encompass automated decision-making processes relating to recruitment, task allocation, performance evaluation, disciplinary measures, remuneration



determination, and dismissal decisions. Explicit recognition of algorithmic management would provide an important legal basis for regulating AI-driven workplace governance.

In addition, Vietnamese labour law should establish clearer legal criteria for determining the employment status of platform workers. Comparative legal experiences — particularly those of the European Union and Spain — demonstrate the importance of examining the actual degree of economic dependency and technological control rather than relying exclusively on formal contractual classifications. Accordingly, Vietnamese law may adopt a rebuttable presumption of employment where digital platforms exercise substantial managerial authority through algorithms, pricing systems, or performance monitoring technologies.

Such reforms would reduce legal uncertainty surrounding platform work and help prevent disguised employment relationships that undermine labour protections.

b) Strengthening Transparency and Human Oversight Requirements

Another important reform direction involves strengthening transparency obligations and human oversight mechanisms in algorithmic management systems. AI-driven employment governance often operates through opaque and complex automated processes that workers may neither understand nor effectively challenge. Consequently, the absence of transparency may weaken procedural fairness and accountability in employment relations.

Vietnamese labour law should therefore establish legal obligations requiring employers and digital labour platforms to disclose the existence, purpose, and operational logic of algorithmic management systems used in workplaces. Workers should be informed whenever automated systems significantly affect recruitment decisions, work allocation, performance evaluations, disciplinary sanctions, or termination procedures.

Furthermore, employees should possess the right to request explanations regarding automated employment decisions that significantly affect their rights and interests. Vietnamese law should also guarantee meaningful human oversight over important employment decisions involving artificial intelligence. In particular, workers should have the right to obtain human review of automated disciplinary measures, dismissals, or other adverse employment decisions generated by algorithmic systems.

These reforms would contribute to improving procedural fairness, legal accountability, and trust in technologically mediated employment governance.

c) Enhancing Protection against AI Discrimination and Digital Surveillance

Vietnamese labour law should also strengthen protections against AI-based discrimination and excessive digital surveillance. Artificial intelligence systems may reproduce or amplify existing forms of discrimination through biased datasets, opaque algorithms, or unequal technological design. At the



same time, digital workplace technologies increasingly enable continuous monitoring of workers' productivity, behaviour, location, and biometric information.

Current Vietnamese labour law contains general principles prohibiting discrimination in employment relations but lacks specific rules addressing algorithmic bias and automated discrimination. Consequently, future reforms should establish legal obligations requiring employers to assess and mitigate discriminatory risks associated with AI systems used in recruitment, performance evaluation, and labour management. Independent auditing and periodic impact assessments may also be necessary for high-risk AI systems deployed in workplaces.

In addition, Vietnamese law should impose clearer limitations on workplace surveillance technologies. Employers should only be permitted to collect and process employee data where such activities are necessary, proportionate, and directly related to legitimate employment purposes. The use of biometric monitoring, facial recognition technologies, and continuous digital tracking systems should be subject to strict safeguards and independent oversight.

These protections are particularly important because excessive technological surveillance may undermine workers' privacy, dignity, autonomy, and psychological well-being.

d) Strengthening Collective Labour Rights in Digital Workplaces

The digitalization of labour relations also requires reforms aimed at strengthening collective labour rights within technologically fragmented workplaces. Platform work and remote digital employment often weaken traditional forms of worker organization by decentralizing workplaces and reducing direct interaction among workers. Consequently, algorithmic management systems may undermine collective bargaining power and limit opportunities for collective representation.

Vietnamese labour law should therefore facilitate the development of digital trade union mechanisms and online collective representation platforms capable of operating effectively in decentralized work environments. Trade unions should also be granted rights to receive information concerning algorithmic management systems affecting workers' conditions of employment.

Moreover, worker representatives should participate in consultations regarding the introduction and deployment of AI-based management technologies within workplaces. Comparative experiences from Germany demonstrate that employee participation mechanisms may play an important role in balancing technological innovation with labour rights protection.

Vietnamese law should additionally recognize the principle of "algorithmic accountability," requiring employers and digital platforms to remain legally responsible for employment decisions generated through automated systems. Such accountability mechanisms would help ensure that technological governance remains subject to legal and ethical standards consistent with labour rights protection.



e) Institutional and Regulatory Reform

Finally, effective regulation of AI-driven employment relations requires broader institutional and regulatory reform. Labour inspectors, courts, and administrative agencies may currently lack sufficient technical expertise to assess complex algorithmic management systems and digital workplace technologies. Consequently, traditional labour enforcement mechanisms may become increasingly ineffective in technologically mediated workplaces.

Vietnam should therefore develop specialized regulatory guidance concerning artificial intelligence in labour relations, including guidelines addressing workplace surveillance, algorithmic transparency, automated decision-making, and platform work classification. Interdisciplinary cooperation between labour authorities, data protection agencies, technology experts, and trade unions may also become increasingly necessary.

In addition, labour inspection mechanisms should be modernized to address digital workplaces and AI-driven employment systems. Labour inspectors may require additional technical training to evaluate algorithmic governance systems, data-processing practices, and digital monitoring technologies used by employers and labour platforms.

From a broader perspective, the future development of Vietnamese labour law should adopt a human-centred approach to technological governance. Artificial intelligence should serve as a tool supporting decent work, social justice, and sustainable economic development rather than weakening labour protections and increasing workers' vulnerability. Therefore, comprehensive legal reform will be essential to ensure that labour rights remain effectively protected in the age of artificial intelligence.

CONCLUSION

The rapid development of artificial intelligence and digital labour platforms has fundamentally transformed traditional employment relationships and generated unprecedented challenges for labour law worldwide. AI-driven management systems, automated decision-making processes, and platform-based work increasingly blur the boundaries between conventional employment and technologically mediated labour relations. Consequently, existing labour law frameworks — including Vietnamese labour law — face substantial difficulties in ensuring effective protection of workers' rights in the digital economy.

This article has demonstrated that Vietnamese labour law currently lacks a coherent and comprehensive regulatory framework capable of addressing the legal risks arising from artificial intelligence in employment relations. Important regulatory gaps remain concerning the legal status of platform workers, algorithmic management, automated decision-making, workplace surveillance, and employee data protection. These limitations may weaken labour rights protection and increase workers' vulnerability in technologically mediated workplaces.

Drawing upon comparative legal experiences from the European Union, Germany, Spain, and



international labour standards developed by the International Labour Organization, this article argues that Vietnam should adopt a rights-based and human-centred approach to labour law reform. Future reforms should strengthen transparency obligations, algorithmic accountability, data protection safeguards, collective labour rights, and institutional enforcement mechanisms in digital workplaces.

From a broader perspective, this article contributes to emerging scholarship concerning artificial intelligence and labour law in Vietnam by bridging labour law analysis with technological governance and international labour standards. The article also seeks to provide theoretical and policy-oriented foundations for future legal reforms aimed at ensuring that technological innovation remains compatible with decent work principles, social justice, and the effective protection of fundamental labour rights in the age of artificial intelligence.

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