



RESEARCH ARTICLE

Ensuring Employment Rights for Citizens in Technology and Digital Age in Vietnam Today

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ARTICLE INFO	ABSTRACT
Received: Apr 24, 2024 Accepted: Aug 8, 2024	Today the advancement of science and technology has created a lot of forms of employment and new business models (such as digital labor platforms), and the use of social media has created multiple channels providing employment services. In Vietnam, these factors are both an opportunity and a challenge for citizens in the face of the new labor market. If new forms of employment and business models provided on digital platforms are not properly managed, it will lead to inequality in the labor market and greatly affect citizens' employment rights. Thus, the article focuses on pointing out the role of technology and digital platforms in ensuring people's employment rights in Vietnam and the content of ensuring citizens' employment rights in that new age.
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INTRODUCTION

Currently, digital labor platforms are considered as a means bringing about rapid changes in work and are of great significance to countries if they want to achieve the sustainable development goals (International labor organization ILO, 2021). Accordingly, the development of digital labor platforms has been providing lots of services and jobs, creating income for many people, including disadvantaged and vulnerable workers in society such as women, people with disabilities, employees in the informal economic sector, etc. Specially, in developing countries, including Vietnam, the digital labor platform is a channel that creates a new labor market where both employers and employees benefit. However, there are also many challenges for people in general and employees in particular when taking part in digital labor platforms, especially cross-border digital platforms. In which, challenges such as the right to freedom of association, the right to collective bargaining, the right to social security, working conditions, income, etc. In fact, the most recognizable thing is the emergence of digital technology, which creates a gap in income between low-level employees who are not tech-

savvy and highly qualified ones in the labor market. The reason is that low-skilled employees cannot adapt to technology in the digital economy. As a result, they will be excluded from the formal labor market and they will have access to precarious jobs, unstable incomes and fragile measures to protect their rights.

Therefore, in order that some rights of employees are not denied and are guaranteed in practice in digital platforms, it is essential to have the state's participation to ensure that: (1) The employment status of employees is correctly classified; (2) Full and expanded social security, and adjust the policy framework if necessary; (3) The process of terminating labor contracts is fair for foundation employees; (4) Ensure the transparency and accountability of the algorithms for employees and employers, etc. This is a solution that not only Vietnam but other nations need to recognize and respond to the fact that many employees are excluded from the official labor market because of the emergence of digital technology.

LITERATURE REVIEW AND METHODS

The United Nations said: "Technology can help the world become more equitable and more peaceful. Simultaneously, digital advancements in the technological age can assist countries in accelerating the development process to achieve each of the 17 Sustainable Development Goals (United Nations, 2015). From ending extreme poverty to reducing maternal and infant mortality; promoting sustainable agriculture and decent jobs as well as universal illiteracy. Nevertheless, technology can also threaten privacy, erode security, and cause inequality" (United Nations, 2022). This is a warning to nations about the positive and negative impact of technology. If nations know how to take advantage of the achievements of technology, it will help people easily access a large amount of information; enhance learning opportunities; help to simplify administrative procedures; save time and effort for people; create new industries and jobs, etc. On the contrary, if countries do not take advantage of and manage technology well, it will increase the risk of cyber attacks and theft of personal data; create disparities in employment opportunities between rural and urban areas; may cause several jobs to become obsolete, leading to unemployment and economic instability for affected workers; create a market monopoly of technology companies, etc. In the field of labor, the International Labour Organization (ILO) believes that the birth of technological revolutions has changed the quantity and quality of the workforce, creating new forms and models of employment. Specifically, with the transition to a greener economy, it is possible to create 24 million new jobs globally by 2030 through the adoption of sustainable development policies (United Nations, 2019). Meanwhile, reports from groups such as McKinsey suggest that 800 million people could lose their jobs due to automation by 2030. At the same time, current workers worry that they do not have enough necessary qualifications or skills to get a high-paying job (Diginights, 2024). Therefore, when building a system of policies and laws, countries need to anticipate the impacts of technology

so that the policies and laws coming into existence will respond, truly protect and ensure the rights of the people, including the right to labor and employment.

The research method used in this study is a multidisciplinary and interdisciplinary research method of economics, society and law. From this perspective and from the aspects of the economic and social reality of the problem, the author offers legal solutions in order to solve challenges that technology poses to employees. Additionally, the article uses the approach of researching the provisions in policies and laws on employment and labor. Placing employees' rights in the context of technology, thereby seeing the role of technology in ensuring citizens' employment rights.

The role of digital technology in ensuring citizens' employment rights in Vietnam

Firstly, advances in digital technology can create many new jobs, increase labor productivity, and improve the State's ability to implement policies. It is undeniable that digital technology will lead to job losses or job transitions, and potentially increase inequality between labor groups. For instance, employees in the informal economy face the risk of their jobs being replaced by advanced technology (Dr. Hoang Kim Khuyen, 2023). At the same time, due to differences in employees' qualifications and skills, employers require the recruitment of highly qualified employees to do the job. This requires low-skilled workers as well as elderly workers to be improved and trained. In addition, the profound impact of digital transformation is posing a need to change legislative thinking and readjust existing policies, require policy improvement and evaluation, and redesign of labor and employment policies. In other words, digital technology expands the policy review toolkit and this reduces the cost of testing state policies. This enhances the state's capacity to monitor results related to labor and employment policies that were previously unobservable or only observable but at great cost. In fact, in Vietnam, according to the World Bank (WB) assessment, if the rate of high-skilled workers in Vietnam is too low and not enough to meet the development rate of digital transformation, about 2 million jobs will be lost by 2045 (Vu Quang, 2022). Hence, one of the challenges Vietnam faces – the challenge of the quality of human resources. Accordingly, the structure of the labor force is unbalanced, especially workers with college, intermediate and low-skill degrees; the proportion of workers with high professional and technical qualifications only accounts for more than 11% of the total workforce; labor productivity is lower than that of many countries in the ASEAN region; limited foreign language ability, so on. Workers with limited qualifications and skills will be affected more and the risk of losing their jobs will also be higher under the impact of new science and technology. In other words, the boom in the application of digital technology, smart devices and the current trend of applying robots to production are posing challenges to the Vietnamese labor market. Abundant and cheap labor will no longer be a factor creating a competitive advantage and attracting foreign investment. Vietnam will probably be under pressure to create jobs and face an increase in

unemployment or lack of employment because Vietnam has a large population size but the quality of labor is not high (The Communist Party of Vietnam. 2022).

Secondly, the impact of digital skills and job digitization increases performance, efficiency and job coverage scope. Digital skills include skills, abilities, knowledge and work habits that allow people to access and use digital technology. This is one of the important factors for employees in the context of constantly changing work forms and nature of work. Besides, the potential of digital transformation so as to increase productivity and efficiency for employers and living standards for employees is huge. Because, the impact of job digitization is to transform current jobs, requiring new skills to perform new tasks. This implies that the current workforce must be fully trained, retrained or replaced. At once, digitalization creates new jobs while other jobs become redundant. Currently, for some target groups such as ethnic minorities, people with disabilities and migrant workers, digitization helps them grasp labor market information, reduce the burden of the recruitment process through online, and barriers to employment are pushed back. For the country, through information technology as a low labor market intermediary cost, this is a channel to expand employment services for a large number of employees compared to before. In other words, the digitization of employment services has created a big data to provide more accurate information about vacancies, job seekers, social security and labor benefits. In fact, according to statistics in Vietnam, 68% of jobs now require knowledge of digital skills, while 1/5 of jobs require particularly intensive digital skills (Vu Quang, 2022). Particularly, the job search method that job seekers and employers use based on Internet is becoming more popular. Specifically, according to many international surveys published in 2018, Vietnam is always on the list of countries with the highest number of social network users. For example, according to Markashwill, as of mid-2018, Vietnam had 58 million Facebook users and was one of the seven countries with the highest use of this social network all over the world (Cong Nhat, 2018). This shows that social networks have a great influence on job opportunities for people, helping job seekers have access to job listings at all national, regional and world levels. Specially, social media platforms provide opportunities to connect job seekers with industry experts. However, in Vietnam in recent times, in addition to organizations and individuals have promoted online recruitment through websites, Facebook, etc., there are many cases of being trapped in labor recruitment on social networks such as transfer of deposits, brokers, training costs, etc. Therefore, employment digitization has an impact on labor relations between employees and employers, especially employers in traditional industries because it drastically changes the way of organising work as well as the relationship between parties. At the same time, digitalization also sets out the state management of employment in order to help stabilize society.

Thirdly, to facilitate the transition from an informal economy to a formal economy. Currently, digitalization is redefining work in the labor market, which means that digitalization is reviving the

world of work, especially in the informal economy (Vicky Leung, 2021). Accordingly, there is a view that whether digital technology will improve working conditions and help the transition of jobs from informal to formal or not. However, it is a fact that the digital and technological exchange in the labor market is undermining some formal industries and creating informal forms of employment in the free economy. Concurrently, technology and digital can accelerate the transformation of workers and informal economic units to the formal economic sector – referred to as electronic formalization (i.e. the application of technology and digital to support the development and implementation of policies to increase productivity, improve fixed standards, create motivation and strengthen the enforcement system). Besides, new technology is leading people, making people change the way to find jobs, work, and manage work. The role of new technologies and the relationship of digital technology to the informal status (informal employment, informal labor and the informal sector) are being mentioned from various angles. The most important thing is for the state, in the process of policy making and management, it is vital to clearly know how new technology has a great influence and impact on policies to solve informal problems. Thus, not only Vietnam but also other countries are promoting the application of new technologies to simplify procedures to facilitate the transition from an informal economy to a formal economy.

Fourthly, digitalization contributes to the polarization of the labor market, significantly lowering labor market barriers and opening up a potential labor market. Now, new technologies and technology-based growth are profoundly impacting the world of work, reshaping labor relations and disrupting the traditional labor market. Accordingly, jobs with low and medium qualifications and skills will be easily automated. That enterprises use algorithms on online platforms allows the exchange of goods, services and even labor. Enterprises manage their assets and resources better as well as determine their development and innovation strategies better. Nonetheless, in fact, in Vietnam, at the seminar “Labor market trends in the digital era” held on November 8th, 2021, Mr. Jeffrey Goss, Vice Rector in charge of programs in Southeast Asia, Arizona State University (USA) gave a worrying figure: about 80% of 54 million workers in Vietnam do not have suitable skills to participate in in the digital economy (Dr. Nguyen Trung Kien, 2023). These also pose challenges for the Government, as the uneven participation of workers and businesses in the new opportunities created by digital transformation can lead to many people being left behind in different industries, enterprises, workforces and segments of society. Accordingly, the domestic labor market urgently needs comprehensive solutions from all stakeholders so as to improve the quality of recruitment and training of human resources in the new situation.

Solutions to ensure employment rights for citizens in the technological and digital age in Vietnam

First, it is essential to have a positive labor market policy and other measures to support lifelong and comprehensive learning in order to improve and form new skills. It is necessary to target women workers, rural workers and elderly workers. The fact shows that digital transformation has been changing all areas of social life, including labor and employment, requiring employees to change their working methods to be able to adapt and seize opportunities; enterprises must change the traditional way of operating to suit a digitally transformed society; The Government must make flexible and timely decisions and digitize the form of management. Constantly changing technology means the requirement to constantly update digital skills for employees. Enterprises need to flexibly apply skills improvement programs, and simultaneously, they also need to build a training strategy with a long-term vision so that employees can well take on current jobs and positions that will appear in the future.

Second, there needs to be coordination in the implementation of employment policies and skills policies at all levels of government, but it must be associated with digital transformation. Today, innovation is mainly focused on training at individual educational and training institutions, while innovations taking place in the labor market are not captured or reflected in local decisions. Thus, digital transformation needs carrying out on all three pillars: digital government, digital economy and digital society. In which, it is vital to focus on promoting the construction of digital government to create momentum and orient; lead, manage and support the development of the digital economy and digital society.

Third, to support and promote the transition out of the informal economic sector. Promoting and supporting the transition from an informal economy to a formal economy requires an overall policy framework and must approach the challenges of the informal economy sector through many aspects. At the 2015 International Labour Conference, the International Labour Organization (ILO) adopted Recommendation No. 204 – Transition from the informal economy to the formal economy (hereinafter referred to as R.204) as the first tool of the ILO to provide guidance on how to help employees and economic units transiting out of the informal economy. Accordingly, to formalize the informal economy, the ILO has developed a broad policy framework that can strengthen the capacity of tripartite actors in order to accelerate the transition, addressing both the specific context and the structural dynamics of the informal economy. Specifically: Helping registration and compliance become easier (through simplified laws and procedures); Making formalization more attractive (by increasing incentives and eliminating discouragement); Making formalization more feasible (by improving business productivity); Making informal activity less attractive (especially through enhanced enforcement and compliance measures). Practice has shown that the informal rate is particularly high among low-skilled workers. Thus, any formalization strategy in the labor market needs to overcome this structural obstacle so as to achieve a successful transition to the formal labor

market. However, supporting the transition out of the informal economy is done when the education system is established and expanded. Accordingly, education policies need to take into account the initial conditions and provide training and education support for people in the informal economic sector. Additionally, training and educational institutions in the informal economy must also develop according to their own system. For example, there are a variety of vocational training systems allowing rural youth to acquire necessary skills to enter the local labor market. This training system is built on the same principles as craft vocational programs, which allow the poor to access easily. Specially the skills are immediately relevant to the job, they will perform. This is a solution to facilitate the transition “from school to workplace” of informal employees more successfully and effectively than formal human resource training programs. However, skills transfer is often limited to kinship, limiting the speed and spread of skills and knowledge in the economy. Moreover, skills are often not mobile and are not recognized externally. Besides, the long training period in which apprentices are at risk of exploitation as “cheap labor” and the lack of large-scale post-training follow-up programs have limited the ability of these systems to adapt to the challenges arising from the process of economic opening. All of these pose particular challenges for policymakers who are finding the way to expand the skill base of their economies. At a basic level, policymakers need to ensure minimum standards in the delivery of training programs to maintain and gradually improve the quality of skills.

Fourth, to promote the propagation and dissemination of scientific and technological knowledge in all fields, including the labor sector. Accordingly, the Prime Minister issued Decision No. 569/QĐ-TTg: Promulgating the Strategy for the development of science, technology and innovation by 2030. Accordingly, it is determined that activities of honoring, communicating, raising awareness of science, technology and innovation are one of the 9 main solutions for the development of science and technology in Vietnam. At once, on June 3rd, 2020, the Prime Minister's Decision No. 749/QĐ-TTg approving the “National Digital Transformation Program by 2025, orientation to 2030” emphasized the orientation: “Science, technology and innovation make an important contribution to the construction and development of values of Vietnamese culture, society and people; providing scientific arguments for the formulation of national development lines, guidelines and policies; contributing to the Human Development Index (HDI) maintained above 0.7”. These are the State's major policies in promoting and applying science and technology in the fields in general and labor in particular. To implement that key solution, in fact, on the employment portal of the Ministry of Labor, War Invalids and Social Affairs (vieclamvietnam.gov.vn), there are constantly thousands of job positions needing to find people and people needing to find jobs. In Hanoi, the Employment Service Center maintains the form of connecting supply and demand for labor and employment directly through trading sessions taking place from Monday to Friday every week at 15 fixed job exchanges; at the same time, connect online jobs through the vieclamhanoi.net website and on Facebook of the

Hanoi Employment Service Center (Vu Minh Uy, 2020). This is just one of the communication solutions in the field of labor, contributing to resolving jobs for employees in the context of the rapid development of science and technology.

CONCLUSION

Digitalization is changing the business landscape and the world of work, and concurrently redefining the boundaries of production, consumption and distribution. This has created tremendous opportunities when new products, processes and techniques emerge but it also creates threats when new ways of working pose new challenges for employers and employees. Hence, in that context, the creation of new jobs or the transformation of old jobs needs the state's guarantee and focuses on improving working conditions and social security - aspects directly related to citizens' rights and interests. This is also one of the tasks and solutions in improving the legal system that is proposed by Resolution No. 27-NQ/TW dated November 9th, 2022 of the Sixth Meeting of the XIII Party Central Committee on continuing to build and improve the Socialist State of Vietnam ruled by law in the new period.

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