



INTERNATIONAL EXPERIENCES REGARDING CONDITIONS FOR LABOUR DISPATCH ACTIVITIES AND RECOMMENDATIONS FOR IMPROVING VIETNAMESE RULES IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT AND INNOVATIVE TECHNOLOGIES

Experiências internacionais relativas às condições de terceirização de mão-de-obra e recomendações para a melhoria das normas vietnamitas no contexto do desenvolvimento sustentável e das tecnologias inovadoras

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ABSTRACT

The recognition and progressive refinement of the legal framework governing labour dispatch (LD) in Vietnam stem not only from the practical demands of the labour market, but are also closely associated with the selective reference to international standards and legislative experiences from developed jurisdictions worldwide, particularly in the context of sustainable development and innovative technologies. Throughout the evolution of its legal system, the Vietnamese State has consistently maintained a coherent policy approach in researching, formulating, and adjusting the regulatory conditions applicable to LD operations at each stage of legal internalisation, thereby ensuring both compatibility with domestic circumstances and convergence with international practices, while responding to emerging requirements of digital transformation and sustainability. On that basis, this article focuses on analysing the experiences of several representative countries embodying diverse legal models and levels of development, with a view to elucidating the approaches adopted in designing conditions for LD operations in a rapidly changing socio-economic and technological environment. Accordingly, the authors propose a number of recommendations for improving the legal framework governing such conditions, premised on the selective adoption of international experience, while ensuring flexibility, feasibility, and alignment with the practical development of Vietnam's labour market in the era of sustainable and innovation-driven growth.

Keywords: Labour Code; Labour dispatch; List of jobs; Experience for Vietnam; Labour dispatch licence; Sustainable development; Innovative technologies

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EXPERIÊNCIAS INTERNACIONAIS RELATIVAS ÀS CONDIÇÕES DE TERCEIRIZAÇÃO DE MÃO-DE-OBRA E RECOMENDAÇÕES PARA A MELHORIA DAS NORMAS VIETNAMITAS NO CONTEXTO DO DESENVOLVIMENTO SUSTENTÁVEL E DAS TECNOLOGIAS INOVADORAS

International experiences regarding conditions for labour dispatch activities and recommendations for improving vietnamese rules in the context of sustainable development and innovative technologies

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RESUMO

O reconhecimento e a melhoria progressiva do quadro legal que rege o trabalho externalizado no Vietname resultam não só das exigências práticas do mercado de trabalho, mas também estão intimamente associados à referência seletiva a normas internacionais e experiências legislativas de jurisdições desenvolvidas em todo o mundo, particularmente no contexto do desenvolvimento sustentável e das tecnologias inovadoras. Ao longo da evolução do seu sistema jurídico, o Estado vietnamita tem mantido consistentemente uma abordagem política coerente na investigação, formulação e ajustamento das condições regulamentares aplicáveis às operações de trabalho externalizado em cada etapa de internalização jurídica, garantindo, assim, tanto a compatibilidade com as circunstâncias internas como a convergência com as práticas internacionais, ao mesmo tempo que responde às exigências emergentes da transformação digital e da sustentabilidade. Com base nisto, este artigo centra-se na análise das experiências de vários países representativos que incorporam diferentes modelos jurídicos e níveis de desenvolvimento, com o objetivo de elucidar as abordagens adotadas na conceção de condições para as operações de trabalho terceirizado num ambiente socioeconómico e tecnológico em rápida transformação. Assim, os autores propõem uma série de recomendações para melhorar o quadro legal que rege tais condições, com base na adoção seletiva da experiência internacional, garantindo flexibilidade, viabilidade e alinhamento com o desenvolvimento prático do mercado de trabalho vietnamita na era do crescimento sustentável e impulsionado pela inovação.

Palavras-chave: Código do Trabalho; Outsourcing de mão de obra; Lista de empregos; Experiência para o Vietname; Licença para externalização de mão de obra; Desenvolvimento sustentável; Tecnologias inovadoras

INTRODUCTION

In the current context, labour dispatch has become a familiar mode of labour utilisation for enterprises, particularly in manufacturing, processing, and service sectors characterised by a demand for workforce flexibility. “Labour dispatch activities in Vietnam have existed since approximately 2000 across various localities, and are especially prevalent in southern industrial zones such as Ho Chi Minh City, Binh Duong, and Dong Nai, with a considerable scale” (Mai, 2010).

The development of this model is closely linked to the need for cost optimisation, enhancement of human resource management efficiency, and rapid adaptation to market fluctuations. Notably, in a period marked by global economic instability, such as trade conflicts among major economies, continuous changes in tariff policies, and complex developments in import–export markets, business operations have been directly affected. This has led to an increased demand for adjustments in workforce size, accompanied by a growing tendency to reduce personnel through labour dispatch enterprises to maintain flexibility and achieve cost efficiency.

However, to effectively fulfil such a role within the labour market, labour dispatch enterprises must comply with stringent legal conditions prescribed under Vietnamese labour law. These conditions serve not only to regulate and supervise business operations, but also to protect the lawful rights and interests of employees in the context of a tripartite employment relationship that inherently entails multiple risks. In practice, Vietnamese law, similar to that of many countries worldwide, establishes a rigorous system of conditions governing labour dispatch activities. Nevertheless, the application of these conditions has revealed certain limitations, including rigidity, insufficient adaptability to the diversity of enterprise sizes, and even the potential to increase compliance costs and lead to inefficient allocation of labour market resources.

Against this backdrop, a comparative study of the legal conditions governing labour dispatch, in relation to international legal frameworks, is of particular necessity. By researching the experiences of countries with differing legal systems and economic conditions, this research not only clarifies the shortcomings of the current Vietnamese legal framework but also proposes solutions for its improvement in a manner that is flexible, practically viable, and capable of ensuring a balanced protection of interests between enterprises and employees within an increasingly dynamic labour market.

1 OVERVIEW OF CONDITIONS FOR LABOUR DISPATCH ACTIVITIES IN VIETNAM

Definition of conditions for labour dispatch in Vietnam

Pursuant to Clause 1, Article 52 of the 2019 Labour Code: “Labour dispatch means that an employee enters into an employment contract with an employer being a labour dispatch enterprise, and is subsequently assigned to work under the direction and supervision of another employer, while maintaining the employment relationship with the employer that concluded the employment contract”. From this statutory definition, several characteristics of labour dispatch activities may be identified: Employees are recruited through an employment contract but do not perform work for the contracting employer, instead, they are assigned to and work for the labour lessee pursuant to an agreement between the employer and the labour lessee; The work performed by dispatched employees is inherently temporary rather than long-term, with its duration determined by agreement between the employer and the labour lessee; Although employees perform work for the labour lessee, their rights and interests remain guaranteed by, and under the responsibility of, the employer.

Under Vietnamese labour law, “labour dispatch is a conditional business line, which may only be conducted by enterprises holding a Labour Dispatch Operation Licence and is limited to certain prescribed job categories”¹. From the prevailing legislative perspective in Vietnam, this activity is classified as a conditional business sector. This classification derives from its distinctive nature: when viewed from a commercial standpoint, it constitutes a form of business directly involving the “trading” of labour. Consequently, such activities not only affect

¹ Clause 2, Article 52 of the 2019 Labour Code 2019

fundamental human rights but also exert far-reaching impacts on various aspects of social life, particularly social security, as well as the maintenance of public order and national security.

Based on the foregoing analysis, the authors have formulated a definition of labour dispatch as follows: “Conditions for labour dispatch activities comprise the entirety of criteria that enterprises must satisfy in terms of legal subject, operational licensing, and permitted job categories within the statutory framework, to conduct recruitment, conclude employment contracts, and assign employees to labour lessee while maintaining the employment relationship with such employees. Notwithstanding the continuation of this employment relationship, the employees remain subject to the supervision, management, and work assignment of the labour lessee”.

Certain conditions for labour dispatch activities in Vietnam

As analysed in Section 2.1, labour dispatch constitutes a conditional business sector involving complex tripartite relationships that give rise to multiple risks for the State, employees, enterprises, and labour lessee. In particular, this activity must be subject to stringent control, as any failure to safeguard employees’ rights and interests within labour dispatch arrangements may result in strikes, social disorder, and disruptions to the domestic labour market. At the same time, given the multi-party nature of labour dispatch, regulatory conditions must be calibrated to ensure a proper balance, enabling dispatch enterprises to operate effectively and reasonably. Accordingly, the State has established and continues to refine the regulatory conditions governing labour dispatch activities, including the following:

First, conditions relating to the legal subject of labour dispatch activities. Vietnamese law stipulates that only duly established enterprises are permitted to engage in labour dispatch activities; individuals, household businesses, and cooperatives are excluded. With respect to financial capacity, enterprises must maintain a mandatory security deposit of at least VND 2 billion. In addition, the legal representative of the enterprise must satisfy certain requirements: he or she must qualify as an enterprise manager under the Law on Enterprises, have no criminal record, and possess at least three years of direct experience in labour dispatch or labour supply within the five years immediately preceding the application for the licence.²

Second, conditions relating to the Labour Dispatch Operation Licence. The law provides that the maximum validity term of such a licence is 60 months. Enterprises may apply for multiple extensions, each not exceeding 60 months³. Pursuant to Article 22 of Decree No. 145/2020/ND-CP dated 14 December 2020, which details and guides the implementation of certain provisions of the Labour Code regarding working conditions and labour relations, the authority to issue such licences rests with the Chairperson of the provincial-level People’s Committee. Detailed provisions on procedures and licensing authority have been codified in this Decree, with procedural reforms aimed at streamlining administrative processes and facilitating enterprises in obtaining operational licences.

Third, conditions relating to the list of permitted job categories. The 2019 Labour Code refers to the list of jobs eligible for labour dispatch under Clause 2, Article 54, but does not provide a specific enumeration, delegating this task to the Government. Such delegation is both reasonable and flexible, allowing adaptation to evolving market conditions and societal needs. Under Decree No. 145/2020/ND-CP, the list currently comprises 20 permitted job categories. The prevailing legislative approach in Vietnam adopts a closed-list model, whereby labour dispatch is permitted only in respect of specified occupations promulgated by the State. This enumerative approach is narrow in scope and primarily focuses on specialised and high-skill occupations.

Fourth, conditions relating to the duration of labour dispatch. Pursuant to Clause 1, Article 53 of the 2019 Labour Code: “the maximum duration for labour dispatch in respect of an employee shall not exceed 12 months.” Accordingly, the labour lessor may assign employees for a period not exceeding 12 months, except in cases of agreement with the employee and the labour dispatching enterprise to officially recruit the employee to work for them while their labour contract with the labour dispatching enterprise has not yet terminated.⁴

² Article 21 of Decree No. 145/2020/ND-CP

³ Clause 3, Article 23 of Decree No. 145/2020/ND-CP

⁴ Clause 4, Article 57 of the 2019 Labour Code

2 RESULTS AND DISCUSSIONS

Legal framework on conditions for labour dispatch activities in other countries

In order to develop and refine the legal framework governing labour dispatch, the State has proceeded from the practical demands of the labour market while selectively drawing upon international experience and the laws of developed countries. Throughout the process of legal internalisation across different periods, the legislative approach has remained consistent in emphasising the establishment of regulatory conditions for LD activities that both ensure strict state management and meet the requirements of socio-economic development.

In this context, the study of foreign legal frameworks on conditions for LD activities provides a valuable reference basis for improving Vietnamese law. The selection of jurisdictions is based on multiple criteria, including institutional and cultural similarities, bilateral relations with Vietnam, and levels of economic development. At the same time, differences among legal systems are also taken into account to ensure a multidimensional analytical approach.

Within the scope of this article, the authors focus on analysing the legal frameworks of three representative countries, namely the Federal Republic of Germany, China, and the Republic of Korea (Korea), thereby drawing out relevant lessons for Vietnam.

The legal framework on conditions for labour dispatch in the Federal Republic of Germany (Germany)

Germany is currently one of the world's developed economies and a representative example of a market economy model, with a legal framework governing labour dispatch that has been progressively developed and refined through multiple amendments. Notably, the German Act on Labour Dispatch 2015, as amended in 2017, establishes a key legal foundation for the organisation and operation of such activities. Under German law, entities engaged in labour dispatch are entitled to supply employees, including temporary workers, to third parties for the performance of work, regardless of whether such activities are conducted for profit. Participation in labour dispatch relationships in Germany is subject to several legal conditions, as follows:

First, conditions relating to the legal status of dispatching entities. To ensure the proper functioning of labour dispatch activities, labour lessors must satisfy certain criteria, including compliance with regulations on recruitment and operational models, as well as legal obligations towards the State and employees, such as taxation and social security contributions, with respect to financial capacity, the statutory capital requirement is stipulated at EUR 2,000 per dispatched employee or not less than EUR 10,000 in total. This requirement aims to safeguard employees' rights and interests in the event of business risks faced by the labour lessor.

In addition, German law requires that agreements and contracts between the labour lessor and the labour lessee clearly specify the purpose of labour dispatch, and such information must be communicated to employees before recruitment. Violations of this obligation may result in administrative fines of up to EUR 1,000 imposed on the labour lessor. Furthermore, employers are prohibited from engaging dispatched employees to perform work during strikes at the labour lessee, unless the labour lessee guarantees that no such strikes are taking place. This reflects the German legal system's dual objective of protecting both dispatched employees and those exercising their right to strike. Violations of this prohibition may attract fines of up to EUR 500,000 for the employer.⁵

Second, pursuant to Article 2 of the German Act on Labour Dispatch, as amended in 2017, provisions are set out regarding licensing conditions (including the grant and expiry of licences). Before entering the labour dispatch market, a labour dispatching entity must obtain a licence from the Federal labour authority (i.e., the employment office or another competent administrative authority). The initial licence is valid for one year and may be renewed up to three times, after which an indefinite licence will be granted.⁶ Compared to Vietnamese law, which only provides for successive renewals upon expiry, the German provision allowing for an indefinite licence reflects a more liberal regulatory approach.

Third, conditions relating to permitted job categories and duration. The scope of jobs eligible for labour dispatch in Germany is relatively narrow, typically encompassing cleaning services and short-term, temporary

⁵ Clause 2, Article 16, Act on Labour Dispatch, as amended in 2017 of Germany

⁶ Clause 3, Article 23 Decree No. 145/2020/ND-CP

information technology services (Bich, 2023). Regarding duration, pursuant to Clause 1b, Article 1 of the German Act on Labour Dispatch, the maximum period for which an employee may be assigned is 18 months. Where interruptions occur, periods of interruption not exceeding three months are aggregated into the total duration of 18 months. Conversely, if the interruption lasts longer than 3 months, any prior dispatching periods shall not be included in the 18-month calculation. In cases of non-compliance with the statutory duration limits, both the labour lessor and the labour lessee may be subject to administrative fines of up to EUR 30,000 (Clause 2, Article 16). Moreover, where a temporary employee continues working beyond the permitted duration, an employment relationship may be deemed to arise directly between the employee and the enterprise using the dispatched employee, unless the employee objects in writing. In such cases, the labour lessee is responsible for social insurance contributions for the excess period, and failure to comply may result in criminal liability. Notably, exceptions may be made where collective bargaining agreements provide otherwise.

Overall, German law places strong emphasis on strict sanctions for violations of conditions governing labour dispatch, including the possibility of criminal liability. Importantly, liability is not limited to the labour lessor but may also extend to the labour lessee, particularly in cases involving the use of dispatched labour during strikes.

The legal framework on conditions for labour dispatch in Korea

Korea regulates labour dispatch under a separate legislative instrument rather than incorporating it into its general labour law. Specifically, this includes Act No. 5512 dated 20 February 1998, and its subsequent amendments (such as Act No. 17605 dated 08 December 2020). Hereinafter referred to as the Act on the Protection of Dispatched Workers, this statute will be used to analyze the conditions for labor dispatching activities in Korea, which include:

First, conditions relating to dispatching entities: Article 3 of the Enforcement Decree of the Act on the Protection of Dispatched Workers (effective from 16 January 2020) sets out detailed criteria for engaging in labour dispatch business, including requirements on assets and facilities. These include: “(i) enterprises or workplaces regularly employing at least five employees (excluding dispatched employees) and registered for employment insurance, national pension, industrial accident compensation insurance, and national health insurance; (ii) a minimum capital requirement of KRW 100 million (approximately VND 1.8 billion); and (iii) a minimum business premises area of 20 square metres”⁷. Additionally, Korean law prohibits concurrent positions and the lending of corporate titles by labourers. Labour lessees are prohibited from employing dispatched employees to replace employees affected by strikes or to perform work that resulted in layoffs for economic reasons within the preceding two years (Nguyen, 2023). These provisions are similar to those in German law and aim to protect both dispatched employees and those engaged in strike action.

Second, conditions relating to licensing. Pursuant to Article 7 of the Enforcement Decree, labour lessors must obtain an operational licence issued by the competent administrative authority (the Minister of Employment and Labour), with a validity period of three years. The law also imposes stringent liability on employers, who may face administrative sanctions or even criminal penalties for violations.

Third, conditions relating to permitted business lines and duration. Korean law permits labour dispatch in 26 specified business lines. However, exceptions are allowed beyond these business lines in cases such as temporary replacement of employees on sick leave, maternity leave, or injury, or where additional workforce is required under special circumstances. The maximum dispatch period is one year (Article 6), which may be extended by an additional year by the employer. If this period is exceeded, the employee is deemed to have been directly employed by the labour lessee.

The legal framework on conditions for labour dispatch in China

Unlike Korea, China does not regulate labour dispatch through a standalone statute but incorporates it within the Labour Contract Law of 29 June 2007, as amended on 28 December 2012. Consistent with international practice, Chinese law classifies labour dispatch as a conditional business sector, subject to the following requirements:

⁷ Enforcement Decree of the Act on the Protection of Dispatched Workers of Korea

First, conditions relating to dispatching entities. Article 57 of the Labour Contract Law on the establishment of labour dispatching agencies requires that labour dispatch enterprises must have registered capital of no less than RMB 2 million” (Wang, 2013). This reflects a strict approach to financial capacity, aimed at ensuring the enterprise’s ability to meet its obligations towards employees in the event of operational risks.

Second, conditions relating to licensing. China adopts a hybrid regulatory approach combining both “closed” and “open” elements. The “closed” aspect lies in the requirement that licences must be issued by competent authorities, such as labour departments or administrative agencies. The “open” aspect is reflected in the indefinite validity of such licences. While similar to German law in permitting indefinite licences, China differs in that Germany imposes a sequence of renewals before granting such status.

Third, conditions relating to permitted business lines and duration. Article 66 of the Labour Contract Law provides that: “Labor dispatch is a supplementary form of employment and shall only be implemented for temporary, auxiliary, or substitutable positions. Temporary work, as mentioned in the above clause, refers to work with a duration not exceeding six months; auxiliary work refers to non-core business activities that provide support services to the main business; and substitutable work occurs when a worker is replaced for a specific period due to study leave, annual leave, or other absences. The labour user entity must strictly control the number of dispatched employees, ensuring it does not exceed a certain percentage of its total workforce; the specific ratio shall be prescribed by the labour administrative department of the State Council”. It can be seen that China's regulations on industries permitted for labour dispatch do not follow an exhaustive listing or cataloging approach, instead, they are institutionalized through the definitions and inherent nature of the work allowed for labour dispatch. Regarding duration, Article 59 of the Labour Contract Law provides that: “The employer shall determine the dispatching period with the labour dispatching agency based on the actual requirements of the position; it is prohibited from splitting a continuous period of service into multiple short-term labour dispatch agreements”. This reflects a more flexible, open-ended approach, allowing contractual freedom while being guided by the nature of the work involved.

From the foregoing analysis of selected jurisdictions, it is evident that all countries uniformly recognise labour dispatch as a conditional business line requiring licensing. However, depending on socio-economic conditions and regulatory orientations, each country adopts a distinct approach. Some jurisdictions impose detailed and stringent requirements, while others favour a more flexible, open-ended framework.

These differences are particularly apparent in areas such as sanctions for violations, permitted job categories, and licence duration. Germany and Korea place strong emphasis on enforcement mechanisms, including the possibility of criminal liability, and adopt specific enumerations of permitted business lines. In contrast, China adopts a more flexible approach, regulating labour dispatch through general principles rather than exhaustive lists. With respect to licensing duration, Germany and China demonstrate greater flexibility, whereas Korea maintains stricter temporal limits.

In conclusion, although each country maintains its own legal framework governing labour dispatch conditions, a common underlying objective is the establishment of a transparent operational mechanism that ensures a balanced allocation of rights and obligations among all parties involved. In particular, these regulations consistently prioritise the protection of the lawful rights and interests of employees within what is inherently a complex tripartite employment relationship.

Recommendations for improving the legal framework on conditions for Labour dispatch activities in Vietnam based on comparative international experience

First, with respect to conditions relating to the legal status of dispatching entities. Under current Vietnamese law, only enterprises are permitted to engage in labour dispatch activities. This approach restricts the participation of other potential market actors such as individuals, household businesses, and cooperatives, even where such entities are capable of satisfying other statutory requirements. By contrast, German law does not prescribe a specific legal form for eligible entities but instead focuses on substantive conditions such as licensing, financial capacity, compliance obligations, etc. From the perspective of the principle of freedom and equality in conducting business activities not prohibited by law, the authors submit that Vietnamese law should not rigidly limit the legal form of

dispatching entities. Rather, regulatory emphasis should be placed on licensing requirements, financial capacity, and compliance standards, thereby ensuring the protection of employees' rights while upholding the principle of equal business opportunities for all eligible entities.

This gives rise to an urgent need to amend the law in the direction of expanding the scope of eligible dispatching entities. Specifically, it is proposed that Clause 1, Article 52 of the 2019 Labour Code and Article 12 of Decree No. 145/2025/ND-CP be revised to provide that any employer, whether an organisation or an individual, who assigns employees to work for another entity while maintaining the employment relationship shall be deemed to be engaged in labour dispatch activities. Such an expansion would facilitate more effective state management while ensuring that the rights and obligations of all three parties in this tripartite relationship are properly recognised and protected.

Second, with respect to financial conditions. It is necessary to draw upon the experience of Germany in designing financial requirements and to establish a deposit mechanism proportionate to the scale of labour dispatch activities, thereby avoiding inefficient allocation of financial resources and undue restrictions on business freedom. In practice, the current statutory deposit of VND 2 billion constitutes a significant financial burden for most enterprises, particularly small and medium-sized enterprises. The application of a fixed deposit requirement, irrespective of enterprise size or number of dispatched employees, has resulted in reduced market entry, thereby negatively affecting competition, market development, and transparency within the labour market.

Accordingly, Clause 2, Article 21 of Decree No. 145/2020/ND-CP may be reconsidered along the following alternative approaches:

Option 1: Reduce the uniform minimum deposit to VND 1 billion, aligning it with the deposit applicable to enterprises sending Vietnamese employees to work overseas under contract.

Option 2: Develop a formula-based deposit mechanism calculated on the basis of the scale of dispatched employees. Such a formula may be anchored in the regional minimum wage and the level of compulsory social insurance contributions payable by the labourer. This approach would ensure minimum protection for employees in the event of risk, while alleviating financial pressure on small and medium-sized enterprises. This model may be informed by the experience of the Federal Republic of Germany, where financial security requirements are linked to the actual number of dispatched employees.

Third, with respect to the list of permitted job categories. Decree No. 145/2020/ND-CP currently provides a list of 20 occupations eligible for labour dispatch. From a legislative standpoint, this represents a relatively narrow approach compared to the more flexible framework adopted in jurisdictions such as China. Vietnamese law permits labour dispatch only within a limited scope, primarily focusing on occupations requiring a certain level of technical skill. This reflects a policy orientation aimed at discouraging excessive expansion of labour dispatch to safeguard stable employment. Compared with other jurisdictions such as Japan, China, and Germany, the scope of permitted business lines in Vietnam remains relatively restricted. Japan allows 26 occupational groups; China adopts an open-ended approach based on the development orientation; and Germany does not provide an exhaustive list but instead excludes certain specific sectors, such as construction (Ministry of Labour, Invalids and Social Affairs, 2011).

In the authors' view, Clause 2, Article 54 of the 2019 Labour Code should be re-evaluated with a view to expanding the scope of permissible occupations for labour dispatch. This may be implemented through the following three main approaches:

Option 1: Adopt a negative list approach by specifying prohibited sectors for labour dispatch. Under this approach, the law explicitly specifies the sectors and occupations where labor dispatch is not permitted, such as public utility activities (e.g., waste collection, public sanitation, public passenger transport, etc.), the mining industry, underground work, or occupational groups on the list of heavy, hazardous, or toxic labor that require specialized social security regimes. All remaining industries, unless expressly prohibited, are free to conduct labor dispatch activities.

Option 2: Maintain the current positive list approach but expand it selectively. Under this approach, the State would continue to promulgate a list of permitted occupations while updating and supplementing it based on practical demand. Based on consultations with enterprises operating in this field in Vietnam, such as Talentnet, Adecco, and Manpower, additional sectors with high demands for seasonal, low-skilled, or short-term skilled labour

could be included, such as: construction, textiles and garments, logistics, inventory counting, packaging, short-term import-export, and agro-fishery processing.

Option 3: Adopt a principle-based approach inspired by international experience, particularly that of China. The State would enact regulations defining the substantive nature of the work eligible for labor dispatch. As a result, it would be possible to distinguish between permissible and prohibited occupations. Such a regulatory approach provides future-proofing, accounting for new developments that may arise outside of the rigid lists previously established. The authors favor this option among the three mentioned above, as it offers high anticipatory value and effectively prevents legal loopholes in the future.

Fourth, focus should be placed on conducting thorough research into sanctions against violations by both the labour lessor and labour lessee regarding the extension of labour dispatch durations beyond the statutory limit. Vietnamese lawmakers should consider German legal experience, whereby if the dispatching period is extended, the labour lessor is compelled to sign an official labour contract with the dispatched employee, unless the employee disagrees. Additionally, compensation must be provided to the employee for any expenses arising from such an extension. This regulation aims to safeguard the rights and interests of employees while serving as a deterrent against entities involved in the labor dispatch business.

CONCLUSION

Labour dispatch functions as a mechanism for regulating temporary labour supply, thereby addressing workforce shortages arising in the course of production and business operations. This model contributes positively to the development of human resources while affording employers flexibility in workforce allocation and the ability to meet short-term labour demands. Through a comparative examination of the legislative experiences of Germany, Korea, and China with respect to labour dispatch in general, and the legal conditions governing such activities in particular, it is evident that a common trend is the strengthening of regulatory oversight and control over the legal relationships among the parties involved. This trend is consistent with the policy direction of Vietnam in developing its legal framework on labour dispatch. On the basis of such analysis and comparative reference, the authors have distilled and proposed a number of recommendations aimed at improving the legal framework and operational conditions for labour dispatch in Vietnam. These proposals seek to ensure alignment with the practical realities of the domestic labour market, while simultaneously supporting the effective implementation of state management policies in this field.

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