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Protecting App-Based Ride-Hailing Drivers Against Occupational Accidents Under ILO Convention No. 193: Platform Responsibility and Implications for Vietnam

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ABSTRACT

This article examines the responsibility of digital labour platforms for protecting app-based ride-hailing drivers against accident risks, using the ILO Decent Work in the Platform Economy Convention, 2026 (No. 193) (C193) as a normative benchmark and Vietnam as the principal case study. It employs doctrinal legal analysis, supported by the preparatory materials to C193, secondary empirical evidence on ride-hailing drivers in Vietnam, and a focused comparison with the French model of platform social responsibility. The article argues that C193 does not collapse platform responsibility into employer responsibility. Rather, Article 4 provides a basis for States to allocate complementary responsibilities among public authorities, platforms, platform workers and other relevant actors, while Article 9 preserves the requirement of correct employment-status classification. Vietnam has significantly expanded legal access to occupational accident protection through Decree No. 143/2024/ND-CP on voluntary occupational accident insurance for workers without employment contracts. Yet the current framework remains primarily individualised: participation depends on the worker, State support is limited, and platforms have no general statutory duty to share protection costs or provide work-related data for accident determination. The article proposes a limited shared-responsibility model for genuinely self-employed drivers, centred on platform cost-sharing and data duties, without creating a third employment status or weakening employee rights.

Keywords: *ILO Convention No. 193, ride-hailing drivers, occupational accidents, platform work, platform responsibility*

I. INTRODUCTION

Digital labour platforms have materially changed how work is organised, allocated and monitored. In app-based passenger transport, drivers may enjoy a degree of flexibility over when they log on, yet the service is still shaped by digital systems that match demand and supply, determine or influence fares, allocate rides, record performance, and structure access to

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incentives. Flexibility in contractual form therefore does not remove occupational exposure. For ride-hailing drivers, accident risk is inseparable from prolonged road use and from the conditions under which income is generated through the platform.

International research has long identified a structural tension in platform work: the business model can expand earning opportunities while shifting operating costs and social risks towards the individual performing the work. For location-based drivers and couriers, inadequate protection against work-related accidents is particularly significant because the same event may produce medical expenses, short-term income loss, and long-term impairment. The central legal question is therefore not only whether insurance exists, but also how the cost and evidentiary burdens of occupational risk should be allocated among the worker, the State, and the platform.[1]

Vietnam illustrates this problem sharply. A 2021 survey conducted by the Institute of Labour Science and Social Affairs (ILSSA) and the Hanns Seidel Foundation reported that ride-hailing drivers in the sample worked on average 9.05 hours per day and 6.12 days per week; only 45.65 per cent participated in at least one form of insurance, while 67.57 per cent reported relying on personal savings or assets when facing risks. A separate study of 602 app-based motorcycle taxi drivers in three Vietnamese cities found that approximately 30 per cent self-reported at least one traffic crash or fall in the previous year. These studies predate Vietnam's 2025 reform and therefore do not measure the later scheme's effectiveness. They nevertheless establish that accident exposure and limited shock-absorption capacity are empirically grounded concerns rather than purely theoretical ones.[2]

Vietnam took an important step through Decree No. 143/2024/ND-CP, effective from 1 January 2025, which created voluntary occupational accident insurance for workers who do not work under employment contracts and are not already covered by compulsory occupational accident and disease insurance. This reform matters for genuinely self-employed ride-hailing drivers because access to occupational accident protection no longer depends entirely on first proving employee status. Yet the existence of an insurance route does not resolve the allocation problem. Participation remains voluntary, the individual worker is the direct participant, and the platform is not required to contribute merely because the driver earns income through the platform. In

[1] International Labour Office, World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work (2021).

[2] Bui Ton Hien et al., Employment Issues of the Gig Economy in Vietnam 56, 70–76 (2022), https://southeastasia.hss.de/publications/employment-issues-of-the-gig-economy-in-vietnam-case-study-of-ride-hailingdelivery-service-and-domestic-service-workers-pub2289.pdf; Duy Quy Nguyen-Phuoc et al., *Exploring the Prevalence and Factors Associated with Self-Reported Traffic Crashes among App-Based Motorcycle Taxis in Vietnam*, 81 Transp. Pol'y 68, 68–74 (2019), https://doi.org/10.1016/j.tranpol.2019.06.006.

addition, mobile and app-mediated work complicates the determination of when and where a work-related accident occurs, even though the platform may possess the most precise data on log-in status, ride acceptance, trip routes and transaction history.[3]

The adoption of the ILO Decent Work in the Platform Economy Convention, 2026 (No. 193) creates a new normative framework for assessing these issues. At the time of writing, NORMLEX recorded no ratifications and no in-force date for C193; this article therefore uses it as an emerging international benchmark rather than as a treaty obligation binding Vietnam. Article 4 is especially significant. It requires appropriate measures for the prevention of occupational accidents, occupational diseases and any other injuries to health arising out of, linked with or occurring in the course of platform work, and it calls on States to specify the respective functions and responsibilities of public authorities, digital labour platforms, digital platform workers and other relevant actors. This architecture is important because it does not make all platform responsibility contingent on employer status.[4]

The literature relevant to this article can be grouped into three broad strands: employment-status classification in platform work, gaps in social protection, and occupational safety and health risks. What has received less integrated attention is the interaction between Vietnam's new voluntary occupational accident insurance scheme and the responsibility-allocation structure introduced by Article 4 C193. The article's contribution therefore does not lie in proving that ride-hailing work is risky or that drivers need insurance. Rather, it reframes accident protection as a problem of responsibility allocation and identifies two areas of platform responsibility beyond employer status: contribution to the cost of protection and responsibility for work-related data.[5]

The article asks two questions. First, what normative basis does C193 provide for assigning responsibility to platforms in protecting ride-hailing drivers against accident risks? Second, to what extent does Vietnam's current voluntary occupational accident insurance framework address those risks, and how should responsibility be recalibrated among drivers, the State and

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[3] Decree No. 143/2024/ND-CP on Voluntary Occupational Accident Insurance for Workers Without Employment Contracts, Nov. 1, 2024, arts. 2, 5–7 (Viet.) (effective Jan. 1, 2025).

[4] INTERNATIONAL LABOUR ORGANIZATION, Decent Work in the Platform Economy Convention, 2026 (No. 193), art. 4, June 12, 2026, ILO NORMLEX, https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:4496059 [hereinafter C193]; INTERNATIONAL LABOUR ORGANIZATION, Instrument Profile: C193 – Decent Work in the Platform Economy Convention, 2026 (No. 193) (showing 0 ratifications and no in-force date as of Aug. 27, 2026), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12201:0::NO::P12201_INSTRUMENT_ID:4496059.

[5] Christina Behrendt, Quynh Anh Nguyen & Uma Rani, *Social Protection Systems and the Future of Work: Ensuring Social Security for Digital Platform Workers*, 72 INT'L SOC. SEC. REV. 17, 17–41 (2019), https://doi.org/10.1111/issr.12212; Claire E. Margerison et al., *Platform-Mediated Gig Work and Health: A Scoping Review*, 68 AM. J. INDUS. MED. 729, 729–39 (2025), https://doi.org/10.1002/ajim.70007.

platforms? The principal method is doctrinal legal analysis of C193, its preparatory materials, Vietnam's Law on Occupational Safety and Health and Decree No. 143/2024/ND-CP, supported by secondary empirical evidence. France is used as a focused functional comparator because its Labour Code imposes certain accident-insurance cost responsibilities on qualifying platforms within a legal framework that applies to independent workers. Because publicly available data do not yet permit a reliable assessment of participation and benefit receipt among ride-hailing drivers after the 2025 reform, the article evaluates legal design and access rather than claiming quantitative implementation outcomes.

II. Theoretical Framework for Accident Protection in Ride-Hailing Work

A. Accident Risk in App-Based Ride-Hailing Work

Ride-hailing drivers are a paradigmatic form of location-based platform work: the service is performed in the physical world, while matching, allocation, monitoring and evaluation are mediated through a digital platform. Their principal occupational exposure is traffic risk. A traffic crash may simultaneously be a road-safety event and a work-related accident when it arises in the course of income-generating platform activity. The legal challenge is therefore to distinguish an accident that merely happens to a person who owns a driver account from one sufficiently connected to the performance of platform work.[6]

That distinction should not be reduced to a binary 'app on/app off' test. A driver who has accepted a ride and is travelling to a pickup point is clearly in a stronger work nexus than a driver using the same vehicle for a purely private trip. The more difficult cases arise during waiting periods, repositioning, or simultaneous use of several apps. This is why platform data should be treated as evidence of work connection rather than as the exclusive legal definition of working time.

Vietnamese empirical studies reinforce the need for an occupational-risk perspective. The study of 602 app-based motorcycle taxi drivers found substantial self-reported crash exposure and associations with high daily travel distance and mobile-phone use while driving. A follow-up study similarly identified risky riding behaviours among app-based motorcycle taxi drivers. These findings do not establish that algorithms cause accidents. They do show that risk is related to the way income is earned: long periods on the road, repeated interactions with mobile devices, and work organised through a digital interface. Broader OSH literature on platform work

[6] International Labour Office, *supra* note 1, at 73–76.

likewise cautions that algorithmic management may shape exposure, pace and behaviour, although causal evidence remains incomplete. The appropriate legal response is therefore not to attribute every accident to the platform, but to recognise that the platform-mediated organisation of work forms part of the risk environment.[7]

B. Employment Status and the Limits of Relationship-Based Protection

Correct employment-status classification remains the starting point of legal protection. If a driver labelled as a ‘partner’ in fact works under conditions that satisfy the legal criteria of an employment relationship, contractual terminology cannot be used to avoid labour-law obligations. Conversely, the existence of a platform account should not automatically convert every genuinely independent provider into an employee.

The classification question, however, does not exhaust the protection question. Where a driver is correctly classified as self-employed, a system that ties occupational accident protection exclusively to employee status can generate a sharp protection gap. The physical risk may be the same, but the legal consequences differ because the worker falls outside the traditional employment-based insurance architecture. Scholarship on social protection in new forms of work has therefore emphasised the need to adapt social-security systems to ensure effective coverage beyond standard employment. The key analytical move is to separate two questions: who is an employee, and what minimum responsibilities should attach to platform-organised work even where no employment relationship exists.[8]

C. Why Platform Responsibility May Arise Outside Employment

A platform’s responsibility should not be inferred simply from its greater financial capacity. A stronger normative case rests on four overlapping considerations. First, platforms derive economic benefit from transactions performed through drivers’ labour. Accident risk is therefore not wholly external to the economic activity from which the platform earns revenue.

Second, platforms may influence how work is organised. Algorithmic systems can allocate tasks, determine or influence prices, rank performance, create incentive structures, and restrict access to future work. ILO research on algorithmic management emphasises that data-driven systems are used to organise, assign, monitor, supervise and evaluate work. This does not mean

[7] Nguyen-Phuoc et al. (2019), *supra* note 2, at 68–74; Duy Quy Nguyen-Phuoc et al., *Risky Behaviours Associated with Traffic Crashes among App-Based Motorcycle Taxi Drivers in Vietnam*, 70 TRANSP. RES. PART F 249, 249–59 (2020), https://doi.org/10.1016/j.trf.2020.03.010; Margerison et al., *supra* note 5, at 729–39.
[8] Behrendt, Nguyen & Rani, *supra* note 5, at 17–41.

that a platform causes every unsafe behaviour. It does mean that the platform is not necessarily a neutral communications intermediary in relation to work organisation.[9]

Third, platforms have superior capacity to pool and distribute risk. An individual driver has limited ability to absorb the financial consequences of a serious accident, while a platform can spread protection costs across a large number of transactions or participants. This is a conventional insurance logic applied to a new organisational setting.

Fourth, platforms exercise distinctive informational control. They may hold records of log-in status, ride acceptance, pickup routes, GPS traces, completion times and payments. Those data can be crucial in proving whether an accident occurred in connection with platform work. Informational responsibility is therefore not merely ancillary to financial protection; it is part of the architecture through which access to compensation can become effective.

These four considerations are cumulative rather than categorical. Economic benefit alone would be too broad a basis for liability, and the mere possession of data cannot transform an independent contractor into an employee. The case for a distinct platform responsibility becomes stronger where several features converge: the platform structures access to demand, influences the conditions under which services are performed, is able to pool risk across transactions, and controls evidence that is difficult for the worker to reproduce independently. This supports calibrated, function-specific duties rather than an all-or-nothing transfer of employer obligations.

III. Platform Responsibility under ILO Convention No. 193

A. Personal Scope Beyond a Purely Employment-Based Model

C193 defines platform work broadly and does not limit its occupational safety and health provisions to workers who have already been classified as employees. This is particularly important in a sector where legal status remains contested and may vary across business models and jurisdictions. The Convention preserves classification as a separate question, but it does not make the existence of an employment relationship a precondition for all OSH protection.[10]

B. Article 4: From Prevention to Responsibility Allocation

Article 4 is the central provision for the present inquiry. It requires States to take appropriate measures for the prevention of occupational accidents, occupational diseases and any other

[9] International Labour Organization, *Algorithmic Management in the Workplace* (2024), https://www.ilo.org/algorithmic-management-workplace; International Labour Organization, Revolutionizing Health and Safety: The Role of AI and Digitalization at Work (2025), https://www.ilo.org/publications/revolutionizing-health-and-safety-role-ai-and-digitalization-work.
[10] C193, *supra* note 4, arts. 1–2.

injuries to digital platform workers' health arising out of, linked with or occurring in the course of their work, and to specify the respective functions and responsibilities of public authorities, digital labour platforms, digital platform workers and other relevant actors. The provision also requires attention to the complementary character of those responsibilities, national conditions and practice, the classification of status in employment, and the need to assess occupational risks and take adequate preventive and protective actions.[11]

This language adapts a familiar OSH architecture. Article 6 of ILO Convention No. 155 likewise refers to indicating the respective functions and responsibilities of public authorities, employers, workers and others, taking account of their complementary character. C193 can therefore be read as an adaptation of responsibility-sharing principles to an institutional setting in which the entity organising or influencing work is not always legally an employer.[12]

The preparatory materials make the evolution especially clear. In the 2025 Report V(2), the ILO Office proposed relatively direct duties on platforms to take steps to prevent occupational accidents and diseases, while comments from constituents reflected disagreement over the extent of platform control and the appropriate allocation of duties. By the 2026 draft Convention, the text had moved towards a State-centred responsibility-allocation model: national law would identify the respective responsibilities of public authorities, platforms, workers and other parties. The final Article 4 additionally makes status in employment an express factor in that allocation. This history matters. It shows that the final text is neither a rule of platform immunity nor a rule automatically treating platforms as employers. It is a framework for allocating complementary responsibilities in light of actual legal status and the organisation of risk.[13,14,15]

C. Article 4 and Article 9: Responsibility Does Not Replace Correct Classification

Any attempt to construct platform responsibility outside employment law creates a risk: a special 'platform responsibility' regime might be used to normalise self-employment even where the factual relationship is one of employment. C193 addresses that concern through Article 9, which requires measures to ensure the correct classification of digital platform

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[11] *Id.* art. 4.

[12] International Labour Organization, Occupational Safety and Health Convention, 1981 (No. 155), art. 6.

[13] International Labour Office, Realizing Decent Work in the Platform Economy, ILC.113/Report V(2), at 52, 150–51 (2025), https://www.ilo.org/resource/conference-paper/ilc/113/realizing-decent-work-platform-economy-0 [hereinafter Report V(2)].

[14] International Labour Office, Realizing Decent Work in the Platform Economy: Draft Convention and Recommendation, ILC.114/Report V(4), at 106 (2026), https://www.ilo.org/resource/conference-paper/ilc/ilc114/realizing-decent-work-platform-economy-draft-convention-and-recommendation.

[15] C193, *supra* note 4, art. 4(2)(b).

workers in respect of the existence or non-existence of an employment relationship, guided mainly by the facts relating to the performance of work and to remuneration or payment. The preparatory materials similarly emphasised correct classification and the primacy of facts while preserving genuine civil and commercial relationships.[16,17]

Articles 4 and 9 should therefore be read together. If a ride-hailing driver is in substance an employee, the platform must bear the obligations attached to employer status. Purchasing a private accident policy or making a limited contribution to a voluntary scheme cannot substitute for those obligations. If, however, the driver is correctly classified as independent, Article 4 still allows national law to recognise platform responsibilities proportionate to the platform's actual role. Classification determines the applicable responsibility regime; it does not erase the question of responsibility.

D. The Limits of Articles 12 and 23: Prevention Versus Compensation

C193 is strongest on prevention and allocation of OSH responsibilities. It is less prescriptive about post-accident compensation. Article 12 requires access to social-security protection on terms no less favourable than those applicable to other workers with the same classification of status in employment, while Article 23 establishes a general principle of no less favourable treatment across the Convention as a whole. These provisions are important, but the phrase 'same classification of status in employment' confirms that C193 does not erase the legal distinction between employees and self-employed workers.[18]

This produces a meaningful normative space between prevention and compensation. Article 4 supports assigning responsibilities to platforms in relation to occupational risks even where the worker is independent; Articles 12 and 23 do not themselves prescribe a platform-financed accident-insurance contribution. Earlier preparatory materials contemplated progressive extension of protection against occupational accidents and diseases to excluded platform workers, underscoring the concern while leaving national legal design open. The correct conclusion is therefore limited: C193 creates a basis for national responsibility allocation, but it does not itself dictate a single financing model.[19]

E. Normative Implications for Platform Responsibility

For genuinely independent ride-hailing drivers, C193 supports two categories of responsibility that national law may reasonably consider. The first is participation in prevention and in the

[16] Report V(2), *supra* note 13, at 68–69.
[17] C193, *supra* note 4, arts. 4, 9.
[18] C193, *supra* note 4, arts. 12, 23.
[19] Report V(2), *supra* note 13, at 58, 157.

financing architecture of protection, calibrated to the platform's role and without simply importing all employer obligations. The second is informational responsibility, because platforms hold work-process data that may be indispensable to accident determination. These responsibilities are complementary to, not substitutes for, correct classification and public social-insurance administration. This distinction is crucial to avoiding a third status that weakens employee rights while still preventing independence from becoming synonymous with platform non-responsibility.

The Convention's data provisions reinforce, but do not complete, this second dimension. Article 13 requires platforms to inform workers and their representatives about the use of automated systems to monitor or evaluate work or to generate decisions relating to work, while Article 16 gives digital platform workers the right to request access to, and the rectification and erasure of, personal data processed by platforms, subject to applicable data retention laws. Neither provision creates a specific duty to transmit trip data to a social-insurance authority for an accident claim. Their relevance is narrower: C193 itself recognises that information and data generated through platform work are matters of worker protection, not merely proprietary operational assets. A national accident-evidence duty would therefore extend an existing normative direction rather than introduce an unrelated regulatory objective.[20]

IV. Vietnamese Law and Practice

A. Legal Coverage of Occupational Accident Insurance

Vietnamese law has moved beyond an exclusively employment-based model of occupational accident protection. The 2015 Law on Occupational Safety and Health already recognised workers without employment contracts and the principle of voluntary occupational accident insurance. Decree No. 143/2024/ND-CP operationalised that principle from 1 January 2025 by creating a voluntary scheme for persons aged fifteen or older who work without employment contracts and are not covered by compulsory occupational accident and disease insurance.[21]

For genuinely independent ride-hailing drivers, this is a substantial legal change. Self-employed status no longer necessarily means exclusion from occupational accident insurance. Eligible participants may obtain impairment assessment and accident benefits where the statutory conditions are met. In legal-coverage terms, Vietnam has therefore narrowed an important protection gap.

[20] C193, *supra* note 4, arts. 13, 16.

[21] Law on Occupational Safety and Health No. 84/2015/QH13, June 25, 2015, art. 6 (Viet.); Decree No. 143/2024/ND-CP, *supra* note 3, art. 2.

Legal eligibility, however, is not the same as effective coverage. Participation is voluntary and must precede the accident. The pre-reform ILSSA-Hanns Seidel survey found that only 45.65 per cent of surveyed ride-hailing drivers participated in at least one type of insurance and 36.96 per cent had health insurance; compulsory social-insurance coverage among some respondents was linked to a separate formal job rather than to platform work itself. Those figures cannot be used to assess uptake under Decree No. 143 after 2025, but they reveal the baseline context in which a voluntary scheme operates.[22]

Publicly available data reviewed for this study do not yet allow the participation or benefit-receipt rate of ride-hailing drivers under Decree No. 143 to be separately identified. This data gap is consistent with the broader difficulty of measuring platform employment. An ILO-supported pilot module in Vietnam's 2023 Labour Force Survey identified problems relating to sample size, short reference periods and classification error. The World Bank has also noted operational difficulties in extending social-insurance participation to gig and platform workers because existing systems were designed around relatively stable employer-employee payroll relationships. The relevant conclusion is therefore cautious: Vietnam has expanded legal access, but the extent of effective coverage for ride-hailing drivers remains empirically uncertain.[23,24]

The limits of the available evidence also matter methodologically. The 2023 pilot survey was conducted in Hanoi and Phu Tho and was designed to test concepts and measurement methods, not to estimate nationwide prevalence of platform work. The absence of disaggregated public statistics on drivers' participation in Decree No. 143 should therefore be treated as an evidence gap, not as evidence that participation is low or that the scheme is ineffective. For that reason, this article distinguishes three separate questions: legal coverage (whether drivers are entitled to participate), effective coverage (whether they actually participate and receive benefits), and adequacy of protection (whether the available benefits sufficiently address the economic consequences of an accident).[25]

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[22] Bui Ton Hien et al., *supra* note 2, at 70–71.

[23] Ian Nicole Generalao, INTERNATIONAL LABOUR ORGANIZATION, MEASURING DIGITAL PLATFORM EMPLOYMENT IN VIET NAM: LESSONS LEARNED FROM THE PILOT SURVEY 1–4 (2025), https://doi.org/10.54394/EOOG8972.

[24] WORLD BANK, SOCIAL INSURANCE COVERAGE IN VIET NAM: PART II – OUTLINE OF AN INTEGRATED COMPLIANCE STRATEGY (2026), https://documents1.worldbank.org/curated/en/099061226023513501/pdf/P512654-1ac2414b-da8c-419a-a5fa-3ddd99a0ec24.pdf.

[25] INTERNATIONAL LABOUR ORGANIZATION, *Pilot Survey in Viet Nam: A Promising Start in Defining Digital Platform Employment* (Sept. 20, 2024), https://www.ilo.org/resource/article/pilot-survey-viet-nam-promising-start-defining-digital-platform-employment; Generalao, *supra* note 23.

B. Accident Exposure and Allocation of Protection Costs

The financing structure of Decree No. 143 differs materially from the compulsory regime for employees. The worker without an employment contract is the direct participant and contributor, while the State provides partial support according to statutory categories. A platform is not made a contributor simply because income is earned through it.[26]

That allocation should be assessed against the actual risk profile of the work. The ILSSA-Hanns Seidel survey reported average working patterns of 9.05 hours per day, 6.12 days per week and 25.87 days per month among surveyed ride-hailing drivers, while the study of 602 app-based motorcycle taxi drivers found approximately 30 per cent self-reported crash or fall involvement within the previous twelve months. These figures do not prove platform causation, but they reinforce that road exposure is a material and recurrent feature of the occupation.[27]

The capacity to absorb the resulting losses is also relevant. In the ILSSA-Hanns Seidel survey, 67.57 per cent of ride-hailing drivers reported using personal savings or assets when risks occurred, while only 18.92 per cent reported receiving support from the technology company. At the same time, among surveyed app-based drivers and delivery riders, 77.47 per cent wanted company support when risks occurred and 64.84 per cent wanted companies to ensure occupational safety and working conditions. These preferences do not establish a legal duty, but they demonstrate that the current individualised allocation of risk does not necessarily correspond to workers' experience of the platform relationship.[28]

Platform practices themselves also complicate the assumption that accident risk is purely personal. Incentive programmes may link financial rewards to activity levels, while platforms use data and algorithmic tools to match supply and demand. Again, the point is not that such systems cause accidents or automatically create an employment relationship. Rather, platform organisation forms part of the economic setting in which risk is generated, while statutory financing remains largely outside the platform's responsibility.

C. Benefit Scope and Adequacy of Protection

Decree No. 143 provides for assessment of work-capacity impairment and occupational accident benefits. A participant suffering at least the statutory degree of impairment may receive a lump-sum benefit calculated by reference to impairment and participation history. This is an

[26] Decree No. 143/2024/ND-CP, *supra* note 3, arts. 10–12.
[27] Bui Ton Hien et al., *supra* note 2, at 56; Nguyen-Phuoc et al. (2019), *supra* note 2, at 68–74; Nguyen-Phuoc et al. (2020), *supra* note 7, at 249–59.
[28] Bui Ton Hien et al., *supra* note 2, at 72–76.

important advance compared with the prior absence of a specific operational scheme for workers without employment contracts.[29]

The adequacy question is nevertheless broader than whether a benefit exists. An accident can create at least three distinct economic effects for a driver whose income depends on physically driving: medical costs, immediate loss of earnings during incapacity, and longer-term reduction in earning capacity. The voluntary scheme addresses part of this risk, while health insurance, private insurance and personal resources may have to absorb other components. The pre-reform evidence that many drivers relied on savings and assets suggests that income interruption is not a marginal concern.

Private platform insurance can supplement the public scheme but should not be confused with a statutory floor. Grab, for example, publicly announced accident insurance for partner drivers in 2026 covering accidental death or permanent disability and medical expenses, subject to specified limits. Such corporate protection may materially improve outcomes for covered drivers, yet it remains a company policy rather than a market-wide legal entitlement. The emerging Vietnamese architecture is therefore multi-layered but fragmented: public voluntary insurance, health insurance, private coverage and individual resources interact without a unified statutory allocation of platform responsibility.[30]

D. Determining Work-Related Accidents and the Evidentiary Value of Platform Data

Decree No. 143 links insured accidents to the participant's work or occupation and to registered working time and place. Participants must provide information on occupation, work, time and place. That logic is understandable for traditional self-employment but is less well adapted to app-mediated transport, where work is mobile, schedules fluctuate and drivers may use several applications.[31]

Platform practice demonstrates that digital records can define activity with much greater granularity. Grab's 2026 accident-insurance policy states that cover is activated automatically when the driver's account is in the mode ready to receive rides, and that it applies before and during rides, according to the company's published policy. This does not mean that 'online' status should automatically become statutory working time. A driver may be logged in but not working, or may be logged into multiple platforms simultaneously. It does show, however, that

[29] Decree No. 143/2024/ND-CP, *supra* note 3, arts. 4–7.
[30] Grab Vietnam, *Personal Accident Insurance Policy for Grab Driver-Partners in 2026* (Feb. 5, 2026), https://www.grab.com/vn/en/blog/driver/baohiemtainancanhan/.
[31] Decree No. 143/2024/ND-CP, *supra* note 3, arts. 3, 5, 14.

data on account status, ride acceptance, route, pickup, completion and payment can be technically available and highly probative.[32]

The deeper legal gap is therefore not merely that statutory concepts of time and place are difficult to apply. It is that the voluntary occupational accident framework does not clearly impose a duty on platforms to preserve, verify and provide relevant activity data for social-insurance purposes. Because the platform controls evidence that may determine whether a claim succeeds, informational responsibility should be treated as part of effective access to protection.

E. The Remaining Platform-Responsibility Gap

Vietnam has achieved an important expansion of legal coverage, but the responsibility architecture remains incomplete. Decree No. 143 gives independent workers a route into occupational accident insurance, yet statutory responsibilities are still concentrated on the participant and the State. Corporate programmes show that platforms are capable of providing insurance support and facilitating access to voluntary social and health insurance, but such practices remain discretionary.[33]

The solution should not be to classify every driver as an employee. That would ignore factual diversity and conflict with the principle of correct classification. Nor should Vietnam create a special third status for platform workers, because such a category could become a vehicle for weakening the rights of workers who are, in substance, employees. The unresolved issue concerns drivers who are correctly classified as independent. For them, the most defensible platform responsibilities are limited but concrete: participation in the cost of accident protection and a duty to provide work-related data necessary to determine coverage and claims.

V. THE FRENCH MODEL AND ITS COMPARATIVE VALUE FOR VIETNAM

France provides a useful comparator because its Labour Code recognises a form of 'social responsibility' for certain electronic intermediation platforms in relation to independent workers. Under Article L.7342-1, where a platform determines the characteristics of the service or goods and sets their price, specified social-responsibility provisions apply. The French model is therefore not built on the proposition that every platform is an employer; rather, it imposes certain responsibilities within a statutory framework expressly addressing independent platform workers.[34]

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[32] Grab Vietnam, *supra* note 30.

[33] Decree No. 143/2024/ND-CP, *supra* note 3; Generalao, *supra* note 23; WORLD BANK, *supra* note 24; Grab Vietnam, *Registration for Voluntary Social Insurance and Voluntary Health Insurance with Grab and PVI* (June 1, 2026), https://www.grab.com/vn/blog/driver/bhxh-bhyt-pvi/.

[34] CODE DU TRAVAIL [C. TRAV.] arts. L.7341-1, L.7342-1 (Fr.) (version in force July 29, 2026), https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000039677991/2026-07-

For occupational accidents, Article L.7342-2 is particularly instructive. Where the independent worker takes out qualifying voluntary occupational accident insurance, the platform bears the contribution or premium within the statutory ceiling. The platform may instead purchase a collective insurance contract offering guarantees at least equivalent to the individual scheme, in which case it bears the cost of that collective coverage. Article L.7342-4 limits the operation of these obligations by disapplying them where the turnover generated through the platform falls below a threshold fixed by decree.[35,36]

French law also contains a relevant, though distinct, data-access rule. Article L.7342-7 gives workers covered by the platform chapter a right of access to all the data concerning their own activity on the platform, to receive those data in a structured format, and to transmit them. The provision is not an occupational-accident claims rule and does not itself require disclosure to a social-insurance authority. Its comparative value is nonetheless important: it demonstrates that legal duties concerning access and portability of platform-work data can be imposed independently of employee status. This strengthens the case for treating information control as a separate regulatory dimension of platform responsibility.[37]

The comparative lesson is narrow but important. French law demonstrates that accident-protection cost responsibility can be attached to a platform within a regime for independent workers without, by that obligation alone, converting the platform into an employer. It also shows that the law may permit more than one method of compliance: reimbursement of individual coverage or platform-financed collective insurance.[38]

The model should not be transplanted mechanically. A turnover threshold may create gaps for occasional workers or those who spread work across multiple platforms. A special social-responsibility regime can also become problematic if it is used politically or legally to stabilise self-employment classification in cases where the factual relationship is actually one of employment. The French experience is therefore best used as evidence of regulatory possibility rather than as a complete template. Its core relevance to Vietnam is that platform cost-sharing can be designed as a responsibility additional to, but distinct from, employer liability.

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[35] C. TRAV. art. L.7342-2 (Fr.) (version in force July 29, 2026), https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000039784485/.

[36] C. TRAV. art. L.7342-4 (Fr.) (version in force July 29, 2026), https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000039677991/2026-07-29.

[37] C. TRAV. art. L.7342-7 (Fr.) (version in force July 29, 2026), https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006072050/LEGISCTA000039677991/2026-07-29.

[38] *See* C. TRAV. arts. L.7342-1, L.7342-2 (Fr.).

VI. Directions for Vietnamese Legal Reform

A. Establish a Principle of Shared Platform Responsibility

Vietnam need not create an entirely new accident-insurance system for ride-hailing drivers. Decree No. 143 already provides an institutional route for workers without employment contracts. The primary reform question is how responsibility within that system should be reallocated. The legal framework should move from a structure centred mainly on individual participation and State support towards a shared-responsibility model involving the worker, the State and the platform.[39]

Platform responsibility should be linked to the platform's actual role in the activity that generates risk rather than to contractual labels alone. Relevant indicators may include the extent to which the platform determines or influences price, allocates rides, sets service standards, operates ratings and incentive mechanisms, restricts access, earns revenue from transactions, and controls data about performance. This approach can also distinguish labour platforms from digital services that merely advertise or provide technical tools without materially organising work.

A non-derogation principle is essential. Where the facts establish an employment relationship under Vietnamese labour law, the platform must bear the full obligations of an employer, including compulsory occupational accident and disease insurance. The special responsibilities proposed here should apply only to drivers correctly classified as independent. This is consistent with the combined logic of Articles 4 and 9 C193.[40]

B. Require Platforms to Share the Cost of Occupational Accident Protection

The most significant reform would be to convert platform support from a matter of corporate discretion into a minimum legal obligation. France shows that accident-insurance cost-sharing can be structured without automatically classifying the platform as an employer, while Article 4 C193 provides the broader normative basis for allocating complementary responsibilities.[41]

This article proposes that qualifying ride-hailing platforms be required to bear part of the cost of voluntary occupational accident protection attributable to income-generating activity performed through their own systems. This is a national legal-design proposal derived from responsibility allocation under C193 and comparative experience; it is not a contribution rate

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[39] Decree No. 143/2024/ND-CP, *supra* note 3; C193, *supra* note 4, art. 4(2).
[40] C193, *supra* note 4, arts. 4(2), 9; Law on Occupational Safety and Health No. 84/2015/QH13, June 25, 2015 (Viet.).
[41] C. TRAV. art. L.7342-2 (Fr.); C193, *supra* note 4, art. 4(2).

imposed by C193 itself. For multi-platform workers, responsibility could in principle be allocated by income, transaction volume, or another activity indicator attributable to each platform rather than imposed entirely on a single company.

The precise contribution base should not be legislated without further evidence. Turnover does not perfectly reflect exposure; trip counts do not capture duration; and online time may be duplicated across several applications. Actuarial modelling and impact assessment are therefore necessary before selecting a rate or formula. The prior legal step is to establish the principle that a platform materially organising and benefiting from ride-hailing services should not remain entirely external to the cost of occupational-risk protection.

Vietnam's own tax administration provides an adjacent institutional precedent. A 2026 World Bank analysis notes that, from July 2025, digital platforms became withholding intermediaries for personal income tax on individual service providers operating through their systems, making platform-mediated income more visible to the tax authority. The report expressly observes that this infrastructure could be leveraged for coordinated collection of social-insurance contributions. Tax withholding and occupational accident insurance serve different legal purposes, so tax rates should not be imported into insurance design. The relevance is administrative: Vietnam already has experience requiring platforms to perform transaction-linked collection functions, which may reduce the practical difficulty of a future platform contribution mechanism.[42]

The law could also permit alternative compliance through platform-financed collective accident insurance, provided that the policy satisfies statutory minimum standards for covered risks, benefit levels, continuity and claims enforceability. French law offers an example of this functional equivalence approach. Existing corporate accident-insurance programmes in Vietnam suggest that collective arrangements are organisationally feasible, but legal recognition should depend on minimum guarantees rather than on the platform's unilateral policy design.[43]

C. Create a Platform Data Duty for Determining Work-Related Accidents

Financial responsibility should be accompanied by an informational duty. Decree No. 143 currently relies on occupation, work, time and place to establish the relevant accident nexus.

[42] WORLD BANK, *supra* note 24, at 10.
[43] C. TRAV. art. L.7342-2 (Fr.) (allowing either reimbursement of qualifying individual accident-insurance contributions or a platform-financed collective contract providing at least equivalent guarantees); Grab Vietnam, *supra* note 30.

For ride-hailing work, platforms may possess the most reliable records of log-in, ride acceptance, pickup location, trip route, completion and transaction history.[44]

The proposed duty should be distinguished from existing rights of personal-data access. C193 Article 16 protects the worker's ability to request access to personal data, and French Labour Code Article L.7342-7 provides a platform-specific right to access and transmit activity data. Neither rule is equivalent to a statutory obligation to preserve and disclose evidence for an occupational accident claim. The Vietnamese reform proposed here would therefore be narrower in purpose but stronger in enforceability: it would require preservation and disclosure only where the information is necessary to determine a legally relevant work connection or entitlement to benefits.[45]

Vietnamese law should therefore require platforms to retain, for a reasonable and defined period, the minimum data necessary to verify whether an accident was connected with platform work and to provide those data upon a lawful request by the participant, the social-insurance authority or another competent body. The law should specify the data categories, retention period, authorised requesters, response time, integrity requirements and consequences of unjustified refusal. The objective is not unlimited surveillance but evidentiary fairness in a setting where one private actor controls information essential to accessing a statutory benefit.

Platform data should not be the sole determinant. 'Online' status is not automatically equivalent to work, particularly where a driver simultaneously uses several apps. Evidence should be assessed in context: data showing an accepted ride or travel to a pickup point should carry greater probative weight than mere availability status, and platform records should be considered alongside traffic-accident reports, medical records and other evidence. A rebuttable or graduated evidentiary approach would better reflect the complexity of multi-apping than a single digital switch.

Any data duty must also comply with Vietnam's personal-data protection framework. Only data necessary for determining insurance rights should be processed, retained or disclosed for that purpose. A statutory accident-evidence duty should therefore be designed together with purpose limitation, data minimisation and access safeguards.[46]

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[44] Decree No. 143/2024/ND-CP, *supra* note 3, arts. 3, 14.

[45] C193, *supra* note 4, art. 16; C. TRAV. art. L.7342-7 (Fr.), *supra* note 37.

[46] Law on Personal Data Protection No. 91/2025/QH15, June 26, 2025 (Viet.) (effective Jan. 1, 2026); Decree No. 356/2025/ND-CP, Dec. 31, 2025 (Viet.).

VII. Conclusion

The central challenge in protecting ride-hailing drivers against accidents is not exhausted by the employee/self-employed classification debate. C193 preserves the requirement of correct classification, but Article 4 simultaneously reframes occupational safety and health as a field in which responsibilities may be distributed among several actors. Its significance for this article lies not in a specific financial obligation, which the Convention does not impose, but in the normative basis for assigning platform responsibilities proportionate to their actual organisational and informational role.

Vietnam's Decree No. 143/2024/ND-CP is a meaningful reform because it provides workers without employment contracts with a route into voluntary occupational accident insurance. The remaining gap lies in responsibility allocation. Protection costs still depend primarily on the individual's decision to participate and on State support, while platforms have no general statutory duty to share financing or provide activity data for claim determination. Because post-2025 data on ride-hailing drivers' participation and benefit receipt remain insufficiently disaggregated, this conclusion concerns legal design and available evidence rather than a quantitative claim that the new scheme has failed in practice.

The article therefore proposes a limited shared-responsibility model. Correct classification must remain the first safeguard. For drivers who are genuinely independent, platforms should bear a proportionate responsibility to share the cost of accident protection and to provide data necessary to establish the work nexus of an accident. This model neither creates a third employment status nor substitutes for employer obligations where an employment relationship exists. The specific contribution base, rate, and treatment of collective insurance should be developed through actuarial analysis, regulatory impact assessment, and future implementation data from Decree No. 143.

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