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GUIDELINES FOR APPLYING ELECTRONIC LABOR CONTRACTS IN ENTERPRISES

Authors:



CDLAF LAW FIRM
Strategic Legal Partner of CFT

✉ info@cft.vn

☎ +84 909 668 216

🌐 cft.vn

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GUIDELINES FOR APPLYING ELECTRONIC LABOR CONTRACTS IN ENTERPRISES

From 2026, the execution and management of electronic labor contracts (“e-Labor Contracts”) in Vietnam are more specifically governed under Decree 337/2025/ND-CP and Circular 08/2026/TT-BNV. Under the new mechanism, e-Labor Contracts do not merely involve parties signing contracts electronically but are managed throughout the entire contract lifecycle, including: Contract creation – execution – digital signature – data authentication – issuance of identification codes (ID) for e-Labor Contracts – data storage and management.

However, in practice, many enterprises are still asking: Where to start if they want to switch to e-Labor Contracts? Is it necessary to re-sign all existing contracts?

The following article summarizes important contents that enterprises need to note when implementing e-Labor Contracts.

1. Concept of E-Labor Contracts

According to the provisions of Clause 1, Article 3 of Decree 337/2025/ND-CP, an e-Labor Contract is a contract executed in the form of a data message, having the same legal validity as a paper-based labor contract. The law **does not mandate** all enterprises to use e-Labor Contracts but encourages their application to replace paper versions to optimize administrative procedures.

2. Operational Mechanism of E-Labor Contracts

According to Decree 337/2025/ND-CP and Circular 08/2026/TT-BNV, the operational mechanism of E-Labor Contracts is not limited to electronic signing but is managed throughout the lifecycle of the contract, from execution, performance, amendment, supplementation, and suspension to termination. All contract variations are tracked and stored synchronously on the system. Even if an e-Contract provider ceases operations, all contract data must be transferred to the National e-Labor Contract Platform to ensure that the rights of employees and employers are not interrupted.

To execute contracts, enterprises use eContract – an information system used for electronic transactions relating to the execution and performance of e-Labor Contracts. eContract is developed and provided by electronic contract solution providers for enterprise use.

Data from eContract after completion of execution will be connected and transferred to the **e-Labor Contract Platform** – a system managed by the Ministry of Home Affairs, serving as the national centralized system for receiving, processing, storing, and managing contract data to receive, issue identification codes (ID),

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store, and manage contract data.

The National e-Labor Contract Platform will store this data for 10 years from the date of contract termination (or from the date of termination of the last contract if multiple consecutive contracts are executed).

Employees and employers use their electronic identification accounts (VNeID) to log into the e-Labor Contract Platform. Parties can look up and verify their contract data, and simultaneously use this data to perform administrative procedures or report labor usage online.

3. Conditions and Procedures for Executing E-Labor Contracts

The execution of e-Labor Contracts is performed through eContract ensuring the following conditions:

- Use of digital signature software and digital signature verification meeting the requirements of the law on electronic transactions.
- Security measures to ensure the protection of user information and e-Labor Contract data; technical plans to ensure maintenance and recovery of electronic contract authentication activities when incidents occur.
- Storage plans ensuring the data integrity of electronic documents; ensuring the ability to look up e-Labor Contracts executed on eContract.
- Functions ensuring accurate identification of the parties and performing identity authentication in accordance with the law on identification and electronic authentication of employees and employers.
- Technical measures to confirm the consent of identified organizations and individuals to the contents of the labor contract.
- Functions for authenticating e-Labor Contracts in accordance with the law on electronic transactions to perform e-Labor Contract authentication before sending the e-Labor Contract to the e-Labor Contract Platform for ID assignment.
- Functions enabling the conversion between e-Labor Contracts and paper-based labor contracts in accordance with the law on electronic transactions.
- Provision of electronic transaction accounts complying with the conditions specified in Article 46 of the Law on Electronic Transactions.
- Functions to support employers in reporting labor usage in accordance with labor law through protocols and formats prescribed by the Ministry of Home Affairs.
- Functions for summarizing, statistics, and periodic or irregular reporting serving the management of e-Labor Contract transactions.
- Connection via standard Application Programming Interface (API) with the e-Labor Contract Platform as prescribed by the Ministry of Home Affairs.

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- Ensuring technical requirements for information safety in accordance with the law on network information safety.

Requirements Applicable to Enterprises (Employers)

- **Legal dossier:** Requires a valid Business Registration Certificate or establishment decision or Investment Certificate.
- **Identification of the legal representative:** Mandatory to have an ID card/Citizen Identity Card, level 2 electronic identification account (VNeID), or a valid passport.
- **Digital signature:** Mandatory use of digital signatures and time-stamping services according to electronic transaction law standards.

For Employees: Employees are required to provide personal identification documents similar to the enterprise's legal representative (Identity Card, level 2 VNeID, Passport) so the system can correctly identify the subject.

Criteria for Selecting E-Contract Solution Providers

Enterprises may only use solutions from organizations that meet the following conditions:

- Having an eContract that meets the conditions in Section III.1.
- Possessing a License for providing trust services (data message authentication services).
- Owning biometric authentication technology (fingerprint, face, iris...) for direct verification against the signer's identification documents.
- Having an API gateway directly connected to the Ministry of Home Affairs' e-Labor Contract Platform.

The Ministry of Home Affairs will publish a list of eContract providers whose eContracts are connected, suspended, or terminated from connection with the e-Labor Contract Platform on the platform's introductory page. Enterprises can rely on this list to ensure that the service provider meets the prescribed legal conditions.

4. Process of Executing E-Labor Contracts

Agreement, Initiation, and Digital Signing: The enterprise and the employee agree on the terms, then initiate the contract on the eContract platform. The parties

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perform digital signing. The contract officially takes effect from the moment the last party completes the digital signature and is time-stamped by the system, together with authentication by the eContract provider.

Data Submission: The eContract provider sends the signed e-Labor Contract along with authentication data to the e-Labor Contract Platform (managed by the Ministry of Home Affairs).

Verification and ID Issuance: The e-Labor Contract Platform verifies the validity of the digital signature and data. If requirements are met, the system will issue an ID code and respond to the eContract provider within **24 hours**. The ID code consists of **1 alphabetic character** and **12 numeric characters**, automatically generated by the national platform:

- **Letter characters**
 - **A:** For e-Labor Contracts newly executed from July 1, 2026.
 - **B:** For labor contracts converted from paper documents.
 - **C:** For e-Labor Contracts executed before July 1, 2026.
- **12 numeric characters:** Including the last 2 digits of the year of ID issuance and 10 random numbers.

Each e-Labor Contract is issued **a unique and non-duplicate ID code**. The ID code is issued **only once and remains unchanged** throughout the contract's lifecycle, even when the contract is amended, supplemented, suspended, or terminated; subsequent related documents continue to use the same ID code as the original contract.

State agencies use the ID code as the primary digital reference code for **e-Labor Contracts** on the e-Labor Contract Platform. Simultaneously, the ID code is linked with display codes and lookup codes managed by the system (such as administrative unit codes, employee identification codes, employer's tax codes) to serve the lookup, management, and exploitation of contract data. The issuance of an ID does not change the timing of execution, content, or validity of the contract established by the parties.

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Status Recording: After the ID is attached, the contract's official status is recorded on the national system, ready for lookup and reporting.

Note: From July 1, 2026, e-Labor Contracts after execution must be sent to the e-Labor Contract Platform for ID issuance.

5. Management of Labor Contracts

Conversion of Labor Contracts from Paper to Electronic: Enterprises have the right to digitize old paper contracts. Converted contracts must bear the digital signature of the employer's authorized representative to confirm accuracy compared to the original and must also be issued an ID code by the Platform.

Conversion Log: The eContract provider must send a conversion log to the Platform, including information about the executing system, the person performing it, completion time, file format, and the sealing digital signature to ensure integrity.

Handling Variations (Amendment, Suspension, Termination): Any derivative agreements (such as contract addenda, termination agreements) must be performed electronically similar to the original contract. Note: These documents must be attached to the same ID code as the original e-Labor Contract to ensure integrity and traceability of the sequence of events.

Labor Reporting: Enterprises are permitted to directly use the database on this platform to perform labor declarations and report labor usage, helping to significantly reduce administrative costs.

6. Enterprise Responsibilities and Practical Recommendations

Legal Compliance Responsibilities:

- Organize training, provide technical means to support employees in signing and accessing contracts on the system.
- Ensure the storage, security of personnel data, strictly complying with the law on personal data protection. If signs of unauthorized access, forgery are detected, the enterprise must immediately report to the platform management agency.

Practical Recommendations:

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- **Internal System Preparation:** Start evaluating and selecting reputable eContract providers.
- **Updating Labor Documents:** Review, supplement regulations on the application of data messages, electronic documents and digital signing methods into internal labor regulations, personnel policies and collective labor agreements.
- **Dispute Risk Management:** Due to the nature of biometric authentication and a maximum synchronization time of 24h, the HR department needs to refine the "on-boarding" process, ensuring employees have valid electronic identification accounts (such as VNeID) before the employee's first working day so that the signing process is not interrupted.

We hope this analysis provides your enterprise with an effective reference document. If your enterprise requires further clarification regarding any of the above matters, please contact our Lawyer via email at info@cdlaf.vn.



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LEGAL COMPLIANCE



OFFICE LEASING

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-  **Head Office:** R7.01, Transimex Building, 172 Hai Ba Trung Str., Tan Dinh Ward, Ho Chi Minh City, Vietnam.
 -  **Branch Office:** 330 Nguyen Van Troi Str., Phu Loi Ward, Ho Chi Minh City, Vietnam.
 -  **Transaction Office:** 101/20 Street 11, Thu Duc Ward, Ho Chi Minh City, Vietnam.
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 info@cft.vn

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