

# ***Research on the Problems and Strategies of the Protection of Labour Rights and Interests of New Employment Patterns Workers***

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**Keywords:** New Employment Patterns, Labour Rights Protection, Labour Rights Protection Union

**Abstract:** With the development of mobile Internet technology and the innovation of platform economy business model, the scale of new employment pattern based on platform economy has been expanding continuously, which has become an important reservoir for absorbing employment. At the same time, the development of new employment forms has posed challenges to the protection of labour rights and interests of practitioners, and the social concern caused by the issue of platform employment remains high. This paper takes the strategy of protecting the rights and interests of workers in new forms of employment as the main perspective, comprehends the real dilemmas and economic and social background of protecting the rights and interests of workers in new forms of employment, and then puts forward proposals on protection paths and regulatory measures.

## **1. Introduction**

The results of China's ninth national survey on the status of the workforce show that the number of workers in new forms of employment has reached 84 million, exceeding 20 per cent of the total number of workers. The development of new forms of employment has greatly improved the efficiency of labour resource allocation, expanded employment capacity and safeguarded people's basic livelihoods, and is of great significance to economic and social development.

The new forms of employment have the obvious characteristic of 'de-labour relations', and their continued expansion has, to a certain extent, reshaped the structure of employment and broken the norms of governance established on the basis of traditional labour relations. The existing labour law system, social security system, employment service system and labour relations consultation and coordination mechanism all suffer from the problem of insufficient adaptability in dealing with the new employment pattern [1]. This study analyses a series of problems such as limited career development, lack of social security and difficulties in protecting labour rights of workers in new employment patterns, who are excluded from the traditional labour rights and benefits protection system and account for one fifth of the total number of workers in the country, as well as their coping strategies, with a view to proposing recommendations for further exploring innovative directions and

specific paths for the comprehensive governance of new employment patterns.

## **2. New Employment Patterns: Changes in Employment and Shortcomings in Rights and Benefits**

### **2.1 The emergence and connotation of new forms of employment**

The new generation of technological revolution and changes in the mode of production have driven changes in the form of employment, and new employment forms have thus developed and grown to become an important part of society and have attracted the attention and discussion of all sectors of society. From the perspective of productivity, the new employment form describes the work mode of flexible collaboration between virtual and physical production systems through the interaction between workers and the means of production under the conditions of intelligentisation, digitisation and informatisation of the means of production driven by the new round of industrial revolution; from the perspective of the production relations, the new employment form refers to the de-employerisation and platformisation of the employment mode that accompanies the advancement of Internet technology and the upgrading of mass consumption. In terms of manifestation, the new employment pattern includes entrepreneurial job creators, freelancers, and multi-professionals relying on the Internet or market-based resources [2].

New employment pattern workers are those who accept online the work tasks of distribution, travel, transportation, domestic service and other work tasks issued by Internet platforms according to user needs, provide platform net services according to platform requirements, and obtain labour remuneration.

### **2.2 Shortcomings in the rights and interests of new employment forms**

The new employment pattern plays a positive role in stabilising employment capacity and promoting employment growth, and is an important employment reservoir and stabiliser [3], but due to the specificity of its form of employment coupled with the ever-expanding volume of employment, its potential problems have gradually come to the fore.

On the one hand, enterprises are excessively pursuing profits, and the tendency to de-labour relations is obvious. In order to reduce labour costs and avoid labour risks, platform enterprises usually contract their regional business to operators. In order to transfer the responsibility of employing workers, the operators have adopted large-scale forms of employment such as labour cooperation, labour dispatch, labour outsourcing, labour sharing, etc. [4], and there have even been chaotic phenomena of employment such as layer-by-layer outsourcing and guiding workers to register as industrial and commercial tenants. To a greater extent, such situations have disrupted the employment market and blurred the employment relationship, placing workers in new forms of employment in a vulnerable position, causing great damage to workers' rights and interests, and resulting in a high incidence of related labour disputes.

On the other hand, the protection of rights and interests is lagging behind, and workers in new forms of employment face systematic exclusion from the system. Existing labour security laws, employee social security systems, arbitration and mediation systems, and trade union services are all based on traditional labour relations. However, the employment relationship in the new employment pattern is different from the traditional employment relationship in that the personal subordination between workers and employers in the new employment pattern is weakened, with a tendency of 'de-organisation' and 'de-labourisation', showing the characteristics of self-employment; however, workers are subject to the strong constraints and management of the platform, and have the characteristics of traditional labour relations. However, workers are also subject to the strong

constraints of the platform, and have some of the elements of traditional labour relations [5]. The fact that workers in new forms of employment are in between self-employment and employment makes it difficult to effectively apply the labour rights and interests protection system based on the traditional employment relationship, and workers in new forms of employment are objectively excluded from the traditional labour rights and interests protection system.

### **3. Problems in safeguarding the rights and interests of workers in new forms of employment**

#### **3.1 Weak protection of labour rights and interests in new forms of employment**

As a result of the sustained slowdown in economic growth, local governments have given higher priority to stabilising employment and protecting enterprises, and lack the ability and motivation to strengthen labour rights and interests protection at the enterprise level. In the eyes of enterprises, new forms of employment are associated with considerable income and freedom of movement, and there is a lack of in-depth understanding of the actual difficulties and demands faced by workers in new forms of employment.

As a result of institutional inertia, the current dichotomy between labour and civil relations has not yet been followed up with adjustments to the system of social security, arbitration and litigation in a short period of time. Newly employed workers face problems such as a lack of employment services, weak protection of their rights and interests, dispersed organisational strength, and frequent employment disputes.

#### **3.2 The existing employment service system does not cover the new employment pattern**

The public employment service system for labour relations is mainly based on standard employment, and has yet to systematically include workers in new forms of employment in the existing service system. First, job recommendation and employment subsidies are still limited to standard labour relations. Because most new employment patterns are self-employed or contractual rather than standard labour relationships, they are directly excluded from the public employment service system. Second, there is a mismatch between vocational training and entrepreneurship support. The vocational guidance and vocational training provided by the government do not match the new employment patterns, and there is an imbalance between supply and demand. As a result, workers in new employment patterns with a single labour skill and limited career development are unable to participate in skills training. Third, there is a lack of service supply capacity and resources. As the service concept, service content, service mechanism and resource allocation have still not been adjusted in a concerted manner according to the characteristics of the new employment pattern, there is a lack of integration of resources from various parties, optimisation of the operation mechanism, and enhancement of service capacity.

#### **3.3 Lack of countermeasures to new employment risks**

With the rapid development of new forms of employment, new forms of employment industries are playing a positive role in economic development and enhancing employment, but due to the lack of a regulatory mechanism for the industry, the development of some industries and enterprises is not standardized, and legal awareness is weak, resulting in a series of new problems, such as the disharmonious development of labour relations. First, the traditional employment statistics system is difficult to adapt. New employment patterns have increased the mobility and flexibility of the workforce, and employment methods such as freelancing, multiple part-time jobs and crowdsourcing have disrupted traditional employment definition standards, creating new challenges for judging the

employment situation, measuring the employment situation, and surveying the labour market.

Secondly, there is a lack of means to monitor corporate tax payments and social insurance. Most enterprises with new employment patterns have not established labour relations with employees in new employment patterns. Even if they do sign labour contracts, they do not purchase social insurance for their employees because of the default 'rules of the trade', and if the employee files a complaint to defend his or her rights, the enterprise will 'block' the worker and put him or her on a recruitment blacklist. Even if the labour arbitration agency supports the newly employed workers in confirming their labour relationship and requesting the enterprises to pay the social security premiums, the newly employed workers have to go to the tax office to apply for the premiums by themselves, which is a complicated and time-consuming process, so the newly employed workers have to give up the rights and interests they are entitled to.

Third, the level of intelligence and refinement of industry supervision is not high. In the face of platform enterprises that possess a large amount of data resources and digital technology advantages, as well as a huge number of highly individualized and atomized individual workers, society and the government lack the means to identify the business situation and scale of employment reflected by the enterprises, and lack a comprehensive understanding of the actual situation of the workers' employment and the protection of their rights and interests, as well as timely monitoring means of the inter-industry mobility of the workers and the major risks in labor relations. There is also a lack of timely monitoring tools for the tendency of workers to move across industries and for major risks in labour relations, which to a certain extent leads to passivity in industry supervision.

#### **4. Countermeasures Suggestions for Deepening the Comprehensive Reform of Labour Rights and Interests in New Employment Patterns**

##### **4.1 Improve the coordination mechanism of the Union for the Protection of Labour Rights and Interests in New Forms of Employment**

A committee of the Alliance for the Protection of Labour Rights and Interests of Workers in New Employment Patterns was established, and the Alliance for the Protection of Labour Rights and Interests of Workers in New Employment Patterns will give full play to its roles of policy propagation, industry self-regulation, expression of interests, and consultation and coordination. On the premise that the legal system and social security system related to new forms of employment are not yet clear and lack rigid constraints, the Alliance for the Protection of Labour Rights and Interests of Workers in New Forms of Employment will give full play to the role of the Alliance as a relay station and buffer for communication and negotiation between the government, society, and enterprises of industries with new forms of employment, so as to create a new type of negotiation and coordination mechanism for labour relations. It has provided institutional safeguards for resolving issues such as labour management, protection of employees' rights and interests and collective labour relations in the new employment pattern industry.

Enterprises have internally strengthened their ideological leadership and care for workers in new employment patterns, and have conducted research on the implementation paths for the professionalisation and staffing of practitioners, focusing on the mechanism for the rational allocation of labour resources between new employment patterns and enterprises. Each industry forms an industry consensus and market order of self-regulation and healthy development through the construction of an alliance for the protection of the rights and interests of workers in new forms of employment, and has taken the lead from typical enterprises to promote top-down reforms of the employee system and corporatisation.

## **4.2 Strengthening the mechanism for safeguarding the rights and interests of workers in new employment patterns**

Different industries, such as the food takeaway industry, the online car industry and the anchor industry, promote model employment agreements through the Alliance for the Protection of Labour Rights and Interests in New Employment Patterns, negotiate and formulate employment protection standards, and carry out collective consultation and collective bargaining focusing on piece-rate wage unit prices, working hour systems, labour quota standards and occupational safety and protection, so as to reduce and avoid unnatural competition for labour in new employment patterns, and to promote the healthy development of the economy in new employment patterns [6]. The Government has also launched collective consultations and collective bargaining on the legal relations of new forms of employment. In view of the complexity of legal relations and the frequent occurrence of various types of disputes in new employment patterns, a special coordination agency for labour relations in new employment patterns has been set up within the Labour Protection Union for the Rights and Interests of New Employment Patterns, to assist enterprises and workers of the Union for the Protection of the Rights and Interests of New Employment Patterns in coordinating and guiding their labour relations and to provide one-stop mediation services in respect of labour disputes, civil disputes, and commercial disputes. It also provides ‘one-stop’ mediation for labour disputes, civil disputes and commercial disputes.

It is actively playing a role in piloting occupational injury protection for workers in new forms of employment, carrying out pilot work in relevant industries in accordance with the requirements of social insurance positioning, participation by commercial insurance institutions, local implementation of handling, overall consistency of protection, and consolidated management of the fund, with a view to summarising the effectiveness of the pilot work and stepping up its dissemination. On this basis, the Government is actively exploring a social insurance service model suitable for new forms of employment, and providing more convenient services in such areas as participation in contributions, enquiry about rights and interests, and the receipt and settlement of benefits [7]. In response to the reality that it is difficult to provide comprehensive social security coverage for workers in new forms of employment, workers in new forms of employment are permitted to participate in basic pension and medical insurance as flexibly employed persons, and to explore the possibility of contributing to provident funds as flexibly employed persons, so as to build a comprehensive social security system.

## **4.3 Establishing the ‘1+N+E’ network of services for the growth and care of workers in new forms of employment**

Through the provision of services such as labour guidance, relationship coordination and employee care for enterprises with new employment patterns, it has strengthened brand building and service promotion for enterprises with new employment patterns, and collaborated with multiple forces, such as university teachers, lawyers, human resources managers and other social forces, to join the coordination team for rights and interests protection, so as to push forward the work of comprehensive reform of rights and interests protection for new employment patterns.

Through the introduction of third-party service operators and the integration of industry resources of the Alliance for Labour Rights and Interests of New Employment Patterns, we provide new employment pattern workers with ‘one-stop’ services, such as career guidance, skills upgrading, employment recommendation, entrepreneurial guidance, policy consultation, dispute mediation, and psychological care. It integrates government forces, love stations, trade unions of enterprises with new forms of employment and other venue resources, and provides a portal for the expression of demands and service bookings through publicity posters, two-dimensional code signs and self-service terminals, as well as consultations and services on the protection of rights and interests.



According to the needs and usage habits of enterprises with new employment patterns and workers with new employment patterns, policy publicity, case interpretation and community group question-answering services, etc., are provided through WeChat public signals. Through the micro-signal, it has released the Care E-Manual on Occupational Rights and Interests Protection for Workers in New Employment Patterns, which provides workers in new employment patterns with practical information in a simple and vivid form, such as publicity on labour laws, guidelines on career development, guidance on the flow of government services, and guidelines on occupational health, so as to help them strengthen their awareness of social security and their ability to protect themselves.

#### **4.4 Strengthening research on the employment quality of workers in new forms of employment, monitoring labour demand and publishing typical cases**

Relying on the expert resources of the Institute of Labour Relations and the data resources of the Alliance for the Protection of Labour Rights and Interests in New Forms of Employment and the data platform, the Institute conducts tracking and research on the employment quality of workers in new forms of employment, the monitoring of employment demand in the industry, and typical cases of mediation of disputes over employment in enterprises, etc., so as to provide the basis for formulating relevant policies on employment protection, the Alliance for the Protection of Labour Rights and Interests in New Forms of Employment to implement relevant industry standards, and the enterprises that employ workers to optimize employment management. The study provides a basis for the formulation of relevant labour protection policies, the implementation of relevant industrial standards by the Alliance for the Protection of Labour Rights and Interests in New Employment Forms, and the optimisation of labour management by enterprises.

#### **5. Conclusion**

Changes in the labour market, the emergence of new employment patterns and technological progress have had a profound impact on labour relations. The emergence of new employment patterns has made labour relations more complex and diversified, and the discussion on the protection of labour rights and interests of workers in new employment patterns is intended to provide ideas for subsequent labour protection practices. This study puts forward policy suggestions for improving the level of labour rights and interests protection for workers in new employment patterns, and the demands of all parties should be comprehensively considered in policy formulation. In the platform economy operation mode, multiple subjects and production factors all contribute to the creation of platform economy value, so the labour security costs that each subject of the platform economy can bear and how the responsibilities borne by different subjects should be divided need to be studied in greater detail [8]. The establishment of an alliance for the protection of labour rights and interests of new employment forms goes hand in hand with the expansion of the existing system, and the consultation and coordination between the joint industry alliance, the internal management of enterprises, and the workers of new employment forms are carried out in order to ensure the high quality employment and the smooth protection of the rights and interests of the workers of new employment forms.

#### **Acknowledgement**

Project Title: ‘Exploring the Online-Offline Blended Teaching Mode of Sharing, Digital Intelligence and Integration - Taking the Performance Management Course as an Example’ (Project No.: 2024J072) of the 2024 Higher Education Teaching Reform Project of Guangzhou Xinhua University.

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