



Research on the Practice and Optimization Path of the Protection of Workers' Rights and Interests in New Forms of Employment

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Abstract. The digital economy has resulted in the rapid development of new employment forms and has become a significant force for employment absorption. However, their characteristics of flexibility and de-employerization also pose severe challenges to the traditional system designed to safeguard the rights of workers. Focusing on the protection of labor safeguards in gig economy as the core issue, this paper adopts the literature review method to systematically sort out the conceptual connotations, policy evolutions, and domestic and international practical experiences, and analyzes the core contradictions in rights protection from institutional adaptability, platform responsibilities, and worker empowerment. The study finds that the existing system leads to incomplete labor relations due to the dualism of labor relations, platforms exacerbate labor risks through algorithmic hegemony and the outsourcing of responsibilities, and the decentralized nature of workers makes them lack collective bargaining power. Based on the above analysis, the study proposes a three-dimensional optimization path of institutional reconstruction, technological empowerment, and multi-stakeholder governance. The research aims to provide a theoretical basis and practical reference for improving the policies for the protection of rights and interests in new forms of employment, and to help achieve a dynamic balance between the protection of labor rights and interests and industrial development in the era of the digital economy.

Keywords: New Employment Pattern, Workers' Rights and Interests, Labor Relations.

1 Introduction

In recent years, China's production models, labor divisions, and industrial structures have been reshaped and upgraded under the impact of Internet technologies. The digital economy's exponential growth has given rise to new economic models like the platform economy, the gig economy, and the sharing economy, spawning various new forms of employment [1]. Distinct from traditional employment models, new forms of employment feature greater freedom and flexibility, attracting an increasing number of workers to engage in platform-based and sharing economies [2]. Meanwhile, the COVID-19

pandemic has caused changes in people's professional values and lifestyles, leading to more acceptance of flexible employment. New forms of employment have gradually become a vital force in employment absorption, playing a significant role in stabilizing employment, promoting industrial upgrading, and facilitating economic development.

China attaches great significance to the setup and refinement of the policy system for maintaining the labor safeguards of non-standard employees, and has been continuously deepening, refining, and implementing relevant policies. Since the concept of "new forms of employment" was first put forward at the Fifth Plenary Session of the 18th Central Committee of the Communist Party of China, efforts have been made to continuously enhance and detail relevant policies. In 2019, a pilot program for occupational injury protection for individuals in new forms of employment was launched. In 2021, the "Guiding Opinions" established incomplete labor relations. In 2024, the latest policies emphasized the construction of the employment protection system of platform enterprises, with policies gradually progressing from point-by-point breakthroughs to systematic construction.

However, new forms of employment also present numerous challenges to the transformation and upgrading of China's policy system for protecting labor entitlements. The high-demand and low-threshold nature of the job market in these forms has led to a rapid expansion of the workforce. The discrepancy between supply and demand has intensified competition in the gig market, giving rise to many new labor issues, and the protection of labor rights and interests in emerging employment patterns is still incomplete. [3]. Issues such as the ambiguous definition of labor relations, insufficient coverage of the social security regime, the absence of platform responsibilities, and algorithmic manipulation have all contributed to a gap between the effect of implementation policies and the needs of workers, resulting in institutional failures in the digital economy era. Further analyzing the dilemmas in protecting the labor rights and interests of workers in new forms of employment against the backdrop of reality and exploring and innovating the means and optimization paths for their realization remain important topics of concern in academic research and social practice. Existing literature has taken note of the problems in defending the labor rights in non-traditional employment, yet there is a relative dearth of discussion on the practical dilemmas and optimization paths in this field, and a lack of systematic and targeted research.

Consequently, this paper integrates relevant literature with the real-world context to further analyze the dilemmas in protecting the labor rights and interests of workers in new forms of employment and explores and innovates the paths and optimization for their realization. It aims to unveil the complexity and diversity of issues related to the protection of the rights and interests of workers in new forms of employment, explore their causes from multiple dimensions, and provide theoretical foundation and practical instruction for the establishment of a more comprehensive system for upholding workers' interests and entitlements. Meanwhile, by analyzing the current situations and problems at home and abroad and drawing on domestic and international experiences, more targeted, actionable, and systematic solutions will be proposed to promote the healthy development of new forms of employment.

2 Elaboration on Related Concepts

2.1 Definition and Characteristics of New Employment Forms

The academic community generally acknowledges that new employment forms are novel employment models engendered by the transformation of productive forces, production modes, and production relations. Scholars have expounded on their concepts and connotations from diverse perspectives and with distinct emphasis. In terms of production modes, new employment forms refer to a production model wherein laborers receive tasks through online platforms and provide services to obtain remuneration in compliance with platform requirements [2]. From the perspective of production relations, the core of new employment forms lies in the cooperative relationship between laborers and platforms, representing a de-employerized and platform-based employment model [4]. Therefore, this study defines new employment forms as a flexible, de-employerized novel employment model centered on digital technology and relying on internet platforms, encompassing but not limited to various formats such as the platform economy, sharing economy, and gig economy.

New employment forms are characterized by flexibility, non-standardization, and algorithmic dependency. Laborers in new employment forms enjoy highly elastic working hours and locations and can choose work intensity according to their own needs [2]. Their work content and methods exhibit diversity and non-standardization, typically taking small, individual tasks as the work unit [5]. During the work process, platform algorithms play a pivotal role in task allocation, remuneration calculation, and performance evaluation, rendering laborers highly dependent on the platform's technical system [1].

2.2 Workers in New Employment Forms

Employees in new employment patterns primarily refer to the employment groups engaged in "new employment forms". Scholars have defined this group as platform workers [2]. Examples include platform employees in the sharing economy and gig economy (e.g., ride-hailing drivers, food delivery personnel), employees and entrepreneurs in e-commerce, online hosts, and the "internet celebrity economy", as well as participants in social media platforms represented by self-media, knowledge sharing, and community economy (e.g., short-video bloggers, all-media operators, online writers, e-commerce live-streamers) [5].

2.3 Protection of Laborers' Rights and Interests

The protection of laborers' entitlement and benefits refers to ensuring laborers' basic rights and interests in aspects such as wages, working hours, occupational safety, and social security through laws, policies, and social security systems. China's existing rights protection system under the traditional labor law framework mainly targets standard labor relations, demonstrating insufficient adaptability to laborers in new employment forms [2]. Labor rights and interests can be categorized into individual and collective rights. This study focuses on the individual labor rights of laborers in new employment forms, covering basic rights such as labor remuneration, social insurance, rest and leave, occupational safety and health, and vocational skill training, with particular

attention to the realization of individual labor rights in labor employment, labor condition protection, and labor dispute relief within the platform economy.

3 Policy Practices for the Protection of Workers' Rights and Interests in New Employment Forms

3.1 Evolution of Domestic Policies

China's policies for defending workers' right in innovative employment sectors demonstrate a gradual progression characterized by legislative breakthroughs, pilot explorations, and systematic optimization. At the central level, since the concept of "new employment forms" was initially introduced at the Fifth Plenary Session of the 18th Central Committee, the government has continuously advanced the improvement and refinement of relevant policies to meet the developmental requirements of novel employment models. In 2020, it was first put forward to activate pilot projects to safeguard personnel from occupational injuries in novel business models. The 2021 Guiding Opinions introduced the system of incomplete labor relations, requiring platform enterprises to negotiate with workers to determine labor rules so as to safeguard the entitlements of platform-based laborers [6]. In September 2024, the directions and measures for enhancing the safeguarding of entitlements for workers in emerging employment patterns were further clarified. The gradual optimization and improvement of policies have provided more robust institutional support for workers in new employment forms. At the local level, regions such as Beijing, Shanghai, and Guangdong have actively conducted pilot projects for occupational injury protection of workers in new employment forms, continuously accumulating effective experience.

However, despite the many explorations and innovations in the policy practice of safeguarding the entitlements of workers in emerging employment patterns, China still faces institutional dilemmas such as the blurred definition of labor relations, fragmented social security coverage, and the inadequate implementation of platform responsibilities. The systematicness and adaptability of the policy system still need further improvement [2].

3.2 Comparison of International Experiences

Overseas policies for the protection of new employment groups started relatively early, and the practical experiences of some countries in safeguarding the rights and interests of flexible employees hold certain enlightening significance for China. To expand the scope of workers' rights protection, the European Union has been continuously expanding the definition of "worker". In 2020, the United States adopted the ABC test standard to distinguish worker identities. The UK Supreme Court defined Uber drivers as an intermediate form between employees and the self-employed, while Spain's Rider Law requires platforms to establish formal employment relationships with riders. Countries such as Germany, Japan, and Italy have established a "middle ground" for the protection of a third category of labor relations to cover "intermediate" groups. Although these measures are constructive and instructive, China should still base itself on its national

conditions, deeply study the specific issues of upholding the benefits of workers in new employment pattern and put forward targeted solutions.

4 Practical Dilemmas in the Protection of Workers' Rights and Interests under New Employment Forms

Despite the state's significant emphasis on formulating and improving relevant policies, the practical protection of workers' benefits in alternative employment forms still faces numerous dilemmas, primarily including institutional adaptability conflicts, platform responsibilities and technical ethics, and the absence of worker empowerment.

4.1 Conflicts of Institutional Adaptability

First, labor relations are difficult to define. Many studies have indicated that labor relations under new employment forms face legal identification challenges, and the ambiguity in defining labor relations has become one of the core obstacles to protecting workers' rights and interests. The existing labor law lacks clear criteria for defining labor relations in new employment forms. The relationship between platforms and workers does not constitute a fully equal civil relationship but rather an incomplete labor relationship [2,4]. Some enterprises exploit this legal loophole by using short-term contracts and interim employment to evade legal obligations, with progressively established on the overuse of employees in new employment forms [7]. Platform workers are often excluded from labor relations, thereby being deprived of rights such as work-related injury insurance and paid leave [6]. The traditional standards for determining labor relations demonstrate insufficient adaptability to the entitlements and benefits of employees in emerging employment patterns, urgently requiring the updating of legal protection measures to promote the establishment of harmonious labor relations in new employment scenarios.

Second, the safeguarding of workers' entitlements is inadequate. The lack of institutional adaptability has led to workers in new employment forms lacking bargaining power, with rights protection showing characteristics of multi-dimensional impairment.

Violation of rest rights and labor remuneration rights: The flexibility of new employment forms has been distorted into round-the-clock availability, leaving workers' right to rest unprotected. The statutory working hour system has no binding effect on non-standard labor relations, and many workers in new employment forms face overwork. It is common for food delivery riders to work over 10 hours daily, with only 23% of platform workers able to independently control their working hours [1,2]. Meanwhile, new employment forms adopt real-time piece-rate payment without minimum wage guarantees, resulting in income instability. Gig workers' incomes are controlled by both platform algorithms and market supply-demand dynamics, with commission rates in some industries reaching as high as 30% [4]. This further exacerbates income volatility and infringes on their labor remuneration rights.

Deficiency in safety and social security protection: The absence of a security mechanism infringes upon the labor safety rights of workers in new employment forms, who

bear the costs of work-related injuries themselves. Due to their ambiguous status, these workers cannot access traditional work-related injury insurance or social welfare. Reduced rest time and high work pressure lead to behavioral fatigue, increasing the likelihood of injury and fatal accidents [8]. Furthermore, the social security system is unable to provide complete and effective coverage due to the mobility and flexibility of workers in non-traditional employment. They also face issues such as unclear insurance contributors and difficult transfer of rights, hindering the formation of a comprehensive security system [2].

4.2 Platform Responsibilities and Technical Ethics

Algorithmic Manipulation and Hegemony: Platforms exert covert surveillance and control over workers in new employment forms through algorithmic systems, establishing technical hegemony over platform workers. Algorithms play a decisive role in labor task allocation and performance evaluation, with workers passively accepting algorithmic rules and their autonomy exploited [1]. Platforms monopolize data, depriving workers of the right to information and appeal, leaving them in a vulnerable position amid information asymmetry and data opacity [4]. Algorithmic control weakens workers' autonomy, exacerbating work burdens and occupational risks.

Liability Evasion in Business Models: Compared with traditional employment, new employment forms adopt more complex business models, with enterprises' labor chains forming a networked structure. Platforms construct decentralized employment networks to evade legal responsibilities for protecting workers' rights. Scholars have pointed out that sharing economy platforms commonly adopt unilateral pricing strategies to shift market risks to workers, while positioning themselves merely as technical intermediaries to reject employer liability [2]. This business model of hollowed-out responsibility leads to workers being unable to identify clear entities for rights protection when their rights are infringed, thus falling into a relief dilemma [6].

4.3 Lack of Worker Empowerment

Absence of Collective Empowerment: Workers in China's new employment forms exhibit decentralized and individualized characteristics, lacking the organizational foundation for collective negotiation. When their rights are violated, they encounter unfair treatment, or disputes arise with third-party platforms, individual workers are too weak to contend with powerful entities. Platform workers have high occupational mobility, making it difficult to form stable interest communities. The trade union coverage rate is less than 10%, far lower than the 45% level in traditional industries [4].

Inadequate Rights Protection Channels and Mechanisms: The unsmooth rights protection channels and insufficient mechanisms for workers in new employment forms lead to high rights protection costs and long cycles. Academic surveys show that labor arbitration cases in new employment forms take an average of 126 days, and over 60% of workers are forced to abandon rights protection due to difficulties in evidence collection [6].

Diversified Rights Demands: With the evolution of the platform economy, the rights demand of workers in emerging employment patterns have shifted from subsistence-

oriented to development-oriented, but existing policies cannot adapt to their increasingly upgraded rights demands. Surveys reveal that 37% of platform workers hope to participate in platform rulemaking, and 28% focus on occupational injury prevention. However, the lack of channels for workers to participate in governance in the current system results in policies being unable to respond quickly [6].

5 Optimization Paths for the Protection of Workers' Rights and Interests in New Employment Forms

In response to the challenges of institutional adaptability and the dilemmas in rights protection posed by new employment forms, the following optimization paths for securing the benefits of staff in non-traditional employment forms can be broadly summarized as institutional reconstruction, technological empowerment, and multi-stakeholder governance.

5.1 Improvement of Policies and Regulations

Scientifically defining the criteria for identifying labor relations stands as the core of improving relevant regulations and policies and also serves as the logical starting point for effectively protecting the entitlements of employees in new employment patterns. Existing research has strongly emphasized the importance of abandoning the traditional binary framework of labor relations and advocates expanding the legal definition of labor relations. Some scholars propose refining the standards for determining subordination and establishing a three-tier evaluation index encompassing work management, remuneration structure, and technical dependency, so as to avoid the "all-or-nothing" binary judgment in judicial practice [4].

Other scholars advocate formulating special labor laws to adapt to the unique employment models of digital gig workers, incorporating workers in new employment forms into the scope of protection under special labor laws and formulating laws and regulations to meet their special occupational needs [3].

5.2 Reform of the Social Security System

Establishing a multi-tiered and diversified social security system that balances the universality of the broad labor force and the particularity of workers in new employment forms is a crucial measure to realize the social security rights of practitioners in new employment forms. Domestic scholars advocate optimizing and improving the existing social security framework, constructing a multi-level security mechanism, and integrating workers in emerging employment patterns into the social protection framework to address the challenges of protecting workers' rights in flexible employment models [3]. Foreign scholars, meanwhile, propose implementing flexible welfare systems tailored to the particularities of workers in new employment forms, enabling flexible employment groups to continuously access basic social security services even when changing employers or jobs [9].

5.3 Platform Governance and Technological Empowerment

Promoting algorithmic transparency and defining platform responsibilities are key to balancing efficiency and rights. The government should strengthen antitrust supervision over platform enterprises, accelerate the construction of a full-dimensional digital antitrust supervision system, and leverage internet technologies to empower monitoring and analysis, achieving the integration of online and offline supervision [3]. In international practice, the EU has included algorithms in high-risk supervision, the United States has strengthened platform responsibilities through class actions, and Australia has clarified platforms' primary obligations for occupational safety. By integrating foreign experiences with local practices, we can explore algorithm supervision and governance mechanisms more suitable for China's national conditions, thus forming a healthier and more effective governance ecosystem.

5.4 Collaborative Governance Mechanism

To improve the protection of workers' rights and interests in new employment forms, it is necessary to break through the single supervision model and construct a multi-stakeholder governance network, forming a tripartite collaboration among the government, platforms, and workers. The government should strengthen its regulatory functions to ensure the compliant operation of platforms and enterprises, while enhancing supervision over the implementation of labor laws and regulations to safeguard workers' legitimate entitlements and benefits. Enterprises need to assume more social responsibilities, actively participate in formulating and implementing labor rules, and defend workers' basic entitlements. A dedicated platform should be established for workers in novel employment models to provide health insurance, legal expertise, recruitment information, and educational activities, thereby enabling connections, resource sharing, and mutual support among groups [10]. Workers themselves should also enhance their awareness of rights, actively engage in rights protection initiatives, and improve their collective negotiation and rights protection capabilities by organizing trade unions or establishing workers' associations. Social organizations such as trade unions and NGOs should play a bridging role, providing legal aid, rights protection, and other services to workers, promoting communication and cooperation among the government, platform enterprises, and workers, forming a tripartite collaborative governance pattern, and jointly promoting the continuous optimization of the rights and interests' protection system for workers in new employment forms.

6 Conclusion

This paper employs a literature review approach to conduct an in-depth exploration of the protection of workers' rights and interests in new employment forms, systematically sorting out the policy practices, practical dilemmas, and optimization paths for safeguarding the entitlements and benefits of employees in emerging employment patterns. The study reveals that the core contradictions of workers' rights impairment in new

employment forms are manifested in three dimensions: institutional adaptability conflicts, platform responsibilities and technical ethics, and the absence of worker empowerment. Based on these dilemmas, this paper proposes a systematic optimization path from four aspects: improving policies and regulations, reforming the social security system, optimizing platform governance and technical ethics, and constructing a collaborative governance mechanism. It is recommended to refine laws and regulations and establish new labor relation recognition standards, innovate the social security system to explore models adaptive to new employment forms, strengthen algorithm transparency and platform responsibilities to protect workers' right to information and autonomy, and establish a collaborative governance mechanism involving multiple stakeholders to form a governance framework with the participation of the government, platforms, workers, and social organizations. This research deepens the systematic understanding of workers' rights protection in new employment forms but lacks empirical data support. In the future, it is advisable to combine investigations in typical industries to further verify the implementation effects of policy recommendations and provide more precise empirical evidence for constructing a rights protection system for new employment forms with Chinese characteristics.

References

1. Li G., Gao H.: Research on the Construction of Regulatory System for Protecting Labor Rights and Interests of Workers in New Employment Forms—Based on an Analysis of Shandong Province. *Journal of Jinan University (Social Science Edition)* **32**(6), 124–134 (2022)
2. Yu M.: Between Flexibility and Security: Social Policy Protection for Platform Workers. *Nanjing Social Sciences* (8), 76–83 (2021)
3. Yan H., Yang X.: Research on Labor Rights Protection of Digital Gig Workers in Platform Economy. *Economist* (5), 58–68 (2022)
4. Wei W., Feng X.: Study on Work Relations and Policy Optimization in Gig Economy. *Research on Economics and Management* **41**(9), 129–144 (2020)
5. Gussek, L., Wiesche, M.: The gig economy: Workers, work and platform perspective. In: *Proceedings of the 2022 Americas Conference on Information Systems* (2022)
6. Zhao H.: Research on Protection of Rights and Interests of Workers in New Employment Forms (Jilin University) (2023)
7. Insebayeva, S., Beyssembayev, S.: Digital Platform Employment in Kazakhstan: Can New Technologies Solve Old Problems in the Labor Market? *International Labor and Working-Class History* **103**, 62–80 (2023)
8. Salleh, N. M., Shukry, S. N. M., Maylyn, V., Jokinol, C.: Analyzing Challenges, Effects, and Motivations of Gig Economy Workers. *Social Sciences* **13**(6), 2125–2142 (2023)
9. Yaroshenko, O. M., Tkachenko, V. S., Puntus, D. A., Yakovleva, G. O., Konopeltseva, O. O.: Models of Social Protection for Gig Economy Workers: Legal Challenges and Prospects. *Science of Law* (3), 1–7 (2024)
10. Ahmad, K. S., Abd Samad, K., Abd Rahman, N. H., Mohd Daud, S. N., Marmaya, N. H., Nasution, Y. S. J., Hamzah, R.: Policies Improving Well-Being of Gig Workers in Malaysia. *Information Management and Business Review* **16**(1), 182–189 (2024)

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