

# Views on the Policy of Protecting the Rights and Interests for Workers in New Types of Employment: Take 83 Chinese Government Policy Documents as an Example

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**Abstract.** Strengthening the protection of the rights and interests for workers in new types of employment is of great significance to achieving high-quality and full employment and satisfying the people's yearning for a better life. In order to show the focus and weaknesses of the government in the protection of workers' rights and interests in new types of employment, a two-dimensional analysis framework including policy tools and policy objectives was constructed, and the content analysis method was used to quantitatively analyze 83 policy texts on the protection of workers' rights and interests in new types of employment. The results show that the current Chinese government has too low the frequency of use of demand-based policy tools, neglected vocational skills training, and some policy tools are not strongly coordinated with policy objectives. Therefore, it is suggested that in the future, the government can optimize the allocation of policy tools, coordinate the structure of policy objectives, and strengthen the synergy between policy objectives and policy tools.

**Keyword:** New employment patterns; Protection of labor rights and interests; Policy instruments; Policy texts; Content analysis.

## 1. Introduction

With the rapid development of new economic models, the number of workers in new employment forms, such as Internet delivery workers, Internet car drivers, Internet marketers and other shared economy service providers relying on Internet platforms, has increased significantly. According to the results of the Ninth National Survey on the Status of the Workforce, workers in new employment patterns accounted for 21 percent of the total number of workers nationwide, and their role as “reservoirs” and “stabilizers” of employment is becoming more and more prominent. In order to effectively safeguard the labor security rights and interests of workers in new forms of employment, and to support and regulate the development of new forms of employment, the Ministry of Human Resources and Social Security and eight other ministries took the lead in jointly issuing 《The Guiding Opinions on Safeguarding the Labor Security Rights and Interests of Workers in New Forms of Employment》 (hereinafter referred to as the “Opinions”). This policy formally includes new forms of employment in the scope of basic public services for labor security, and governments at all levels have issued a series of policies to support and lead the practical exploration of the protection of the rights and interests of workers in new forms of employment, with the policy system becoming more and more complete. However, judging from the employment data recently released by the People's Think Tank, there are still many problems and shortcomings in the protection of the rights and interests of workers in the new industry in terms of labor relations, labor patterns, labor income, social insurance, career prospects, and dispute handling[1]. It can be seen that the policy on the protection of labor rights and interests in the new employment pattern has not yet been implemented in a holistic manner in the course of its implementation, and that there is a certain deviation between the effects of the implementation of the policy and the objectives of the policy.

How to optimize the top-level design of policies to achieve the purpose of protecting the rights and interests of workers in new employment patterns has attracted the attention of more and more scholars. However, most of the existing studies start from a theoretical analysis perspective and pay less attention to the content of the policy text itself. In particular, based on the policy instrument perspective, it analyzes the use of instruments and their degree of fit between the subject of policy implementation and policy objectives. Therefore, this paper constructs a two-dimensional analysis framework of “policy tool - policy objective”, adopts the content analysis method, and carries out textual econometric analysis of the labor rights and interests protection policy of the new employment pattern through the steps of coding, quantification, visualization and so on.

## 2. Research Design

### 2.1 Rationale and Research Framework

#### 2.1.1 Dimension X: Policy Instrument Dimension

Policy instrument is a multifaceted combination of strategies, means and mechanisms for policy subjects to realize policy objectives, and is a relatively mature research path in policy analysis. This paper follows Rothwell and Zegveld's classification of policy instruments[2]. China's new employment pattern workers' labor security policies are divided into three major categories: supply-type, environment-type and demand-type, while the sub-tools are subdivided into 14 sub-categories in conjunction with the content of the policy text. Among them, supply-type policy tools mainly reflect the direct thrust of policies on the rights and interests of workers in employment forms, including financial investment(I1), public services(I2), infrastructure(I3),technical support(I4), talent cultivation(I5)and organizational construction(I6); environment-type policy tools indirectly promote the protection of the rights and interests of workers in new forms of employment through the creation of a good environment, which can be subdivided into standardization(I7),strategic measures (I8), mechanism construction(I9), supervision and management(I10),financial services(I11); and the demand-based policy tools show the direct pull of policies on the protection of the rights and interests of workers in new forms of employment, specifically including social participation(I12), demonstration and leadership (I13),publicity and promotion(I14). Each of these three types of policy tools focuses on and complements the other in terms of functional orientation.

#### 2.1.2 Dimension Y: Policy Objective Dimension

The establishment of policy objectives determines the choice of policy instruments and provides benchmarks for policy evaluation[3]. Therefore, in this paper, we set the “policy objective” as dimensionY. The construction of the new employment pattern labor rights and interests protection system is a re-upgrading of the traditional worker protection. Therefore, based on the《Labor Law of the People's Republic of China》 and the characteristics of the new employment pattern, this paper divides the objectives of the policy on the protection of labor rights and interests in the new employment pattern into six parts: improve social insurance and benefits(O1); strengthen labor safety protection(O2);Clarify employment relations(O3);conduct vocational skills training(O4); improve dispute handling mechanisms (O5);guarantee remuneration for labor(O6). Compared with the provisions of the Labor Law on the protection of the rights and interests of traditional workers, the goal of protecting the rights and interests of workers in the new industry has been improved in three aspects, for the following reasons:

First, relevant studies at home and abroad have shown that the development of new employment patterns has increased the employment opportunities of disadvantaged groups[4], which is conducive to the elimination of employment discrimination and the promotion of employment equity[5].Therefore, in determining the policy objectives for safeguarding the rights and interests of workers in new industries, the “right to equal employment and choice of occupation” in the Labor Law is not emphasized.

Second, platform-based laborers in new industries are held hostage by super-algorithms, and their rest and vacation are often linked to occupational risk. Therefore, in determining the policy objectives for safeguarding the rights and interests of workers in new industries, the “right to rest and leave” and the “right to protection of occupational safety and health” in the Labor Law should be merged.

Finally, it has become a consensus in the academic community that how to clearly define labor relations in the new employment pattern is the most important thing to improve the protection of their rights and interests[6]. The “new” labor relations brought about by new employment patterns, especially some “atypical” labor relations, are difficult to identify and define. Therefore, in determining the policy objectives for protecting the rights and interests of workers in new industries, the objective of “clarifying the employment relationship” was added to the original labor law.

## **2.2 Research Methodology and Data Sources**

The study used content analysis method. First, a three-dimensional analytical framework for the protection of labor rights and interests in the new employment pattern is constructed and the dimensions are coded. Second, the coding of the policy provisions on the protection of labor rights and interests in the new employment pattern. Again, the policy entries are categorized into a three-dimensional framework, and if the same policy entry relates to more than one policy instrument, the entry is included in the counting statistics for each policy instrument. Finally, the consistency of policy text coding was examined by coding content analysis reliability. Two other researchers in the same field of study were invited to independently code the 83 policy texts, and the final coding Kappa coefficient was greater than 0.810 after deliberation and adjustments based on consensus, indicating that this study has a high degree of stability and reliability[7].

The policy texts on the protection of workers' rights and interests in the new employment pattern selected in this paper are all public, authoritative and available from the official websites of Beida Faber and various government departments. The following requirements should be met when searching for policy texts: firstly, the title contains the keyword “new employment pattern”; secondly, the issuing department is the central government such as the Standing Committee of the National People's Congress and the State Council, as well as the local governments of provinces and cities; thirdly, the policy texts are retained as the types of policies such as laws, regulations, plans, opinions, notices, etc., and the informal policy texts, such as approvals and meetings, will not be taken into consideration. Informal policy texts such as approvals, meetings, etc. are not considered. Based on the above steps and principles, a total of 83 policy texts were obtained.

## **3. Quantitative Analysis of Policy Texts on the Protection of Labor Rights and Interests in the New Employment Pattern**

### **3.1 Dimensional Analysis of Policy Instruments**

From the perspective of policy tools, the three policy tools complement each other, providing strong support for the protection of the rights and interests of workers in China's new employment pattern. However, there are significant differences in their frequency of use, Environmental(52.53%)and supply-based(34.69%) policy instruments are used more frequently, and there is a large gap in the use of demand-based policy instruments. Specifically:

(1) There is an overflow of environmentally oriented policy instruments and a significant imbalance in the use of sub-instruments. environmental policy instruments account for 52.53% of the overall system of policy instruments, and there is a possibility of overflow use. This reflects policymakers' commitment to creating a favorable external environment for safeguarding the rights and interests of workers in new industries. Among this type of policy tools, “standard norms” accounted for 41.19%, indicating that China's current research on the protection of the rights and interests of people in new forms of employment is still at the stage of setting up rules, and also

highlighting the statutory nature of the policy on the protection of rights and interests. “Financial services” accounted for only 4.34%, a serious imbalance in the distribution. In the text of the policy on the protection of the rights and interests of workers in new forms of employment, the term “financial services” corresponds to the encouragement of platform enterprises and cooperative labor-using enterprises to take out commercial insurance and other non-government directly-funded financial services for workers in new forms of employment. Commercial insurance is essential for workers in new employment patterns that do not fully qualify for the establishment of a labor relationship, and its role should not be overlooked.

(2) The use of supply-side policy tools is stable, and the operationalization of tools on the ground is poor. The statistical results show that supply-based policy instruments account for about 34.69% of the entire system of policy instruments, which is a relatively balanced proportion. Within this type of policy tool, technical support (23.6%) and organization building (22.38%) have become the government's preferred tools for promoting the protection of the rights and interests of workers in new industries, indicating that the government prefers to lead the implementation of rights and interests protection by means of digital technology. For example, it encourages enterprises to sign e-contracts with workers, establishes intelligent employment service platforms, and strengthens the collection of employment information, and other forms, while also realizing that government organizational restructuring is still needed to ensure that policies are put into practice in the early stages of protecting the rights and interests of workers in new industries. However, the use of policy instruments for financial inputs (10.71%) and human resource development (6.33%) is slightly lacking. In the text of the policy on the protection of the rights and interests of workers in new forms of employment, financial investment and talent training complement each other, as demonstrated by the fact that the Government should do a good job of vocational training in a targeted manner, and should give subsidies for vocational training to practitioners in new forms of employment in accordance with the provisions of the law, or increase the strength of the training subsidy funds directly subsidizing the work of enterprises and other means. Insufficient supply of these two sub-instruments will affect the positive and positive closed-loop structure of the entire entitlement system.

(3) Demand-based policy instruments are weakly utilized and the effectiveness of the instruments needs to be strengthened. Demand-based policy instruments are committed to realizing the pulling effect on the labor rights and protection system of the new employment pattern through the role of the market, and their effects are more direct and convenient than environmental policy instruments[8]. However, it can be found that demand-based policy instruments account for only 12.77% of the entire system of policy instruments, which is significantly lower than environmental policy instruments and supply-based policy instruments. The weak use of demand-based policy tools can inhibit market demand orientation, which in turn affects the efficiency and effectiveness of the construction of the labor rights and benefits protection system of the new employment pattern. From the viewpoint of the internal structure of demand-based policy tools, social participation (38.99%) and demonstration leadership (33.7%) account for a relatively high proportion, which indicates that at the initial stage of the construction of the labor rights and interests protection system for the new employment pattern, the government still needs to make use of the power of the market and the third party of the society to ensure that the construction of the system operates smoothly, and at the same time, it needs to carry out a large number of pilot experiments for the purpose of exploring the experience. In contrast, the lack of attention on publicity and promotion tools (27.31%) will not be conducive to the formation of a point-to-point radiation effect of the protection of rights and interests, which is a shortcoming that needs to be further remedied by governments at all levels in the future.

### 3.2 Dimensional Analysis of Policy Objectives

In terms of the dimensions of policy objectives, “improving social insurance and welfare” has the highest share and is the most important objective that policy is expected to achieve. “Improving

the mechanism for handling labor disputes” accounts for a moderate share, slightly above the average. The percentages of “clarifying employment relations”, “strengthening labor protection” and “guaranteeing labor remuneration” are slightly lower than the average. “Providing vocational skills training” has the lowest share of less than 10 percent. Combining the actual meaning and proportion of dimensions of the objectives of the policy on the protection of labor rights and interests in the new employment pattern, the policy objectives are summarized in the following two characteristics.

(1) Inadequate social insurance coverage and difficult to measure welfare indicators. Although the policy objective of “improving social security and welfare” occupies a high percentage, the content of the codes shows that most of the regulations refer only to the two levels of old-age insurance and health insurance. It can be seen that the attention paid to social insurance in the current policy content is not comprehensive. In addition, welfare protection is mostly expressed in abstract terms, such as “enriching the supply of public cultural products and services”, making it difficult to monitor and regulate through concrete data.

(2) Neglecting the skills training of practitioners in new industries makes the “bottom-end boom”[9] unsustainable. At present, our new employment pattern practitioners are generally characterized by relatively low levels of cultural education and vocational skills. This has also led to the current new employment pattern in China in the real field of knowledge and skill innovation in the number of practitioners is relatively small, skills polarization (the whole of society appeared in the phenomenon of the simultaneous increase of high-skilled jobs and low-skilled (or even unskilled) jobs) led to a greatly increased risk of employment. Table 1 shows that China's current “vocational skills training” for new industry practitioners is obviously insufficient, which is not conducive to the construction of the labor security system.

Table 1 Policy objectives and distribution

Policy objectives	Number and percentage of policy objectives types(%)
Clarification of the employment relationship	15.24%
Guaranteed remuneration for labor	13.96%
Improvement of social insurance and benefits	30.02%
Strengthening labor safety protection	14.6%
Development of vocational skills training	9.22%
Robust dispute handling mechanisms	16.97%

### 3.3 Policy Instrument-Policy Objective Cross-Analysis

Conducting cross-cutting research on policy objectives and policy instruments can yield information on the use of policy instruments in achieving different policy objectives. As can be seen from Table 2, the policy tools for safeguarding labor rights and interests in China's new employment pattern are mainly used to “improve social insurance and welfare” (27.64%), followed by “improve dispute handling mechanisms” (19.57%), “Developing vocational skills training” (16.95%), ‘Strengthening labor safety protection’ (14.42%) and ‘Guaranteeing labor remuneration’ (12.02%). The smallest number of tools, less than 10%, were devoted to the objective of “clarifying the employment relationship” (9.4 %). It is evident that there is a significant gap in the allocation of attention of policy instruments between different objectives, and even a dilemma of complete absence of instruments under some policy objectives. It is specifically manifested in the following:

(1) The overall numbers do not exactly match. The number of reference points (2,330) in which there is a cross-relationship between the policy instrument and the policy objective accounts for about 65.56% of the total number of reference points of the policy instrument, indicating that the use of the policy instrument does not fully match the policy objective, and the overall degree of matching between the two is less than two thirds of the total number of reference points. In addition, there are significant differences in the proportion of allocations across the different types of policy instruments. The most intersectionality with policy objectives is found in environmental policy

instruments, followed by supply policy instruments, and demand policy instruments are the least intersectional. This further indicates that, as an important means of achieving the objectives, there are more policy instruments among the various types of policy instruments that are unable to contribute to the realization of the objectives of the policy on the protection of labour rights and interests in the new employment pattern, and have failed to give full play to their due functions.

(2) The internal structure does not exactly match. As can be seen from Table 2, in the result matrix of 14 (policy instruments)  $\times$  6 (policy objectives), 15 values are 0, accounting for 17.86%, indicating that there is still some lack in the selection of some policy instruments and the setting of policy objectives. For example, “financial inputs” should have served more policy objectives to meet the needs of workers in new occupations at different stages of development, but the effectiveness of its services is only evident in “vocational skills training”; The policy objective of “clarifying employment relationships” is not supported by six policy instruments. In addition, as the demand-based policy tools (12.77 per cent) have not been given sufficient attention, the large quantitative difference has led to a structural mismatch between the policy objectives and the corresponding policy tools, which is prone to a lack of targeting of policy efforts and affects the successful realization of the key objectives of the policy on safeguarding labour rights and interests in the new employment pattern.

Table2 Policy Instruments-Policy Objectives Cross Analysis Matrix

policy instrument	policy instrument	Policy Objective						Subtotal	percentage100%
		O1	O2	O3	O4	O5	O6		
supply	I1	27	6	0	74	0	0	107	13.75
	I2	111	1	0	6	51	0	169	21.72
	I3	91	1	1	35	37	8	173	22.24
	I4	69	4	18	24	21	11	147	18.89
	I5	0	0	0	77	1	0	78	10.03
	I6	16	2	0	2	82	2	104	13.37
	Subtotal	314	14	19	218	192	21	778	100
	percentage (100%)	40.36	1.8	2.44	28.02	24.68	2.7	100	
environmen tally	I7	137	106	168	48	35	97	591	44.6
	I8	70	34	14	61	26	20	225	16.98
	I9	24	35	3	28	87	58	235	17.74
	I10	26	40	13	6	40	69	194	14.64
	I11	24	51	0	0	0	5	80	6.04
	Subtotal	281	266	198	143	188	249	1325	100
	percentage (100%)	21.21	20.08	14.94	10.79	14.19	18.79	100	
demand	I12	14	18	0	6	49	8	95	41.85
	I13	14	27	1	26	23	2	93	40.97
	I14	21	11	1	2	4	0	39	17.18
	Subtotal	49	56	2	34	76	10	227	100
	percentage (100%)	21.59	24.67	0.88	14.98	33.48	4.41	100	
	(grand) total	644	336	219	395	456	280	2330	100
	overall percentage (100%)	27.64	14.42	9.4	16.95	19.57	12.02	100	

Note: Percentages in parentheses refer to the ratio of the number of policy instruments matching the policy objective to the total number of instruments of that type; shares refer to the ratio of the number of corresponding policy instruments to the number of instruments of that type matched.

## **4. Conclusions and Recommendations of the Study**

Under the analytical framework of “policy tool-policy objective”, this paper conducts a textual quantitative research on the policy of protecting the rights and interests of workers in China's new employment pattern, and draws the following conclusions: On a single dimension, there is a structural imbalance in the use of policy instruments; an uneven distribution of attention to policy objectives. In the cross-cutting dimension of analysis, there is a quantitative and structural mismatch between policy objectives and policy instruments. Based on this, combined with the development trend of China's new employment pattern, this paper puts forward the following policy text optimization suggestions:

### **4.1 Scientific Allocation of the Frequency of Use of Policy Instruments and Optimization of the Internal Structure of Instruments**

On the one hand, the proportion of the use of demand-based policy instruments should be increased as a whole to give play to the pulling effect of demand-based policy instruments. For example, the flexible use of the “social participation” policy tool, whereby technical challenges such as the creation of an intelligent employment service platform and the provision of legal aid are left to specialized technicians to solve. Reasonable combination of “demonstration leading” and “publicity and promotion” policy tools, through supporting key projects, creating demonstration projects, expanding the scope of publicity, and providing normative templates that can be used as a reference for the piloting of local projects. In addition, the overall number of demand-driven policy instruments can be increased by adding sub-instruments such as “outsourcing of services”, “international exchanges” and “school-enterprise cooperation”.

On the other hand, it effectively balances the internal structure of environmental and supply-type policy instruments and optimizes the configuration of the mix of secondary policy instruments. Typically, the initial phase of policy creation or governance focuses on shaping the objective and subjective environment in which policy is implemented, which requires that the use of environmental policy instruments be prioritized over the supply and demand side as a whole, as evidenced by the planning of goals and the revision of laws in various documents[10], and as supported by the quantitative results of the policy texts in this paper. The use of environmental policy instruments should be appropriately weakened in future policymaking, and the share of supply-type policy instruments should be stabilized, so that supply-side policy instruments do not overshoot and safeguard their responsiveness to policy objectives. and strengthen “financial investment” and “financial services”, and emphasize “talent training” for workers in new industries. Balancing the “push-pull” effect of instruments in a favorable environment creates a solid structure of policy instruments.

### **4.2 Balancing the Allocation of Attention to Policy Objectives and Improving the Specificity and Operationalization of Objectives**

From the dimension of a single policy objective, vocational skills training for workers in new industries should be strengthened. At the bottom end of the new employment pattern (e.g., take-away and express delivery), the so-called “race to the bottom” and the gradual loss of the comparative advantage of current labor income due to the massive influx of employees have already occurred. This is exemplified by the recent decline in the service fees offered to workers by some labor platforms[9]. At the policy level, it is necessary to actively and effectively help practitioners of new industries to cope with short-term employment pressures, and at the same time to regulate and guide the career development of practitioners of new industries from a long-term perspective.

In terms of the cross-cutting dimension of instruments and objectives, the specificity and operationalization of policy objectives should be improved. Taking “clarifying the employment relationship” as an example, the current policy text in China is very general in its description of defining the employment relationship and signing the labor contract. For example, “Where an enterprise and a worker are in a position to establish a labor relationship, it shall, in accordance with the law, conclude a labor contract with the worker and fulfill the responsibilities of the employer”, “Where an enterprise and a worker are in a position to establish a labor relationship, it shall, in accordance with the law, conclude a labor contract with the worker and fulfill the responsibilities of the employer”, etc. ”, etc. On the surface, it appears that the employment relationship is categorized, but in practice, issues such as how to sign a labor contract or agreement and whether there is a regulatory path are not mentioned and addressed. In fact, the origin of the predicament of the protection of labor rights and interests in the new employment pattern comes from the intervention of the platform economy, which makes the responsibility and right relationship of multiple subjects unclear. In the many labor dispute cases that have already occurred, many online platforms have classified workers as independent contractors in order to exempt themselves from the responsibilities due to employers. There are also some network operators who have been fired or “kicked out” of their platforms because their work was not recognized by their clients and received poor reviews. The relationship of responsibility and rights between the various active subjects is not clear, and in the event of disputes, it is difficult to dispose of them in accordance with existing regulations. Therefore, it is necessary to formulate a more detailed and specific target plan, so that each form of employment can be legally classified into the appropriate labor relations situation, so as to protect the corresponding labor rights and interests.

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