

Systematic Reconstruction of Labour Rights Mechanisms under the Threshold of Hierarchical Classification: An Integrated Path Based on Legal Empowerment and Procedural Synergy

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Abstract: *Against the dual backdrop of the digital economy and population ageing, China's labour rights protection mechanism faces systemic difficulties, such as a recognition rate of less than 30 per cent for the labour relations of platform workers, a coverage rate of only 20 per cent for work-related injuries for overage workers, and an average annual growth rate of 8.2 per cent for labour dispute cases. The traditional labour law is based on the "subordinate" rights protection model, which is difficult to cope with the "de-labouring" employment pattern under the control of algorithms, resulting in "fragmentation of rights protection" and "procedure" of workers' rights and interests. As a result, the rights and interests of workers show the jurisprudential contradiction of "fragmentation of rights protection" and "procedural coordination failure". This study proposes a systematic reconstruction plan of "stratification and classification": at the level of stratification of legal subjects, three-dimensional criteria of age, industry and gender are constructed, and over-age workers (working ≥ 20 hours per week and relying on income for $\geq 50\%$ of their working hours), platform practitioners (with significant algorithmic control), and women working remotely (with the right to be offline for 10 hours per day) are included in the protection of quasi-labour relations; at the level of protection of rights and interests, a systematic reconstruction plan is proposed. At the level of the rights protection system, core rights and interests are rigidly and flexibly adapted to derivative rights and interests through the transparency of algorithmic pricing (38% reduction in the complaint rate after the implementation of a platform), the delinking of work-related injury insurance from the fact of employment (the participation rate of a pilot project has increased to 61%), and the layered model of social insurance (mandatory participation in the basic healthcare system and the platform payment of occupational injury insurance); and at the level of the procedural synergy mechanism, relying on the blockchain At the level of procedural synergy mechanism, a full chain dispute resolution system is constructed by relying on blockchain (the number of labour complaints in a certain city has dropped by 42%), ODR online dispute resolution (the cycle has been compressed from 90 days to 15 days), and joint disciplinary action for breach of trust (the implementation rate of wage arrears will reach 78% by 2023). At the theoretical level, the system breaks through the traditional single framework of "subordination", and at the practical level, it is expected to cover 120 million workers and shorten the cycle of rights protection by 50%, providing a new paradigm of "layering of rights and synergistic procedures" for the modernisation of the rule of law in labour and corresponding to the regulation of the emerging industries such as meta-universe employment. It is of forward-looking value for the regulation of new industries such as meta-universe labour.*

Keywords: Workers' rights mechanisms; Legal empowerment; Procedural synergy; Hierarchical classification; Platform employment.

1. INTRODUCTION: THE DILEMMA OF THE TIMES AND THE NEED TO RECONSTRUCT THE MECHANISM FOR DEFENDING WORKERS' RIGHTS

1.1 Jurisprudential Deconstruction of Realistic Contexts and Problem Focuses

The superimposed effects of the booming digital economy and the accelerating process of population ageing have put pressure on China's labour rights and protection system to undergo structural change. Data show that the current size of the flexible employment population has reached 200 million, of which about 84 million are workers in new employment patterns, but the rate of labour relationship recognition for platform employment is less than 30 per cent. Typical cases show that although takeaway riders create significant labour value for the platform, only 12% of them have signed formal labour contracts, leading to difficulties in defending their rights in labour disputes. At the same time, only 20 per cent of over-age workers over the age of 60 are covered by workplace injury insurance, and this group encounters both barriers to labour access and occupational injury relief due to age

restrictions.

The average annual growth rate of 8.2 per cent in labour dispute cases and the 65 per cent appeal rate in administrative litigation for work-related injuries have exposed the institutional lag of the traditional labour law system. The framework for determining labour relations based on personality, economic and organisational subordination has been difficult to apply in the new employment model of "algorithmic control + responsibility autonomy" in the platform economy. Empirical studies have shown that the average daily working hours of riders on a takeaway platform are 11.4 hours, but the platform has constructed an invisible labour control system through algorithmic mechanisms such as "overtime downgrading", which reduces workers to "data subordination". This "de-labourisation" operation has led to an "all or nothing" rupture in the protection of labour rights and interests, and workers are systematically disadvantaged in dispute resolution.

The gender dimension should also not be overlooked: 24.6 per cent of female workers in the new forms of employment face a lack of maternity protection because they work remotely, and the dissolution of the boundary between work and life has made the realisation of rights more complicated. The fact that over-age workers are systematically excluded from the workers' compensation insurance system highlights the structural flaws in the design of the "labour-relationship-dependent rights" system: the protection of workers' rights and interests is overly dependent on the outcome of the determination of the labour relationship, which creates a systemic vacuum in the realisation of rights and obligations.

1.2 The Core of the Jurisprudential Paradox: the Fragmentation of Rights Guarantees and the Failure of Procedural Synergies

The rights and interests protection system constructed by the traditional labour law with the theory of "subordination" as the core has encountered the crisis of deconstruction of the subject, right and procedure in the era of digital economy.

The contradictions at the principal level are centred on the rupture in the system's coverage. Because of the atypical nature of their employment patterns, new employment groups such as overage workers and platform workers are excluded from the traditional recognition of labour relations. Although these groups create significant social and economic value, they face systematic exclusion from basic rights and benefits such as occupational injury relief and access to social security.

The fragmentation of rights stems from the rigid design of the labour relationship to which rights and benefits are tied. Core labour rights and interests, such as the payment of wages and social insurance, are strongly linked to the outcome of the labour relationship, resulting in the "fragmentation" of the rights of flexibly employed persons. New types of employment, such as lack of job continuity and significant fluctuations in income, are in structural conflict with the traditional requirement of stability in the protection of rights and interests.

Failure at the procedural level is manifested in obstacles to synergy in dispute resolution mechanisms. The disconnect between conciliation, arbitration and litigation procedures has lengthened the period of time and increased the cost for workers to defend their rights. Data show that the success rate of mediation in labour disputes is only 77.7 per cent, highlighting the problems of procedural idleness and delayed relief, and the system's design has failed to respond effectively to the new trend of complexity and technological development in labour disputes.

1.3 The Urgency of Reconstructing Jurisprudence

In order to resolve the dilemma of safeguarding the rights and interests of workers, it is urgent to construct a "multi-dimensional rights flexibility" mechanism to replace the traditional paradigm of a "single labour relationship dependency". Through the systematic reconstruction of the system, which involves the identification of subjects, the allocation of rights, and the connection of procedures, the scope of protection of the labour law has crossed over from formal equality to substantive justice. This path of reconstruction can not only fill the institutional gaps of new forms of labour such as platform employment and over-age employment, but also enhance the adaptability of dispute resolution mechanisms to complex scenarios such as technology control and telecommuting, and ultimately form a modernised labour rule of law system that takes into account the vitality of the market and social fairness.

2. MECHANISMS FOR IDENTIFYING THE STRATIFICATION OF LEGAL SUBJECTS: THE JURIDICAL LOGIC OF TYPOLOGICAL CRITERIA AND LEGISLATIVE RESPONSES

2.1 Jurisprudential Evidence and Empirical Support for Stratification Criteria

2.1.1 The age dimension: "quasi-employment relationship" protection for over-age workers

Against the backdrop of accelerated population ageing, the proportion of under-age older workers aged 60-64 in China who are employed has reached 34.43 per cent, but data on judicial cases show that the rate of recognition of their labour relations is less than 15 per cent. This significant discrepancy reveals a systematic omission in the labour rights protection system for over-age workers. Based on the jurisprudence of Germany's "worker-like" theory, a breakthrough in the system of occupational injury insurance and minimum wage protection for overage workers can be achieved by establishing a double quantitative standard of "labour contribution ≥ 20 hours/week + economic dependence $\geq 50\%$ of income". The design of this criterion not only fits the part-time and atypical employment characteristics of overage workers, but also highlights the social contribution of their labour through the indicator of economic dependence.

In terms of legislative improvement, it is proposed that a special chapter on "special employment agreements" be added to the Labour Law, allowing employers and overage workers to independently agree on flexible working hour arrangements and differentiated insurance packages. This institutional innovation maintains the flexibility of the labour market while building a risk-sharing mechanism through the legalisation of contracts, effectively reducing the occupational risk exposure of overage workers.

2.1.2 The business dimension: reconstructing the "economic subordination" of labour on platforms

Algorithmic control has become a new type of labour management paradigm in the platform economy, and empirical studies have shown that riders on a takeaway platform work an average of 11.4 hours per day due to invisible algorithmic punishment mechanisms, such as "overtime downgrading". This kind of algorithmic power alienation phenomenon urgently needs to reconstruct the economic subordination standard through the relationship of "algorithmic power - labour control". At the legal level, it is necessary to break through the shackles of traditional personality subordination and include platform workers with continuous economic dependence in the second level of protection, granting them basic labour rights and interests such as occupational injury insurance and algorithmic transparency.

At the level of legislative practice, it is recommended to formulate the Interim Measures for the Management of Platform Labour Algorithms, and establish a filing and review system for algorithms and a dynamic assessment mechanism. By mandating platform enterprises to disclose core algorithm parameters and accept third-party compliance reviews, the abuse of algorithmic power can be curbed at the source, and the organic unity of technical governance and labour rights protection can be achieved.

2.1.3 The gender dimension: guaranteeing the "right to disconnect" for women workers

Empirical data show that 24.6 per cent of female workers in new forms of employment experience a lack of maternity protection due to teleworking, highlighting the shortcomings of the system for safeguarding gender rights and interests in the context of the digital economy. Drawing on the essence of the "right to disconnect" system of the EU's Digital Services Act, legislation can be enacted to establish a mandatory offline time period of no less than 10 hours per day, and to build a mechanism for physically separating work and family life. At the same time, a mechanism for discounting the value of domestic labour in Germany has been introduced, whereby the amount of domestic labour during the childbearing period is financially compensated at the rate of 30 per cent of the minimum wage, and enforcement guarantees are strengthened through a system of reviewing remote work logs.

2.2 Legislative Construction of a Stepped Legal Protection System

A three-tier system of legal protection is constructed based on tiered identification criteria (see Table 1 for details), forming a gradient of coverage from full labour relations to civil relations:

Table 1: Table of levels of protection and contents of labour relations

Level of protection	criteria for determining whether something is right	Rights content	legal basis
Standard labour relations	Personality + economic + organisational subordination	Comprehensive protection of wages, social security and collective bargaining	Labour Law, Labour Contract Law
Quasi-Labour Relations	Economic dependence (income dependence \geq 50 per cent)	Occupational injury insurance, algorithmic transparency, etc.	Regulations on the Protection of the Rights and Interests of Workers in New Employment Patterns
civil relation	Temporary, discontinuous services	Minimum wage guarantee, summary conciliation procedure	Flexible Employment Promotion Act

The system achieves the precise expansion of the scope of labour law protection through differentiated rights allocation, not only maintaining the institutional stability of traditional labour relations, but also creating "institutional interfaces" for emerging employment groups, and ultimately achieving the dialectical unity of universality and specificity in the protection of labour rights and interests.

3. RIGHTS CONTENT CLASSIFICATION AND GUARANTEE SYSTEM: RIGIDITY OF CORE RIGHTS AND INTERESTS AND FLEXIBILITY OF DERIVATIVE RIGHTS AND INTERESTS

3.1 Rigid Safeguard Mechanisms for Core Rights and Interests

3.1.1 Wages and hours: algorithmic pricing transparency

The substantial impact of algorithmic control on labour remuneration in the platform economy has created a new type of equity risk. Empirical studies have shown that the complaint rate of drivers on an online taxi platform dropped by 38 per cent after disclosure of pricing rules, confirming the significant value of algorithmic pricing transparency in protecting workers' rights and interests. Based on this, the legislation should establish a legalised information disclosure obligation for platform enterprises, mandating the disclosure of pricing formulas, service draw ratios and dynamic adjustment rules to curb algorithmic exploitation from the source. By establishing a transparent mechanism for algorithmic pricing, workers can clearly predict the composition of the price of their labour, effectively eliminating the loss of rights and interests caused by information asymmetry, and at the same time, reducing the incidence of labour disputes caused by compensation disputes, and maintaining the stability of the labour market order.

3.1.2 Occupational safety: de-linking workers' compensation insurance from the fact of employment

The traditional workers' compensation insurance system's participation model, which presupposes the identification of a labour relationship, has led to systemic loopholes in the relief of occupational injuries for workers in new forms of employment. After a pilot project in one city replaced the labour relationship with the "fact of employment" as a prerequisite for participation in the insurance system, the participation rate jumped from 23 per cent to 61 per cent, verifying the feasibility of the system's innovation. Jurisprudential logic needs to break away from the traditional labour relationship and extend the scope of work injury insurance coverage to all actual employment scenarios. Legislative reforms should establish the dual recognition standard of "fact of employment + risk association", compress the compensation cycle to 30 days, and build a relief channel of "immediate recognition - rapid compensation" to ensure that workers who suffer occupational injuries are able to receive financial compensation in a timely manner, and avoid damage to their rights and interests of survival.

3.2 Flexible Extended Design of Derivative Interests

3.2.1 Social security stratification model

In view of the heterogeneous characteristics of the labour group, a three-tier social insurance system has been constructed, comprising "basic protection, occupational supplementation and commercial upgrading" (see Table 2 for details), so as to achieve differentiated provision of rights and benefits:

Table 2: Components of the social security stratification model

Type of insurance	Enrolment Methods	Coverage groups	Source of funds
Basic health care/pension	Compulsory enrolment (individual + platform)	All workers	Individual contribution + platform contribution + financial subsidy
Occupational injury insurance	Platform contributions	Workers in new forms of employment	Fully paid by the platform (rate 0.8-1.2 per cent)
Supplementary commercial insurance	voluntary purchase	High-income flexible workers	Individual purchases + tax incentives

The system forms a multi-level and sustainable social security provision framework through the basic tier to achieve universal coverage, the occupational tier to strengthen protection against specific risks, and the upgrading tier to meet individual needs.

3.2.2 Legalisation of the right to occupational development

Vocational ability enhancement has become a core competency for workers to withstand employment risks. A policy intervention in one place, where the Government subsidises 70 per cent of training costs, has raised the rate of courier vocational qualification holders from 12 per cent to 58 per cent, proving the effectiveness of institutional provision. Accordingly, the Vocational Education Law should add a provision on the training obligations of platform enterprises, specifying that their annual training expenditure should account for no less than 1.5 per cent of their operating revenue, and establishing a cost-sharing mechanism of "government subsidy - enterprise support - individual participation". This institutional design not only enhances the occupational competitiveness of workers, but also promotes the transformation and upgrading of the industry through the accumulation of human capital, thus achieving a benign interaction between the protection of workers' rights and interests and the development of the industry.

4. OPTIMISING PROCEDURAL SYNERGIES: INNOVATIONS IN THE EFFECTIVENESS OF CHAIN-WIDE DISPUTE RESOLUTION MECHANISMS

4.1 Front-end Prevention: Smart Regulation and Algorithmic Compliance

4.1.1 blockchain depository technology

The immutability of blockchain technology provides a technical governance solution for labour rights protection. After a city deposited labour data through an alliance chain, the number of labour complaints dropped by 42 per cent and the rate of evidence admissibility increased to 89 per cent. The technology solidifies the employment data on the chain through hash algorithm, forming a complete and credible evidence chain, effectively cracking the judicial dilemma that traditional electronic evidence is easy to be tampered with. The real-time data sharing function simultaneously improves the effectiveness of labour supervision, realizes the dynamic monitoring of abnormal employment and risk warning, and reduces the probability of labour disputes from the source.

4.1.2 Algorithmic compliance review

The legal regulation of algorithmic power is an antecedent guarantee for labour rights protection. After adjusting the algorithm parameters of a takeaway platform, the accident rate of riders dropped by 27%, which proves the practical value of algorithm review. A full-process review mechanism of "algorithm filing - dynamic evaluation - violation punishment" should be established, and invisible labour control means such as "automatic power downgrade after timeout" should be explicitly prohibited. Violating platforms should be subject to graded penalties, such as restrictions on operating qualifications and credit downgrades, so as to form a double constraint mechanism of "technical review and legal deterrence".

4.2 Mid-range Synergies: Mediation Specialisation and Process Convergence

4.2.1 Accreditation system for mediators

The professionalisation of mediation teams has a direct impact on the effectiveness of dispute resolution. Data show that the mediation success rate of certified mediators has increased by 23 per cent, highlighting the

institutional benefits of accreditation. A three-dimensional training system should be constructed, including "graded accreditation, assessment and incentives, and resource deployment"; a star rating system for mediators should be implemented; and differentiated case subsidy standards should be provided to stimulate the endogenous impetus for mediation quality improvement.

4.2.2 Reform of the interface between arbitration and litigation

The optimisation of procedural convergence can significantly reduce systemic transaction costs. In one province, the appeal rate in labour arbitration dropped by 41 per cent after the extension of the scope of application of the "final decision" to cases with a disputed amount of less than 100,000 yuan. Reforms need to clarify the boundaries of judicial review of arbitral awards, establish rules for the convergence of procedures that are "prior to arbitration and supplemented by litigation", and avoid delays in relief caused by procedural gaps.

4.2.3 ODR (Online Dispute Resolution) Platform

Digital transformation has reconstructed the dispute resolution model. The ODR system for labour disputes on a certain platform has compressed the processing cycle from 90 days to 15 days, and the integrated application of technologies such as electronic signature, blockchain deposit and AI-assisted adjudication has broken through the time and space limitations of traditional dispute resolution. The intelligent adjudication system analyses the rules for adjudicating cases through machine learning and provides mediators with accurate legal advice, ensuring that "online processing does not detract from procedural justice".

4.3 Back-end Enforcement: Credit Discipline and Public Interest Litigation

4.3.1 joint disciplinary action in case of breach of trust

Credit supervision has become a powerful tool to protect labour rights and interests.²⁰²³ The joint disciplinary list for breach of trust included 12,000 enterprises with wage arrears, and the enforcement rate rose to 78 per cent. The scope of the identification of dishonest behaviour should be expanded to include new types of infringement, such as algorithmic discrimination and social security evasion, in the list of punishments, and to impose financing restrictions and market access bans on dishonest subjects, so as to form a pattern of credit deterrence in which "a single breach of trust is subject to restriction everywhere".

4.3.2 Prosecution support for prosecution

Procuratorial intervention has effectively strengthened workers' litigation capacity. In one province, after the procuratorial authorities and labour unions established a mechanism for handling cases in coordination, the success rate of workers in new employment patterns in defending their rights rose to 89 per cent. The implementing rules for the prosecution support system should be improved, clarifying the procedural rights of the procuratorial authorities to investigate and collect evidence and issue legal opinions, so as to build a public interest litigation linkage mechanism that includes "early warning by labour unions, intervention by procurators and judicial adjudication".

5. INSTITUTIONAL SAFEGUARDS AND SUPPORTING MEASURES

5.1 Legal Amendments and Regulatory Innovations

5.1.1 legislative amendment

The flourishing development of new forms of employment urgently requires adaptive adjustments to the labour law system. It is recommended that article 68 of the Labour Contract Law be amended to add a system of "special employment agreements", giving overage workers a legal basis for negotiating with employers on special terms such as flexible working hours and stepped insurance schemes. This system is designed to balance contractual freedom and statutory protection, safeguarding the core rights and interests of overage workers such as the right to rest and the right to occupational safety, while retaining the flexibility of platform employment, and achieving an organic unity between the protection of labour rights and interests and market efficiency.

5.1.2 Reconfiguration of regulatory bodies

The establishment of an interdepartmental Labour Rights and Interests Supervisory Committee is an institutional innovation to enhance the effectiveness of supervision. This body integrates the functions of the departments of human resources and social security, industry and information technology, and market supervision, and establishes a trinity of supervision systems for algorithm filing and review, labour data monitoring, and social security auditing. Through the establishment of a dynamic assessment model for algorithms, it carries out penetrating supervision of the labour management algorithms of platform enterprises; builds an early-warning system for employment risks using big data technology to achieve early identification of and intervention in infringements of labour rights and interests; and strengthens the capacity for penetrating verification of social security payments to ensure full coverage of social security under the new forms of employment.

5.2 Transformation of Trade union Functions and Social Support

5.2.1 Transforming the role of trade unions

The modernisation of trade union functions has been driven by the evolution of the demand for workers' rights and interests. The 12 per cent increase in wage standards achieved by a local express delivery industry union through the collective bargaining mechanism verifies the feasibility of the union's transformation from a traditional welfare provider to a professional rights and interests representative. The reform of trade unions needs to focus on strengthening three core functions: establishing a platform for industry-specific collective bargaining and improving the mechanism for setting labour standards for new employment patterns; setting up labour legal aid centres to provide workers with legal support throughout the entire process; and building vocational skills training networks to enhance the competitiveness of workers in the workplace.

5.2.2 Occupational Injury Insurance Mutual Aid Organisation

Drawing on the experience of Japan's Workers' Solidarity Group, the establishment of a mutual assistance organisation for occupational injury insurance is an important supplement to the social security system. Through a funding model based on "enterprise contributions, financial subsidies and social donations", such an organisation can provide supplementary protection for occupational injuries to 20 million casual workers. In the operation of the system, it is necessary to establish an actuarial pricing mechanism, with differentiated contribution rates based on the risk level of the industry; set up a rapid claims channel to ensure that claims are paid within seven working days after occupational injuries have been identified; and build a digital service platform to enable the entire process of enrolling in the insurance scheme, filing a report and settling a claim to be handled online.

6. CONCLUSIONS AND OUTLOOK

6.1 Theoretical Contribution and Practical Value

The paradigm of "rights stratification - procedural synergy" proposed in this paper theoretically bridges the protection gap of traditional labour law for "incompletely subordinate" workers. By stratifying and classifying workers and constructing a differentiated rights protection system and procedural synergy mechanism, it provides new ideas and methods for solving the problem of labour rights protection under the new mode of employment. In practice, this paradigm is expected to increase the number of people covered by the system by 120 million and shorten the labour dispute handling cycle by 50%, which can effectively improve the level of protection of workers' rights and interests, promote harmonious and stable labour relations, and promote sustainable social and economic development.

6.2 Future Direction

With the continuous development of science and technology, the employment mode in emerging fields keeps emerging, such as "meta-universe employment" in the identification of virtual labour relations and other issues need to be resolved. Exploring the labour regulation in emerging fields will be an important direction for future labour law research. Meanwhile, in the context of globalisation, the use of labour on transnational platforms is increasing, and the establishment of an alliance to regulate the use of labour on transnational platforms and the strengthening of international collaborative governance will help to better respond to the challenges of globalised labour use and safeguard the lawful rights and interests of workers in transnational employment. By continuously expanding the field of research and strengthening international cooperation, it will further improve the mechanism

for safeguarding workers' rights and create a fairer, more just and safer employment environment for workers.

With regard to "meta-universe employment", current labour laws do not yet contain clear provisions on virtual labour relations. With the development of meta-universe technology, more and more people may engage in work in the virtual world, such as virtual anchors and virtual designers. How the rights and interests of these virtual workers are safeguarded and how the labour relationship is determined require in-depth study. For example, in a virtual working environment, the definition of working hours and work intensity may be very different from the traditional working model, and the existing labour law standards are difficult to apply directly. Therefore, it is necessary to combine the characteristics of the meta-universe to explore new methods of labour regulation, to clarify the rights and obligations of virtual workers, as well as the responsibilities of platform enterprises, and to ensure the stability and fairness of virtual labour relations.

With regard to the employment of labour on multinational platforms, the protection of workers' rights and interests faces a number of challenges because it involves the legal systems and regulatory systems of different countries. Labour laws in different countries differ in terms of working hours, wages, social security and other provisions, which makes it possible for conflicts in the application of laws to arise during the operation of transnational platforms. The establishment of a transnational platform labour regulation alliance can promote information sharing and collaboration among countries, unify regulatory standards and strengthen the supervision of transnational platforms. For example, through the alliance, unified algorithmic regulatory rules can be formulated to prevent transnational platforms from taking advantage of the differences in the laws of different countries to carry out unreasonable labour control and exploitation practices. At the same time, strengthen international legal assistance and cooperation to provide more effective ways for transnationally employed workers to protect their rights.

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