

The Protection of the Rights and Interests of Gig Economy Practitioners: An Analysis of the Responsibility Boundaries of Digital Platforms

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Abstract: This article focuses on the issue of the responsibility boundaries of digital platforms in the protection of the rights and interests of gig economy practitioners. By analyzing the characteristics of the gig economy and the current situation of protecting the rights and interests of practitioners, this paper explores the responsibility boundaries of digital platforms from three aspects: labor rights and interests, social security, and career development. It points out the current challenges such as lagging laws, regulatory predicaments, and platform profit-driven nature, and proposes countermeasures such as improving laws and regulations, building a collaborative supervision mechanism, and strengthening the social responsibility awareness of platforms. It aims to provide theoretical support and practical paths for safeguarding the rights and interests of gig economy practitioners and promoting the healthy development of the gig economy.

Keywords: Gig Economy; Digital Platform; Responsibility Boundary; Protection of Practitioners' Rights and Interests

1. Introduction

With the rapid development of digital technology, the gig economy has risen rapidly as a new economic form [1]. The gig economy, relying on digital platforms, closely connects freelancers with clients, providing short-term services or asset sharing, covering multiple fields such as food delivery, ride-hailing services, live streaming, and part-time design. According to relevant data, the contribution of China's gig economy to the total GDP increment reached 10.43% in 2019. It is expected that by 2035, this proportion will increase to 13.26%, accounting for 6.82% of the GDP [2].

The vigorous development of the gig economy has created a large number of job opportunities

for society and promoted the diversified development of the economy. However, in this process, the issue of protecting the rights and interests of gig economy practitioners has become increasingly prominent [3]. Due to the significant differences between the gig economy and traditional employment models, the existing labor laws and regulations have deficiencies in applicability, leading to numerous difficulties for practitioners in terms of labor rights and interests, social security, and career development [4]. As a key hub of the gig economy, digital platforms play a significant role in safeguarding the rights and interests of practitioners, but their boundaries of responsibility are not clear enough. Therefore, in-depth research on the responsibility boundaries of digital platforms holds significant theoretical and practical significance for safeguarding the rights and interests of gig economy practitioners and promoting the healthy and sustainable development of the gig economy [5].

This study aims to comprehensively analyze the responsibility boundaries of digital platforms in safeguarding the rights and interests of gig economy practitioners, clarify the scope of responsibility and obligations of platforms under different rights and interests dimensions, and provide theoretical basis and practical guidance for improving relevant policies and regulations and optimizing the operation mode of platforms [6].

2. Overview of the Gig Economy and the Protection of Practitioners' Rights and Interests

2.1 The Connotation and Characteristics of the Gig Economy

The gig economy is the product of the deep integration of the digital economy and flexible employment. It is a sharing economy model and a new form of distribution based on digital platforms. It uses digital technology to precisely

match freelancers with client demands, providing short-term and flexible services. As a bridge connecting supply and demand sides, digital platforms can quickly and accurately assign tasks to practitioners through algorithms and data analysis, thereby enhancing the efficiency of resource utilization [7]. Compared with the traditional fixed employment model of nine to five, the gig economy has notable features such as flexible working hours, diverse working locations, and personalized working forms. Practitioners can freely choose their work tasks and working hours based on their own schedules and skill strengths, achieving a better balance between work and life.

2.2 The Composition of Rights and Interests of Gig Economy Practitioners

The rights and interests of gig economy practitioners mainly consist of three aspects: labor rights and interests, social security rights and interests, and career development rights and interests. Labor rights and interests cover reasonable labor remuneration, a safe working environment, appropriate working hours and rest and leave, etc. Social security rights and interests involve the coverage of social insurances such as old-age insurance, medical insurance, and work-related injury insurance. Career development rights include vocational training, skill improvement, career promotion opportunities, etc. These rights and interests are interrelated and together constitute the rights protection system for gig economy practitioners [8].

2.3 The Current Situation and Problems of Protecting the Rights and Interests of Practitioners

At present, the protection of the rights and interests of gig economy practitioners is facing many problems. In terms of labor rights and interests, some practitioners have problems such as unreasonable working hours, no guarantee of overtime pay, and insufficient labor safety protection measures. For instance, some food delivery workers, in pursuit of higher income, work continuously for long periods of time, which leads to physical fatigue and increases the risk of traffic accidents. In terms of social security, due to the complex and diverse labor relations between gig workers and platforms, most workers find it difficult to participate in social insurance in the traditional way. Surveys

show that only some practitioners have participated in complete social insurance, while others have only taken part in certain types of insurance. In terms of career development, practitioners generally lack opportunities for career planning and skill improvement, making it difficult to achieve sustainable career development.

3. The Role and Responsibility of Digital Platforms in the Gig Economy

3.1 Role Positioning of Digital Platforms

Digital platforms play multiple crucial roles in the gig economy. First of all, it is an information matchmaker, precisely matching the demands of both supply and demand sides through algorithmic technology to enhance transaction efficiency. For instance, ride-hailing platforms provide the best matching plan for both parties based on passengers' travel demands and drivers' location information. Secondly, the platform acts as an integrator of resources, integrating various resources such as labor, technology, and data to provide job opportunities and support services for practitioners. Furthermore, the platform is also a rule-maker, having established trading rules, service standards, evaluation mechanisms, etc., to regulate and guide the behavior of practitioners.

3.2 General Responsibilities of Digital Platforms

Digital platforms shoulder various general responsibilities. In terms of information authenticity and security, the platform has the responsibility to strictly review the information submitted by practitioners and clients to ensure its authenticity and accuracy, and prevent the occurrence of false information and fraudulent behavior. Meanwhile, the platform should take necessary technical measures to ensure the security and privacy of user data and prevent data leakage and abuse. In terms of transaction supervision and dispute resolution, the platform should establish and improve a transaction supervision mechanism, conduct real-time monitoring of the transaction process, and promptly identify and handle any violations. When disputes occur, the platform should provide fair and efficient channels for dispute resolution to safeguard the legitimate rights and interests of all parties.

3.3 Specific Responsibilities of Digital Platforms for Safeguarding the Rights and Interests of Practitioners

Digital platforms bear significant responsibilities in safeguarding labor rights and interests. In terms of reasonable working hours and remuneration, the platform should establish a scientific and reasonable working hour system and salary system. Based on the nature and difficulty of the work tasks, the working hours and remuneration standards should be reasonably determined to prevent practitioners from being overworked and receiving too low remuneration. For instance, platforms can safeguard the rest rights and reasonable income of practitioners by setting upper limits on working hours and offering overtime subsidies. In terms of labor safety guarantee, the platform should provide necessary safety training and protective equipment for practitioners, formulate safety operation procedures, strengthen safety supervision, and reduce the safety risks that practitioners face during the work process. For practitioners engaged in high-risk jobs, such as food delivery personnel and ride-hailing drivers, platforms should pay special attention to their traffic safety issues, provide traffic safety training, and equip them with safety gear, etc.

Digital platforms should actively participate in the construction of the social security system and provide social security support for practitioners. On the one hand, the platform can, in accordance with the requirements of laws and regulations, pay social insurance for eligible practitioners. On the other hand, for practitioners who are difficult to be included in the traditional social insurance system, the platform can explore innovative social security methods, such as cooperating with insurance companies to provide commercial insurance products for practitioners, including accident insurance, health insurance, etc., to enhance the social security level of practitioners.

Digital platforms have the responsibility to provide career development support for practitioners. In terms of vocational training, the platform can offer targeted training courses. Based on market demand and the skill levels of practitioners, it provides professional skills training, vocational quality training, etc., to help practitioners enhance their own capabilities. In terms of career planning, the platform can offer career consultation and guidance services to practitioners. Based on their interests, strengths

and career goals, it can formulate personalized career development plans and provide them with promotion opportunities and career development channels.

4. Definition of the Responsibility Boundaries of Digital Platforms

4.1 Liability Boundaries Based on Legal Relationships

To define the responsibility boundaries of digital platforms from the perspective of legal relationships, it is necessary to clarify the nature of the legal relationship between the platform and its practitioners. At present, there are various viewpoints on the legal relationship between platforms and practitioners in the gig economy, such as labor relations, service relations, and cooperative relations. Different legal relationships determine the different scopes and degrees of platform liability. If it is determined that the relationship between the platform and the practitioners is a labor relationship, then the platform will bear stricter labor legal responsibilities, including signing labor contracts, paying social insurance, and providing labor protection, etc. If it is recognized as a labor service relationship or a cooperative relationship, the platform's responsibility is relatively lighter. Therefore, accurately defining the legal relationship between the platform and practitioners is the key to clarifying the boundaries of the platform's responsibilities.

4.2 Responsibility Boundaries Based on Platform Functions

According to the different functions of digital platforms, their responsibility boundaries can be demarcated. In terms of the information matching function, the platform's main responsibility lies in ensuring the authenticity and accuracy of the information and bearing corresponding compensation liability for losses caused by false information. In terms of the resource integration function, the platform is responsible for the quality of the integrated resources and ensures their effective utilization. For instance, the training resources provided by the platform should be practical and targeted, capable of helping practitioners enhance their skills. In terms of the rule-making function, the rules formulated by the platform should be fair and reasonable, and must not infringe upon the legitimate rights and interests of practitioners.

Meanwhile, the platform should supervise the implementation of the rules to ensure their effective enforcement.

4.3 Responsibility Boundaries Based on Industry Characteristics

The gig economy in different industries has distinct characteristics, and the responsibility boundaries of digital platforms should also vary. Take high-risk and low-risk industries as examples. In high-risk industries such as construction odd jobs and dangerous goods transportation, platforms need to assume stricter security guarantee responsibilities. The platform should provide practitioners with more comprehensive safety training, more advanced safety protection equipment, and strengthen safety supervision over the work process. In low-risk industries such as live streaming and part-time design, the focus of the platform's responsibilities may be more on safeguarding the intellectual property rights of practitioners and maintaining a fair market competition environment.

5. Challenges Faced by the Responsibility Boundaries of Digital Platforms

5.1 Legal and Regulatory Challenges

There is a significant lag in the application of current laws and regulations to the gig economy model. The current labor laws and regulations are mainly formulated for traditional employment models. They lack clear provisions on issues such as the definition of complex labor relations and the standards for rights protection between platforms and practitioners in the gig economy. This leads to difficulties in determining and pursuing the responsibility of the platform in actual operation. Meanwhile, the gig economy is characterized by flexibility and decentralization, with a large number of practitioners and platforms, making it difficult for regulatory authorities to achieve comprehensive and effective supervision. The cross-departmental regulatory coordination mechanism is not perfect, and there are problems of regulatory gaps and overlaps, which further affect the regulatory effect.

5.2 Challenges at the Platform's Own Level

Some digital platforms overly pursue economic benefits and neglect the protection of the rights and interests of practitioners. In terms of system

construction, some small and medium-sized platforms lag behind in their system construction. Relevant regulations are not clear or specific, and measures to protect the rights and interests of practitioners lack systematicness and operability. In terms of investment guarantee, the platform's investment in labor safety guarantee, vocational training and other aspects is insufficient, resulting in the rights and interests of practitioners not being effectively protected. Furthermore, with the rapid development of the gig economy, competition among platforms is becoming increasingly fierce. Some platforms, in order to reduce costs and enhance competitiveness, may compress the rights and interests of practitioners.

5.3 Challenges at the Social Cognitive Level

The society does not attach sufficient importance to the protection of the rights and interests of gig economy practitioners, and the public's professional recognition of gig economy practitioners is relatively low. Some people think that the jobs of gig economy workers are unstable and lack security, and they do not pay enough attention to the protection of their rights and interests. This social cognitive bias leads to certain social pressure on practitioners when safeguarding their own rights and interests, and also affects the government and society's attention and investment in the protection of the rights and interests of gig economy practitioners.

6. Countermeasures and Suggestions for Improving the Responsibility Boundaries of Digital Platforms

6.1 Improve the Legal and Regulatory System

Accelerate the formulation of specialized laws and regulations for gig economy practitioners, and clarify the rights and obligations between platforms and practitioners. In laws and regulations, specific responsibilities and obligations of the platform in terms of labor rights protection, social security, career development, etc. should be detailedly stipulated, providing a clear legal basis for the protection of practitioners' rights and interests. At the same time, it is necessary to revise the existing relevant laws and regulations in a timely manner to adapt to the development needs of the gig economy, fill legal gaps, and resolve conflicts in the application of laws.

6.2 Establish a Collaborative Supervision Mechanism

Strengthen the collaborative cooperation among government departments and establish a cross-departmental regulatory coordination mechanism for the gig economy. Clarify the regulatory responsibilities of each department, enhance information sharing and communication and collaboration, and form a regulatory synergy. Innovate regulatory methods by leveraging digital technologies to enhance regulatory efficiency and accuracy. For instance, by establishing a digital supervision platform, real-time collection and analysis of platform operation data, practitioners' work data, etc. can be carried out to promptly identify and handle violations.

6.3 Strengthen the Social Responsibility Awareness of the Platform

Through policy guidance and social supervision, digital platforms should be encouraged to establish correct values and enhance their sense of social responsibility. The government can introduce relevant preferential policies to encourage platforms to actively fulfill their social responsibilities, such as offering tax incentives and financial subsidies to platforms that perform outstandingly in safeguarding the rights and interests of practitioners. At the same time, it is necessary to strengthen social supervision. Through media exposure, public evaluation and other means, constraints and punishments should be imposed on platforms that fail to fulfill their social responsibilities, so as to encourage platforms to voluntarily safeguard the rights and interests of practitioners.

6.4 Enhance the Rights Protection Capabilities of Practitioners

Strengthen legal publicity and training for gig economy practitioners to enhance their legal awareness and ability to protect their rights. By holding legal lectures, distributing promotional materials and other means, practitioners can understand their rights and interests and the ways to protect them. Establish a rights protection organization for practitioners, providing them with legal consultation, rights protection guidance and other services to help them better safeguard their own rights and interests.

7. Conclusion

As a new economic form, the gig economy has brought new vitality to economic and social development. However, the issue of protecting the rights and interests of gig economy practitioners cannot be ignored. Digital platforms play a significant role in the gig economy. Clarifying the boundaries of their responsibilities is crucial for safeguarding the rights and interests of practitioners and promoting the healthy development of the gig economy. At present, the responsibility boundaries of digital platforms are confronted with multiple challenges, including those related to law and regulation, the platforms themselves, and social perception. To improve the responsibility boundaries of digital platforms, it is necessary to start from aspects such as perfecting the legal and regulatory system, building a collaborative supervision mechanism, strengthening the social responsibility awareness of platforms, and enhancing the rights protection capabilities of practitioners, so as to form a rights protection pattern where the government, platforms, society and practitioners all participate together. Only in this way can the legitimate rights and interests of gig economy practitioners be effectively guaranteed and the sustainable and healthy development of the gig economy be promoted. In the future, as the gig economy continues to develop and digital technology keeps innovating, research and practice on the responsibility boundaries of digital platforms will also deepen, providing strong support for building a fairer, more reasonable and orderly gig economy ecological environment.

References

- [1] Xu, Z. (2022). The gig economy in China. *The Routledge handbook of the gig economy*, 392-400.
- [2] Xiao, S. (2019). Understanding the employment status of gig-workers in China's sharing economy era—an empirical legal study. *Asian Journal of Law and Economics*, 10(3), 20190019.
- [3] Woodcock, J., & Graham, M. (2019). The gig economy: A critical introduction.
- [4] Rahman, S. U., Sultan, M. S., & Tabassam, A. (2024). The impact of the gig economy on traditional employment and the necessity for revised business, HR, and legal strategies. *Pakistan Journal of International Affairs*,

- 7(1), 108-126.
- [5] Hickson, J. (2024). Freedom, domination and the gig economy. *New Political Economy*, 29(2), 321-336.
- [6] Tripathi, M. A., Tripathi, R., Yadav, U. S., & Shastri, R. K. (2022). Gig Economy: A paradigm shift towards Digital HRM practices. *Journal of Positive School Psychology*, 6(2).
- [7] Williams, P., McDonald, P., & Mayes, R. (2023). Recruitment in the gig economy: Attraction and selection on digital platforms. In *Technologically mediated human resource management* (pp. 142-168). Routledge.
- [8] Friedman, G. (2014). Workers without employers: shadow corporations and the rise of the gig economy. *Review of Keynesian economics*, 2(2), 171-188.