

## Research on the Protection of Workers' Rights and Interests in Incomplete Labor Relationships

Zhi Xia

*Faculty of Law, China Jiliang University, Hangzhou, Zhejiang, China*

**Abstract:** Incomplete labor relationship refers to a special form of employment where the legal status is ambiguous, situated between an employment relationship and a civil law service relationship. It is characterized by “the enterprise conducting labor management over the worker, but not fully meeting the criteria for establishing an employment relationship.” Typical examples include flexible employment groups such as ride-hailing drivers and food delivery couriers. The proposal of this concept aims to address the rights and interests protection issues arising from incomplete labor relationships, specifically manifested in the absence of social insurance and insufficient protection of labor standards. Within the framework of the traditional labor law dichotomy, workers in incomplete labor relationships are often unable to be identified as “labors” entitled to the preferential protection of labor law and are instead relegated to the regulatory scope of civil law. Therefore, it is necessary to further clarify the legal status of incomplete labor relationships and promote the evolution of the labor legal system from a “dichotomy” to a “trichotomy,” thereby constructing a systematic and comprehensive protection system for the rights and interests of these workers. This will not only help provide more comprehensive and effective institutional protection for this group but also promote the sustainable and healthy development of new employment forms and the economy, maintaining the harmony and stability of labor relations.

**Keywords:** Incomplete Labor Relationship; Protection of Workers' Rights and Interests; Platform Employment; Labor Standards; Labor Relationship

### 1. Statement of the Question

In recent years, with the vigorous development

of the internet platform economy, the traditional industrial landscape has been profoundly reshaped, giving rise to new forms of employment represented by platform labor, which have created a large number of jobs in society. Workers in these new employment forms have gradually become a significant force driving economic development. However, the employment relationship of new employment forms represented by online ride-hailing drivers and food delivery couriers has blurred the lines of traditional labor relations and is often difficult to be incorporated into the definition framework of traditional labor relations. The flexible and autonomous characteristics of new employment forms have posed challenges to the labor law system established under the background of traditional industrialization, leading to a series of difficulties. In judicial practice, the issue of labor protection for workers in new employment forms are becoming increasingly prominent, especially in terms of occupational injury protection. Traditional definitions of labor relations and protection mechanism often struggle to effectively cover such new types of employment.

In response to this phenomenon, the “Guiding Opinions on Safeguarding the Labor Security Rights and Interests of Workers in New Employment Forms” (Ministry of Human Resources and Social Security Document No. 56 [2021]) (hereinafter referred to as “Document No. 56”) first clearly defined the concept of “incomplete labor relationship,” describing it as an employment relationship where “the enterprise conduct labor management over the worker but does not fully meet the criteria for establishing a labor relationship.” Furthermore, in documents such as the “Guidelines on Protecting the Rights to Rest and Labor Remuneration for Workers in New Forms of Employment” (Ministry of Human Resources and Social Security General Office Document No. 50 [2023]) (hereinafter referred to as the “Two Guidelines and One Guide”), further

clarified that workers in new forms of employment primarily refer to “workers who receive work tasks (such as delivery, transportation, housekeeping services) issued by internet platforms online, provide platform-scheduled services according to platform requirements, and obtain labor remuneration through their labor.” Among them, enterprises here refer to platform enterprises and platform cooperative enterprises.

Theoretical and practical results show that the current identification standards for identifying the status of workers in incomplete labor relationships are not yet unified, and their protection in terms of labor standards and social insurance remains insufficient. The introduction of the concept of “incomplete labor relationship” has triggered important academic discussion on the classified protection of workers, gradually pushing the research in this field to a new height. Existing research mainly focuses on the dilemma of identifying incomplete labor relationships under the background of the traditional labor law dichotomy and on how to construct a more comprehensive system for protecting workers’ rights and interests. This paper explores the current situation and problems faced in protecting the rights and interests of workers in incomplete labor relationships, deeply analyzes their theoretical roots, and, based on clarifying the legal status of incomplete labor relationships, attempts to propose a construction path for the protection system of workers’ rights and interests, aiming to provide a useful reference for improving the labor protection system in the digital economy era.

## **2. Problems Faced in Protecting the Rights and Interests of Workers in Incomplete Labor Relationships**

Currently, workers in incomplete labor relationships face multiple dilemmas regarding the protection of their labor rights and interests. These dilemmas are intertwined, collectively forming a systematic structure of rights deficiency. First, at the legal relationship level, platform enterprises, through technological architectures and agreement designs, consciously promote “de-labor relationship”, fundamentally undermining the legal basis for the application of the traditional labor protection system. Second, at the labor condition level, due to the lack of clear legal identity definition, workers face protection vacuum in basic labor standards such

as working hours, remuneration payment, and occupation safety. Finally, at the social risk-sharing level, the most prominent manifestation is the insufficient coverage of the social insurance system and the lack of rights and interests, leaving workers vulnerable and unsupported in the face of risks such as occupational injury, illness and unemployment. These three aspects are interconnected, profoundly revealing the urgency and complexity of reconstructing the rights and interests protection system under the new forms of employment.

### **2.1 The Frequent Phenomenon of “De-labor Relationship” in Platform Employment under Incomplete Labor Relationships**

“De-labor relationship” refers to the practice where platform enterprises adopt employment forms such as labor outsourcing and crowdsourcing to intentionally avoid directly concluding labor contracts or establishing de facto labor relationships with platform service providers, thereby evading the obligations and legal responsibilities of an employer [1]. As the phenomenon of “de-labor relationship” becomes increasingly prominent, a large number of workers in incomplete labor relationship are faced with the predicaments in protecting their rights and interests, including not signing labor contracts, difficulty in identifying labor relationship, and insufficient protection of labor standards.

Against the backdrop of “de-labor relationship”, the identification of labor relationship has become particularly important. In practice, the identification of labor relationship is firstly based on the signed labor contract. If there is no labor contract, it is determined based on the subordination criteria (i.e., personal subordination, organizational subordination and economic subordination) stipulated in the “Notice on Issues Concerning the Establishment of Labor Relations” (Ministry of Labor and Social Security Document No. 12 [2005]) issued by the former Ministry of Labor and Social Security in 2005. However, in incomplete labor relationships, most workers have not signed labor contracts with platform enterprises, nor do they fully meet the three types of subordination characteristics. This type of employment is flexible and diverse in terms of working hours, workplaces and working methods, significantly weakening the traditional subordination

characteristics and making it difficult to identify the worker's status[2]. If the three elements of traditional subordination are strictly used as the criteria for judging the existence of labor relations, some workers in incomplete labor relations will be excluded from labor relations, losing the basic protection of their legitimate rights and interests.

In addition, since the current legal system has not yet delimited the scope of rights and obligations for workers in incomplete labor relationships and issued corresponding protective measures, if a worker cannot be identified as being in a labor relationship, they will be classified as a civil law service relationship, which means that they cannot enjoy the protection of labor standards (working hours, wages, occupational safety and health, etc.) stipulated by the Labor Contract Law, and it is also difficult to be incorporated into the social security system such as industrial injury insurance and unemployment insurance. This "suspended" state of legal identity not only weakens the bargaining power and remedies to these workers, but also highlights the structural deficiency of the labor legal system in responding to incomplete labor relationships under new forms of employment.

## **2.2 Lack of Labor Standard Protection for Workers in Incomplete Labor Relationships**

Labor standards constitute the institutional baseline safeguarding workers' survival and dignity, with maximum working hours and minimum wage constitute their core content. They are crucial for protecting workers' fundamental rights and interests, representing two sides of the same coin, working together to balance labor input with basic living guarantees. However, in incomplete labor relationships, workers are excluded from such standard protection. Unlike laborers in standard employment relationships, workers in incomplete labor relationships can neither obtain a stable wage income guaranteed by the minimum wage standard nor be subject to the maximum working hour regulations.

This dual deficiency has given rise to a survival model of "exchanging time for income": from the perspective of seeking higher labor remuneration, workers often take the initiative to extend their working hours, trading excessively long working hours and unreasonable labor intensity for higher income, causing continuous

damage to their physical and mental health. Although from a simple values perspective, "more work, more gain; less work, less gain" seems reasonable and reflects formal autonomy and fairness to a certain extent: incomplete labor relationships grant workers the right to choose their working hours independently, and the state should not unreasonably deprive workers of the opportunity to increase their income through overtime work[3]. However, any labor freedom must be premised on not exceeding the reasonable tolerance limit of the human body and the baseline of social protection. The current dilemma lies in the fact that this limit lacks legal definition and institutional constraint within incomplete labor relationships.

## **2.3 Insufficient Social Insurance Coverage for Workers in Incomplete Labor Relationships**

workers in incomplete labor relationships not only face a vacuum in labor standards protection, but are also deeply trapped in a situation lacking social insurance system protection. In the case that occupational risks are significantly higher than those in traditional industries, their social security shows a systemic deficiency, which exposes the profound disconnection between the current social insurance system, centered on stable labor relations, and the realities of flexible employment.

On one hand, the high contribution rate of employee social insurance poses a major challenge to this workers. Their income fluctuates greatly and has weak predictability. Under the pressure of bearing household expenses, childcare, and other economic burdens, even with a high willingness to participate in insurance, the high cost of employee social insurance makes them flinch, and the continuous payment of social insurance premiums constitutes a heavy burden on them. Therefore, many workers have to opt for resident social insurance with lower premium pressure, or even choose not to purchase any insurance, completely forgoing coverage. This leaves them unprotected in key areas such as old-age care, medical care, unemployment, and employment injury, making it difficult to safeguard the legitimate rights and interests of workers in inherently high-risk incomplete labor relationships. On the other hand, participation in the current social insurance system typically relies on employer withholding and payment as the primary method. However, in incomplete

labor relationships, platform enterprises generally lack the legal obligation and internal motivation to handle social insurance registration for their workers and bear the corresponding expenses. This means that even if workers wish to participate, they often cannot do so due to the lack of an institutional channel. Therefore, how to construct a social security system exclusive to workers in incomplete labor relationships has become an urgent issue to be solved at present.

### **3. Causes of the Dilemma in Protecting the Rights and Interests of Workers in Incomplete Labor Relationships**

#### **3.1 Ambiguous Identification Standards for Incomplete Labor Relationships**

##### **3.1.1 Ambiguous legal orientation of incomplete labor relationships**

Incomplete labor relationship falls between labor relationships and civil law service relationships, with an ambiguous legal position. Before the issuance of Document No. 56, incomplete labor relationship was regarded as a gray area outside the labor law dichotomy. Although the current policies have introduced the concept, there is no conceptual definition or institutional arrangement in existing law. Theoretical and practical circles have intensely debated whether to introduce the concept of the third type of labor subject of incomplete labor relationship.

China's current law adopts a "dichotomy" framework for labor service provision acts. The so-called "dichotomy" distinguishes between "subordinate labor" (employment relationship) and "independent labor" (service relationship) under traditional theory. The former is regulated by labor law, with the worker as a labor subject, while the latter is governed by civil law, with the individual as a civil subject.

Some scholars believe the dichotomy framework is sufficient to resolve issues related to incomplete labor relationships. From a literal analysis, Document No. 56 seems more inclined to describe a situation rather than a legal relationship, focusing on depicting an employment phenomenon rather than creating a completely new legal relationship named "incomplete labor relationship"[4]. From the perspective of legislative authority, concepts parallel or related to labor relations should belong to the "basic civil systems" stipulated in the Legislation Law, which should be regulated

by law, not merely by departmental guiding opinions[5].

However, even among scholars supporting the dichotomy, there is disagreement on the positioning of "incomplete labor relationships," mainly regarding its legal nature. One view argues that incomplete labor relationship essentially still fall within the category of labor relationship. It is necessary to improve the judgment method to adapt to the characteristics of new employment, using the interpretation of subordination to place workers in incomplete labor relationships under labor law, so that they can receive full protection of labor law[6]. Simply classifying them as quasi-self-employed workers and lowering their protection level would neither conform to reality nor align with the development trend of international labor law[7].

Another view holds that incomplete labor relationships can only be classified as a civil relationship under the current law. First of all, existing law has established a strict dichotomy of "typical labor relationship - non-labor relationship." Situations not possessing all constitutive elements of labor relationship are categorized as civil law relationship [8]. Secondly, considering the nature of incomplete labor relationships themselves, they lean more towards independence on the spectrum of labor service transactions, having departed from the realm of subordinate labor. It is essentially a civil service legal relationship between equal subjects, albeit with some social characteristics[9]. Finally, from a judicial practice perspective, this classification also reflects the longstanding basic approach in labor adjudication practice to prevent the over-expansion of the labor relationship concept. Under the dichotomy, the determination of an employment relationship is binary, and the protection of rights is all-or-nothing. If it cannot be classified as an employment relationship, it can only be a service provider as an equal subject, and the workers' rights and interests will lose the preferential protection in labor law, making it difficult to clarify the rights and obligations between the worker and the platform[10]. If classified as labors, expanding the scope of application of labor relations would increase platform costs and burdens, which could be passed on to consumers. When consumers are overwhelmed, the survival space of the platform economy could be squeezed or

even disappear[11], and more workers will lose their jobs.

### 3.1.2 Weakening of subordination in labor relations

The traditional theory for identifying labor relations takes subordination as the core standard, specifically manifested in three aspects: personal, organizational and economic dependence. This standard once provided a clear adjudicative framework for handling labor disputes. However, with the rapid development of the platform economy, employment forms have become increasingly complex. The subordination between platform enterprises and workers has been significantly weakened and its boundaries blurred, making it difficult for the traditional identification model to fully cover the diverse range of current employment practices.

In terms of personal subordination, workers in incomplete labor relationships can usually register on multiple platforms simultaneously, and independently choose which platform to accept orders from, their working hours and the content of their labor according to their own wishes.

The labor autonomy is significantly enhanced. Although platform enterprises set service rules and process requirements, they generally do not implement the continuous, specific command and supervision over workers like traditional employers. workers even have the right to refuse the orders dispatched by the platform and possess a high degree of autonomy in decision-making, which makes the characteristics of traditional personal subordination obviously fainter.

In terms of organizational subordination, the labor process of workers in incomplete labor relationships often occurs outside the physical workplace and management vision of the platform enterprise; they do not require a fixed workplace. At the same time, platform enterprises usually do not directly intervene in the specific labor process, but achieve indirect control over service quality through algorithms, outcome evaluations and user feedback. In reality, workers are not truly integrated into the production and organizational system of the platform enterprises. The organizational connection between the two parties tends to be loose, making it difficult to meet the strict definition of organizational subordination in traditional labor relations.

In terms of economic subordination, on one hand,

the remuneration structure for workers in incomplete labor relationships has changed significantly, often adopting models such as settlement per order and revenue sharing. At the same time, their income sources can be obtained across multiple platforms, reducing their economic dependence on a single platform. On the other hand, platforms still retain key economic control means through pricing power, commission ratio, reward and punishment mechanisms, etc. workers lack bargaining power in pricing and rule-making.

Take food delivery couriers as an example, although they can independently decide their online time, delivery route, time limit, and other aspects are still strictly constricted by the platform's algorithm. The current situation indicates that economic subordination has not disappeared, but exists in a more concealed and technological form.

It can be seen that the traditional subordination theory has shown insufficient explanatory power when dealing with new forms of employment. If the original standards are still applied mechanically, a large number of workers in incomplete labor relationships will be excluded from the scope of labor law protection. Therefore, it is necessary to re-examine the theory at a theoretical level and develop a more flexible framework for judging subordination, in order to adapt to the continuous evolution of labor forms and effectively protect the legitimate rights and interests of workers in incomplete labor relationships.

## 3.2 Labor Standards for Incomplete Labor Relationships not yet Established

### 3.2.1 Failure of working hour protection system and trend towards overwork

The factors driving the extension of workers' working hours are relatively complex. On one hand, to maximize efficiency, platform enterprises often rely on their algorithm technology and data accumulation to analyze and integrate vast amounts of information, continuously lowering labor costs and intensifying work rhythm. Through the platform order allocation mechanisms, they achieve a highly optimized allocation of labor resources. Behind the "rationality" of the algorithms lies the prioritization of efficiency over the protection of workers' rights and interests, invisibly creating a pressured environment for continuous work, highlighting a new form of

labor control in the digital age. On the other hand, in order to maintain a higher expected income, workers are subjectively inclined to undertake as many orders as possible. Even if the platform enterprises imposes no restrictions on worker's working hours, economic rationality also prompts them to voluntarily choose overtime work, and workers may not be willing to shorten their working hours subjectively. This indicates that the traditional working hour control model in labor law centered on employer's instructions has failed here. Especially under the highly flexible piece-rate or per-order remuneration systems, workers' daily working hours generally far exceed the 8-hour standard stipulated in traditional labor forms, without any mandatory rest breaks or upper limits control of working hours, which significantly increases the risk of their occupational health and the probability of safety accidents.

### 3.2.2 Insufficient wage protection and income instability

At the income protection level, although documents like the "Guiding Opinions on Implementing the Responsibilities of Online Catering Platforms and Effectively Protecting the Rights and Interests of Food Delivery Couriers" put forward requirements for "labor quota" and "minimum remuneration per order," as well as provisions for subsidies under special circumstances such as legal holidays, adverse weather, and nighttime, and stipulated that the remuneration should not be lower than the minimum wage under "normal labor" in principle, the standard of "normal labor" is vague and lacks a clear calculation benchmark, leading to difficulties in the implementation of the provisions. Similarly, policies like the "Guiding Opinions on Strengthening the Protection of the Rights and Interests of Workers in New Transportation Business Formats" suffer from similar problems of strong principles but weak operability.

Superficially, it will be considered that the income of some workers in incomplete labor relationships is considerable, and even may be higher than that of workers in stable labor relationships. However, in reality, their income structure exhibits significant instability and vulnerability. First of all, according to traditional wage system, wages must be paid in monetary form. For those on monthly salary systems, payment should be monthly; for hourly, daily, or

weekly systems, payment can be made accordingly on a daily or weekly basis. But under the platform economic model, different enterprises have different disbursement systems. Remuneration payment cycles vary (daily, weekly, monthly, etc.), and are often tied to platform withdrawal rules, affecting the predictability of income and also facing the risk of being unable to withdraw funds promptly for short-term work. Secondly, worker' income level is affected by multiple factors: the platform order distribution logic, fluctuations in supply and demand during different periods, rating and reward/punishment mechanisms, and frequently adjusted pricing rules all make the daily workload unable to be guaranteed at a stable level and the daily actual income full of uncertainty. Peak hours bring many orders, but income is susceptible to deductions for lateness or complaints; off-peak hours bring few orders, naturally lowering income. Furthermore, the agreements of some platform enterprises indicate that the fee settlement standards are updated irregularly, and the actual commission ratios are also subject to frequent changes[12]. workers lack a voice in pricing and rule changes. To make a living, they can only continuously extend their working hours to hedge against income fluctuations, falling into a vicious circle of "the longer they work, the lower the unit income, and the higher the health risk." This overtime work, although seemingly "voluntary," stems from the lack of institutional protection and precisely reveals the insufficient adaptation and regulatory urgency of the current labor standard system in the face of incomplete labor relationships.

### 3.3 Bundling of Social Insurance with Employment Relationships

Among the various types of social insurance deficiencies, the absence of occupational injury protection is particularly urgent and significant. Currently, occupational injury protection for workers in China is primarily addressed through industrial injury insurance, a sub-item of social insurance[13]. This system presupposes the existence of an labor relationship, with the employer paying the insurance premiums. However, from the perspective of legal relationship definition, the positioning of incomplete labor relationships within the legal system is ambiguous. workers are often in a state of "undefined status," neither belonging to laborers in an employment relationship nor

being simple service providers in a civil service relationship. In this situation, it is difficult to include them in the current social insurance system. Once an occupational injury occurs, they can neither enjoy industrial injury medical treatment and rehabilitation benefits, nor obtain long-term security such as disability allowances and death benefits for work-related injuries. They often have to bear high medical expenses and loss of working time by themselves, easily becoming impoverished or returning to poverty due to injury. Although a few regions have begun piloting occupational injury protection for personnel in new forms of employment, this is still in the stage of policy exploration and has not formed a unified, mandatory, and universally applicable protection mechanism.

Secondly, from the perspective of institutional construction, China's current social insurance system is mainly built upon the foundation of employment relationships, forming a highly bundled institutional pattern between the two. Its applicable basis is the theory of employer liability, and the system design implies the premise of continuity and stability of the employment relationship. Only if it is determined that there is an employment relationship between workers and the platform enterprises can the workers participate in social insurance; if there is no employment relationship, they are classified as voluntary insurers or advised to participate in resident social insurance mainly targeting non-employee workers [14], which has a significant gap compared to employee social insurance.

#### **4. Systematic Construction for Protecting the Rights and Interests of Workers in Incomplete Labor Relationships**

##### **4.1. Clarifying the Legal Status and Identification Criteria of Incomplete Relationships**

###### **4.1.1 Adding the category of incomplete labor relationships**

With the continuous emergence of new employment methods, the application of the traditional labor law dichotomy has been challenged, and its drawbacks are gradually becoming apparent. Its rigid legal framework struggles to cover the large number of employment forms falling the two categories, leaving many workers who do not fully meet the typical subordination characteristics in a

protection vacuum. They can neither obtain the full protection of labor law nor be simply classified into equal civil relations due to possessing a certain degree of subordination. Hence, the theory of labor law trichotomy came into being as the times require.

Although Document No. 56 used the term "situation," has triggered controversy, it points out that the key to judgment should still return to subordination itself. The presence or absence and the degree of completeness of "subordination" can form the logical basis for distinguishing the three types of legal relationships: those with complete subordination constitute a typical employment relationship; those with no subordination at all belongs to a civil law service relationship; and those with only partial subordination characteristics can be defined as an "incomplete labor relationship" between the two, thus forming an independent intermediate type in law. To comply with the development trend of the coexistence of non-subordinate civil relations, weakly subordinate incomplete employment relations and strongly subordinate employment relations, China should accelerate the construction of a trichotomy identification mechanism and a protection system for workers' rights and interests, guided by the policy spirit of Document No. 56. Rights and obligations of workers should be configured in layers and categories based on the intensity of subordination. This is regarded as the most direct and systematic solution to the current protection vacuum, providing rights protection commensurate with the actual status for a large number of workers in new forms of employment. The introduction of incomplete labor relationship achieves the orderly expansion of the scope of legal protection and the precision of institutional supply. This evolution not only helps resolve the legal application confusion and remedial inefficiency caused by misclassification of workers, breaking the rigid "all or nothing" dichotomy model, but also provides a more flexible and realistic institutional framework for the standardized development of labor relations and the baseline protection of workers' rights and interests in the digital economy era.

At the same time, some scholars point out that a simple trichotomy may still be insufficient to fully respond to the extreme diversification of employment forms and the significant internal

differentiation among worker groups. Therefore, guided by the demand for special protection, one could further explore the constructing a classification system that includes standard labor relations and a various special labor relations coexisting. From this perspective, “standard labor relations” refers to the typical employment form that meets the traditional subordination requirements; while “special labor relations” encompass those worker groups with special rights protection needs due to their own characteristics ( eg., female workers, underage workers, the disabled) or work patterns ( eg., platform couriers, ride-hailing drivers, online streamers). The purpose of such classification is not to pursue the transplantation of foreign models, but to be rooted in the developmental stage of China’s economy and society and the practical needs of judicial practice. Both the dichotomy and trichotomy have their rationality and value, and there is no absolute right or wrong, but both have shown inadequacy in classifying workers under new forms of employment. The special characteristics of workers are diverse. As long as a certain group of workers faces a specific vulnerable situations and protection gap in reality, there is a reason to give them special identification and regulation in law, rather than generally classifying them into a broad “third category of labor subject” for protection.

Whether it is the trichotomy or a more detailed multi-classification idea, the consensus lies in breaking the rigid all or nothing logic and collectively pointing towards the ultimate goal of hierarchical and classified protection. The purpose of subdivision is to achieve the precision and adaptability in legal protection, truly solving the different problems of protecting the rights and interests of various workers, rather than creating legislative redundancy. Its key operational path is: first, based on empirical research, accurately identify the core rights and interests risks for different groups of workers in new forms of employment; second, with reference to the protection scope under current labor law, allocate necessary rights matching their intensity of subordination and work characteristics; finally, achieve flexibility and effectiveness in institutional supply through special legislation or legal interpretation.

Therefore, the improvement of China’s labor legal system for new employment forms should not be constrained by the formal debate over

“dichotomy,” “trichotomy,” or “multi-classification.” It should uphold a pragmatic and open attitude. The fundamental direction is to establish a legal mechanism that can conduct dynamic evaluation and differentiated adjustment based on the intensity of subordination, mode of control, degree of economic dependence, and specific protection needs, ultimately achieving substantive and baseline protection of the rights and interests of all workers.

#### 4.1.2 Improving the determining factors of labor relations

After adding incomplete labor relationship as an independent subject type between traditional employment relations and civil service relations, how to scientifically define their connotation and boundaries is a crucial issue for current research. This paper attempts to sort out the determining elements for incomplete labor relationships using Case 2 from the Typical Cases of Labor and Personnel Disputes (Third Batch) jointly released by the Ministry of Human Resources and Social Security and the Supreme People’s Court as an example. Case 2 involves the identification of an employment relationship between an online distribution rider and a platform enterprise, mainly analyzed from three aspects: personal subordination, economic subordination, and organizational subordination. Personal subordination has been weakened. Although Xu(the worker) had to abide by the food delivery platform service rules formulated by the company, and his service fee settlement is directly affected by factors such as order completion timeliness and customer evaluations. However, the platform does not mandate that he be online at specific times or accept a certain number of orders; Xu can fully autonomously decide his work arrangements.

Traditional labor relationship use subordination theory as the core criterion for judging the establishment of labor employment relationship. Personal subordination is the core and foundation of subordination[15], but in incomplete labor relationships, personal subordination tends to be blurred, and its manifestation has undergone important changes. The direct, continuous command and control exercised by employers over workers in the traditional sense is being replaced by indirect, intelligent control through algorithm rules, evaluation systems, service standards, etc., implemented by platforms.

As the core element for determining employment relationships, the examination of personal subordination should penetrate the form and focus on substance. Specifically, it can be expanded from the following dimensions:

First, the concealment of command and management. In traditional labor relation theory, whether in common law system or civil law systems, personal subordination---primarily manifested as direct command and control---serves as a key criterion for determining the existence of an employment relationship [16]. The so-called command refers to the employer's control over the content and process of work, mainly reflecting the non-autonomy of the work content. Employers have absolute management and control over workers, directing them to complete assigned tasks, resulting in a significant disparity in status between the two parties. Under incomplete labor relationships, on the surface, the personal subordination of workers seems weakened. First is the relative independence of accepting tasks. workers can freely choose when and where to accept tasks; the platform enterprises lack the right to direct and control the work of workers. Second is the relative independence of completing tasks. After accepting a task, workers usually do not directly interact with platform enterprises, and how they complete work tasks depends on the requirements of the party receiving the service. This is also the reason why many platform enterprises position themselves as intermediary organizations to evade obligations.

Although platforms do not directly issue specific work instructions to workers, through algorithms setting pickup ranges, delivery routes, time requirements, etc., they realize concealed control over the labor process. Control during the labor process has not disappeared. Behind the appearance of autonomous choice, workers still essentially need to obey the technical framework and process rules preset by the platform.

Second, the technicalization of supervision and assessment. The employer's right of command and right of supervision are two sides of the same coin. The right of command guides the exercise of the right of supervision, and the right of supervision ensures the realization of the right of command [17]. At work, workers not only need to comply with the relevant rules formulated by platform enterprises, but also,

platforms, through data tracking, real-time positioning, customer ratings, and other mechanisms, realizes all-round supervision of the entire labor process. This data-based supervision method can be more rigorous than traditional manual management, with workers being in a state of continuous evaluation.

Third, the systematization of punishment and restraint. The right of punishment enables employers to interfere with and compel the worker's intentions and inner mental processes to a certain extent. This is the point where the effect of personal subordination is strongest and most fundamental [18]. Platforms exercise the right of punishment through measures such as restricting order acceptance permissions, deducting service fees, downgrading ratings, and even suspending service qualifications, directly affecting worker's income and job opportunities. This algorithm-based punishment mechanism reflects the platform's substantive dominant power over workers.

In the digital age, although employment forms have changed significantly, the subordination of workers to the platform has not diminished. Personal subordination is the inherent essence and core criterion for judging employment relationships, and should be taken as the main element for consideration. Therefore, the focus of examining personal subordination should shift from the presence or absence of direct command to the substantive measurement of the degree of control versus the degree of autonomy. When the former outweighs the latter, meaning the platform achieves high-intensity, systematic control over the labor process through technological means, substantially compressing the worker's autonomous decision-making space, it should be determined that sufficient characteristics of personal subordination exist, and it can be directly determined that the criteria for establishing an employment relationship are met.

Possesses a certain degree of economic subordination. Economic subordination is more operable, and its core features are easier to qualitatively and quantitatively access in the identification[19]. Economic subordination presents a more complex and diverse appearance in incomplete labor relationships, and its identification criteria also need to evolve accordingly. According to the company's platform delivery service fee settlement standards and methods, Xu obtained income by

providing distribution services. From the perspective of the traditional subordination theory, economic subordination mainly has two basic manifestations: one is the dependence on economic resources, and the other is the dependence on economic sources.

Regarding the dependence on economic resources, i.e., dependence on the means of production. In the past, workers did not own the means of production and relied on selling their labor power to make a living. But in the new era, with the emergence of “new means of production” represented by data elements, although workers may provide their own labor tools, their dependence on traditional tools of production like machinery is gradually decreasing, while their dependence on information technology and data is gradually increasing. Workers in incomplete labor relationships still have dependence on the enterprise’s economic resources.

Regarding the dependence on economic sources. Due to the flexible but instability of incomplete labor relationships, coupled with low work requirements, strong substitutability, and extremely fierce competition, workers have a higher dependence on enterprises compared to workers in employment relationships. Workers’ labor remuneration basically needs to be shared with platform enterprises; some come entirely from user tips. The traditional labor-capital relationship is disrupted, and the enterprise transforms from a distributor of labor remuneration to a sharer of economic benefits.

For workers in incomplete labor relationships, economic subordination remains significant and is easier to quantify than personal subordination. Therefore, combined with China’s actual economic situation, we can explore establishing a percentage quantification standard centered on the proportion of income sources, thereby scientifically evaluating their degree of economic dependence on the platform and providing a clearer and more operable reference for judicial practice.

Organizational subordination is relatively weak. In the case, the company did not incorporate the workers into the institutional organizational structure of its distribution business, nor did it impose continuous obligations typical of organizational members through traditional labor management method, reflecting the relatively limited nature of organizational subordination. Under new forms of employment, the production

and organizational system between the employing unit and the worker is becoming increasingly flexible, organizational structures and department boundaries are becoming increasingly blurred, and the enterprise’s organizational role over workers is generally weakening[20]. Organizational subordination complements personal subordination, i.e., the worker’s labor service provision behavior constitutes an integral part of the employer’s business operations[21], emphasizing the embeddedness and dependence of workers as a link within the overall organization. It needs to be examined from two aspects: the continuity of time and the variability of membership. Platforms usually cannot incorporate workers into their internal organizational structure for management, and workers find it difficult to prove that a certain time or several times of labor service provision behavior is an indispensable component of the employer’s overall operations, nor do they assume continuous obligations as organizational members. Simultaneously, membership mobility is high in incomplete labor relationships. Workers can frequently change enterprises, and the integration of their service behavior with the platform’s business is temporary and project-based, making it difficult to determine deep integration with any specific enterprise. Correspondingly, workers have a weak sense of team belonging, lacking traditional colleague interaction and collaborative spirit, overall presenting a de-organization, individualization work characteristic on the whole. Some scholars also point out that organizational subordination is not a completely independent judgment dimension but more reflects an external projection of personal and economic subordination. On one hand, workers integrating into the employer’s rules and regulations, process management, corporate culture, etc., inherently implies accepting the inevitable requirements of unified direction, supervision, and management-----directly related to the connotation of “personal subordination,” representing the concretization of personal dominant relations. On the other hand, the workers’ labor service activities are closely linked to the enterprise’s operations, economically dependent on the development and operating conditions of that enterprise, which is closely related to “economic subordination”[22]. Furthermore, some research subsumes

“organizational subordination” under “personal subordination” or “economic subordination,” treating it as a dimension for auxiliary analysis or comprehensive judgment[23]. Therefore, when identifying incomplete labor relationships, its weight can be appropriately reduced, considering it as an auxiliary, background factor, while the focus of the examination is concentrated on the analysis of personal and economic subordination. This can not only avoid easily denying the necessity of labor protection due to the de-organization phenomenon of platform employment, but also make the identification framework more adaptable and explanatory in coping with flexible and changeable employment forms.

Thus, personal subordination holds the primary position. If personal subordination is relatively strong and the degree of enterprise control outweighs the degree of workers’ autonomy, it should be directly identified as an employment relationship. If personal subordination is somewhat weaker, it may constitute an incomplete labor relationship or a service relationship. At this point, it is necessary to combine economic subordination for judgment: if economic subordination is relatively strong, it constitutes an incomplete labor relationship; otherwise it constitutes a service relationship. Organizational subordination does not affect the identification of incomplete labor relationships, as organizational subordination is weak or even non-existent in both incomplete labor relationships and service relationships. Incomplete labor relationships should be grasped holistically; no single element should be regarded as the decisive factor.

#### **4.2 Strengthening the Protection of Labor Standards for Workers in Incomplete Labor Relationships**

The core function of the labor standard system is to establish a balanced workload, aiming to enable workers to obtain reasonable labor remuneration through daily bearable physical and mental labor consumption, so as to maintain the normal level of personal and family life. Essentially, it serves as a yardstick for dividing the boundary between labor employment and private life[24]. China’s current labor standard system provides essential and minimum basic protection for workers. Facing the new characteristics of flexible and fragmented platform employment, it is necessary to innovate

and design wage and working hour standards applicable to workers in incomplete labor relationships based on their actual situation, thus solidifying the baseline protection of their basic labor rights and interests.

##### **4.2.1 Establishing a new calculation standard for minimum wage**

Document No. 56 has clearly pointed out the need to extend minimum wage protection to the field of incomplete labor relationships. Workers’ income expectation are proportional to task unit price and working hours, and to a certain extent, task unit price is inversely proportional to working hours. After determining the upper limit of daily working hours, the task unit price needs to be raised to stabilize the reasonable income expectation of workers; on the contrary, the daily working hours can also be indirectly controlled through the task unit price. Therefore, the regular focus of regulation could shift from traditional working hours to quantifiable task units.

According to Article 3 and Article 12 of the “Minimum Wage Regulations,” the minimum wage calculation formula in an employment relationship is normal labor  $\times$  working hours. Incomplete labor relationships often adopt a piece-rate wage system, i.e., payment per order. Therefore, the perspective can be shifted to focus on standard-setting for each order. The price formation mechanism of platform labor includes multiple aspects such as task pricing, commission ratio, reward and punishment rules. The task unit price in incomplete labor relationships is determined and controllable. The difficult-to-quantify “normal labor” and “working hours” in platform employment with flexible characteristics can be replaced by “task unit price” and “total task volume.” The minimum income for workers should be calculated using the formula[25] “task unit price  $\times$  total task volume  $\times$  industry coefficient.” The setting of the industry coefficient is to balance the higher income during the peak order period and the lower income during the insufficient order period. The labor remuneration derived from this calculation, divided by the number of working hours, should be higher than or equal to the local minimum hourly wage standard. Platform enterprises should clearly disclose the basic task unit price in their pricing rules, and ensure that the worker’s labor remuneration per unit of time meets the statutory minimum requirements under typical labor intensity. This

design both responds to the characteristics of piece-rate payment and implements minimum wage protection substantively, not just formally.

#### 4.2.2 Establishing an effectively controlled maximum working hour system

workers in incomplete labor relationships generally face problems of excessively long working hours and high occupational risks. Since their income is directly linked to working hours, relying solely on workers' self-regulation is ineffective; external regulation must be used for guidance and constraint.

First, set a daily work upper limit with dual control of task volume and duration.

Shortening working hours implies a reduction in work income. The protection of workers' working hours rights cannot directly apply existing labor regulations; therefore, a reasonable measurement standard needs to be found and established through legislation. Incentivized by the piece-rate salary system, a large number of workers work more than 8 hours without any working hour control system, increasing the occupational risks for workers in incomplete labor relationships. Reference can be made to the maximum working hour system in labor law, utilizing algorithmic technology to control workers' working hours. Simultaneously, due to the flexibility of incomplete labor relationships, workers may work on different platforms concurrently. Measures by a single platform cannot effectively control workers' total working hours. For this reason, various platform enterprises should strengthen cooperation, establishing a unified government-led monitoring system to truly curb the serve overwork phenomenon caused by workers accepting orders across platforms.

Labor law stipulates an 8-hour daily working system and a 44-hour weekly work system. Although workers in incomplete labor relationships cannot and should not directly apply the standard working hour system, corresponding regulations on the maximum daily working time can be referenced to labor law. However, restricting solely by maximum working hours would make the rules too rigid. Typical workers in incomplete labor relationships, such as food delivery couriers, couriers, and ride-hailing drivers, might simply increase speed to shorten delivery time, disregarding their own safety. A maximum mileage limit should be combined with working hours for auxiliary control. When a worker

simultaneously reaches the maximum mileage or the maximum daily working time, the platform system should suspend order dispatch and mandate the worker offline. This "double upper limit" mechanism takes into account both working hours and labor intensity, and helps to realize the scientific management of workload.

Second, clearly distinguish between on-call time and actual working time.

The flexibility of incomplete labor relationships means that workers are not constantly in an actual working state; there is a significant amount of "on-call time" spent online waiting for orders but not actively working. During this time, although workers are in a work-ready state, they are not actually providing labor, and this time should not be fully counted towards regulated working hours. In the system design, the "time actually providing services" should be the basis for calculating working hours, and automatic statistics and distinction should be realized through platform technology. This aligns with the actual labor management situation, avoids unreasonable restrictions caused by merely calculating online duration, and balances work autonomy with health protection.

### 4.3 Constructing an Occupational Injury Insurance System for Workers in Incomplete Labor Relationships

To address the prominent occupational injury risks under new employment forms, it is urgent to transcend the traditional binary framework of work-related injury insurance and civil remedies and construct an independent, dedicated occupational injury insurance system. This system should be based on the independent legal positioning of incomplete labor relationships, breaking the inherent bundling of employment relationships and industrial injury insurance, and establishing a risk-sharing and protection mechanism in line with its employment characteristics.

#### 4.3.1 Establishing a multi-party shared financing mechanism

In traditional industrial injury insurance, all insurance premiums are borne by the employer; workers do not pay premiums, and compensation for worker disabilities is borne jointly by employer and the industrial injury insurance fund. However, in incomplete labor relationships, platform enterprises are different from traditional employers. They are mainly

responsible for providing the platform connecting consumers and workers and charging a certain fee. Taking the platform enterprise as the sole contributor, while potentially reducing the economic burden on workers, could significantly increase costs if they were required to bear the full cost, squeezing their survival space and hindering the sustained and healthy development of the new forms of employment economy. However, as a party that organizes the labor and benefits from it, the platform enterprise exerts a substantive influence on workers through algorithm management and service rules, and possess a certain economic capacity and should naturally perform certain contribution obligations and social responsibilities[26]. Requiring it to bear part of the insurance premiums is in line with the principle of equivalence between benefits and responsibilities, and also helps incentivize it to improve occupational safety conditions.

Having workers bear the contribution responsibility alone is also clearly unreasonable. In incomplete labor relationships, platform enterprises exert control over workers; the two sides are not a cooperative relationship between equal subjects. At the same time, workers enjoy labor autonomy beyond that of ordinary workers. Therefore, based on the principle of unification of power and responsibility, workers themselves also need to bear part of the self-protection responsibility against occupational injuries[27]. Undertaking part of the contribution obligation can enhance their risk prevention awareness and sense of responsibility, reducing the likelihood of occupational injuries.

A model fully subsidized by the government is also impractical. Due to varying financial capacities across regions, sometimes with significant gaps, this model cannot be sustained long-term. However, the government should also assume certain social responsibilities and provide certain subsidies, especially in the initial stage of system construction.

This measure can alleviate the economic burden on platform enterprises and workers, while also reflecting the government's policy orientation towards protecting the rights and interests of workers in incomplete labor relationships and its financial support for the development of the new forms of employment economy, helping to promote the smooth implementation and sustainable development of the system.

Thus, an occupational injury insurance fund

formed by joint contributions from platform enterprises, workers, and the government can be specifically used to pay for medical expenses, rehabilitation costs, disability allowances, etc., after workers suffer occupational injuries, achieving socialized dispersion of risks.

#### 4.3.2 Implementing a risk-oriented differentiated premium rate system

Traditional industrial injury insurance adopts industry-differentiated premium rates, determining rates based on the occupational risk levels of different industries according to the "Industrial Classification for National Economic Activities." Similarly, the design of the occupational injury insurance premium rates for workers in incomplete labor relationships can imitate this approach. In accordance with the risk correlation principle, implement differentiated premium rates according to the occupational risk levels of different industries and positions, and establish a dynamic premium rate adjustment mechanism through scientific measurement of risk probability.

workers in different industries have essential differences in labor methods, employment environment, and work intensity. For example, the workplaces in the live-streaming industry typically involves indoor work in relatively good environments, with relatively low occupational injury probability; while the food delivery and express delivery industries involve prolonged outdoor, high-intensity labor relying on simple vehicles, in relatively poor environments, with a higher risk of occupational injuries; the ride-hailing industry, although also operating in road traffic environments like the former, uses relatively safer vehicles, resulting in lower risks. Therefore, the insurance premium rate should be determined differently according to the probability of occupational risk occurrence, applying higher rates to higher-risk industries and lower rates to lower-risk industries. In addition, within the same industry, the risk levels can be further subdivided based on factors such as working intensity, order acceptance area, and tools used, achieving precise matching between premium rates and risks.

#### 4.3.3 Leveraging the complementary role of commercial insurance

On the basis of the basic occupational injury insurance, the complementary and enhancing role of commercial insurance should be fully leveraged to construct a multi-level, sustainable occupational risk diversification mechanism.

Market entities can be actively introduced, encouraging insurance companies to develop supplementary products such as tailored personal accident insurance and medical insurance adapted to the occupational characteristics and risk structures under incomplete labor relationships [28], forming a commercial insurance product system aligned with statutory protection.

Occupational injury insurance for workers in new business forms is based on protecting basic risks, aiming to provide basic living security for workers after encountering occupational injuries, focusing on covering medical expenses and basic living compensation in case of work-related injuries or illnesses. Its coverage and level are relatively limited, adhering to the principle of meeting basic needs. Commercial insurance, with its characteristics of flexible product forms, diverse protection levels, and autonomous matching of premiums and coverage, can provide more adequate and targeted solutions for workers with higher protection needs. workers can independently choose different tiers of commercial insurance products according to their own income, work intensity, family burden, and risk preference, so as to realize extended protection for occupational injuries, health risks, and even income interruption, thus better adapting to the differentiated and multi-level protection needs and risk preferences of workers.

Promoting the coordinated development of occupational injury insurance and commercial insurance is conducive to forming a multi-pillar protection system of “basic protection underpinning, commercial supplementation enhancing” at the institutional level. This can not only effectively meet the individualized high protection needs of workers, but also further diversify social risks and enhance the overall protection level through market mechanisms, ultimately promoting the establishment of a more robust and resilient occupational safety protection network for workers in new employment forms, thereby truly enhancing the level of protection for this group.

## 5. Conclusion

With the development of internet technology, new employment forms represented by the platform economy continue to emerge, giving rise to the group of workers in incomplete labor relationships. These workers differ significantly

from traditional laborers, exhibiting flexible and autonomous characteristics. Protecting the rights and interests of workers in incomplete labor relationships faces difficulties and challenges: platform employment clearly exhibits de-labor-relationization; occupational risks are high, yet necessary labor standards and social insurance protection are lacking. These practical dilemmas reflect the institutional roots: vague criteria for identifying incomplete labor relationships, unestablished labor standards, and the bundling of social insurance with employment relationships.

Current academic discussion mainly focuses on whether incomplete labor relationships can be regulated by labor law. However, the labor law dichotomy has obvious limitations in the new formats and new models. Faced with the introduction of this new concept of incomplete labor relationships, its independent status should be clarified, the rights and obligations of workers should be reasonably defined, and a new legal system comprehensively covering the protection of rights and interests of workers in incomplete labor relationships should be constructed.

This paper takes the protection of rights and interests of workers in incomplete labor relationships as the research object, systematically analyzes the new challenges posed by changes in labor forms in the digital era to the traditional labor legal system and social security legal system, reveals the dilemmas in protecting the rights and interests of workers in incomplete labor relationships and their causes, and proposes a valuable path for institutional construction.

Current domestic and international research on the protection of rights and interests of workers in incomplete labor relationships is still in the theoretical research and practical exploration stage. Follow-up research should strengthen the following aspects: First, clarify the theoretical foundation, further define the concept and identification criteria of incomplete labor relationships, making related research more focused and in-depth. Second, expand institutional design, conduct in-depth exploration of rights such as labor remuneration and rest for workers, and construct a protection system covering multiple core rights and interests. Third, promote the system from pilot projects to systematic legislation, achieving the upgrade of the occupational injury protection system from

regional pilots to systematic and standardized legislation, truly realizing the standardized development of the rights and interests protection system for these workers.

### References

- [1] Yu Shuhong, Li Mengyun. Intervention of Antitrust Law in the Protection of Platform Service Providers under “De-Labor-Relationization”. *Hebei Law Science*, 2023, 41(03):23-41.
- [2] Liu Yang, Liu Huan. Incomplete Labor Relations and Their Legal Regulation in the Platform Economy. *Academic Exchange*, 2023, (02):76-87.
- [3] Golden, Lonnie. A purpose for every time: the timing and length of the work week and implications for worker well-being. *Connecticut Law Review*, 2010, 42(4):1181-1202.
- [4] Ding Jian'an. The Path and Limits of Protecting the Rights and Interests of Employees in Incomplete Labor Relationships. *Law Science*, 2025, (10):164-176.
- [5] Xie Zengyi. Reflection and Improvement of China's Platform Employment Regulation Path. *Peking University Law Journal*, 2024, 36(02):386-406.
- [6] Xie Zengyi. Identification of Labor Relations in Internet Platform Employment. *Peking University Law Journal*, 2018, 30(06):1546-1569.
- [7] Chang Kai. The Nature and Characteristics of Platform Enterprise Employment Relationships and Their Legal Regulation. *China Law Review*, 2021, (04):31-42.
- [8] Shen Jianfeng. The Characterization and Legal Application of Incomplete Labor Relations in New Forms of Employment. *Exploration and Free Views*, 2023, (12):56-66+2.
- [9] Wu Yong. Reflection on the Nature of “Incomplete Labor Relations” from the Perspective of Legal Policy Science. *Social Sciences in Yunnan*, 2023, (05):65-73.
- [10] Wang An, Zhang Xi. Choice of Legal Application Path and Construction of Identification Procedure for Incomplete Labor Relations in the Platform Economy. *Journal of Beijing Union University (Humanities and Social Sciences)*, 2023, 21(03):90-100.
- [11] Hu Lei. The Generation Mechanism, Operation Characteristics, and Governance Orientation of “Incomplete Labor Relations”. *Economic Review*, 2022, (10):8-18.
- [12] Zhao Hongmei. Legal Protection of Income-Related Rights and Interests of Platform Workers. *Journal of Shanghai University of Finance and Economics*, 2021, 23(05):123-138.
- [13] Wang Zengwen, Chen Yaofeng. Theoretical Basis and Institutional Construction of Occupational Injury Protection System for New Forms of Employment. *Journal of Xi'an University of Finance and Economics*, 2022, 35(02):74-83.
- [14] Lu Quan. Mode of Production, Form of Employment, and Innovation of Social Insurance System. *Social Sciences*, 2021, (06):12-19.
- [15] Qin Guorong. Research on New Changes in Platform Employment and the Innovation of Labor Law Subordination Theory. *Contemporary Law Review*, 2025, 39(02):121-133.
- [16] Xie Zengyi. The Concept of Labor Relations and the Chinese Expression of Its Identification in the Digital Age. *Social Sciences in China*, 2024, (10):162-185+208.
- [17] Xiao Zhu. Theoretical Interpretation and System Composition of the Criteria for Determining Subordination in Labor Relations. *Law Science*, 2021, (02):160-176.
- [18] Huang Yueqin. *New Theory of Labor Law*. China University of Political Science and Law Press, 2003.
- [19] Li Xiong, Huang Linhan. Innovative Research on the Determination of Labor Relations under New Forms of Employment. *Hebei Law Science*, 2023, 41(07):84-106.
- [20] Li Jianli, Zhang Qinfeng. Clarification and Construction of Judicial Review Standards for “Incomplete Labor Relations” – From the Perspective of the Composite Function of Judicial Activism. *Hebei Law Science*, 2023, 41(12):158-175.
- [21] Ban Xiaohui. Labor Law Regulation of Task-Based Employment in the “Gig Economy”. *Law Review*, 2019, 37(03):106-118.
- [22] Zhu Jun. Theoretical Clarification and Normative Construction of Labor Relation Determination. *Chinese Journal of Law*, 2023, 45(06):135-154.
- [23] Wang Xianyong. The Legal Nature of Internet Platform Employment and Its

- Exclusive Regulation under Labor Contract Law. *Social Science Research*, 2026, (02):49-61+227.
- [24] Wang Tianyu. The “Labor Law Trichotomy” Governance Model for Platform Employment. *China Legal Science*, 2023, (02):266-284.
- [25] Wang Tianyu. The Construction Path of Labor Standards for Platform Employment. *Political Science and Law*, 2022, (08):33-47.
- [26] Wang Xianyong, Xia Qing. Theoretical Basis and Institutional Conception of Including Online Hired Workers under Work-Related Injury Insurance in the Sharing Economy. *China Labor*, 2018, (06):49-53.
- [27] Ai Lin. Research on the Path Optimization of Occupational Injury Protection System for New Forms of Employment. *China Journal of Applied Jurisprudence*, 2025, (02):67-77.
- [28] Wang Zengwen, Yang Lei. The Construction Logic and Path of Occupational Injury Protection for Workers in New Forms of Employment under the Digital Economy. *Journal of Shanxi Normal University (Social Science Edition)*, 2022, 49(03):73-78.