

Exploration on the Protection of the Rights and Interests of “Gig Workers” Under the New Economy

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Abstract: *With the vigorous development of digitalization and science and technology, the gig economy began to appear in people's eyes and gradually occupied an important role, and social security, as a stabilizer of people's life and social security, plays an important role in social stability and national economic development. “Gig workers” have increasingly become a new driving force for the development of China's employment patterns, and the emergence of “gig workers” has alleviated the impact of the epidemic on small and medium-sized enterprises and provided jobs. China proposed to achieve a “multi-level social security system”, and zero work is an important part of the employment pattern in the labor market, which has played an important role in the improvement and development of the social security system. However, due to the low participation rate and the lack of coverage of the social security system, the social security of “gig workers” is insufficient, so it is necessary to explore the optimization path from the government, individual and platform levels.*

Keywords: Gig economy, Gig workers, Social security.

1. Introduction

With the rapid development of Internet technology, the “gig economy” has become a new industry with a large scale and wide coverage in the employment market. At the end of last year, the Institute of Economics of the School of Social Sciences of Tsinghua University released the “Development Status and Social Impact of the Gig Economy in the Internet Era”. The “Gig Economy” is becoming an important force in promoting the “new employment form” and a new growth point for promoting high-quality development of the national economy. According to data released by the Ministry of Human Resources and Social Security, the number of people engaged in flexible employment in China has reached About 200 million people, a considerable number of whom are “gig economy” practitioners. Alibaba Research Institute predicts that by 2036, the number of “gig economy” practitioners will reach 400 million. The gig economy employment model has brought positive benefits to both labor and capital. Influence.

2. “Gig Workers” in the New Economy

2.1 Definition of Relevant Concepts

In today's digital world, people's lifestyles and working methods have undergone great changes, which are particularly evident in the post-epidemic era. Online office and online teaching have gradually become the norm in people's daily lives, which not only promotes the improvement and development of the Internet, but also facilitates efficient connection between enterprises and employees, and between teachers and students across geographical ranges. “Gig economy” is an emerging economic form that has emerged in this context with the rapid development of digitalization and informatization. The employment model has changed from the traditional “enterprise-individual” to “platform-individual”. Enterprises can publish recruitment information on the platform anytime and anywhere; job seekers can filter information according to their intended working hours, hobbies, etc., and communicate

directly with enterprises online through the platform. In addition, corporate recruitment requirements are no longer limited to full-time long-term workers, but more attention is paid to short-term part-time workers to maximize their benefits. Job seekers also focus more on job types with great time flexibility to meet their own balance of multiple jobs.

“Gig workers” are the employment group in the emerging economic form of “gig economy”. Different from the employment model of the previous “odd job” group and the flexible employment group, gig workers have broken geographical boundaries, mainly relying on the Internet and seeking jobs with the help of platforms. “Gig workers” not only include the Didi drivers, food deliverymen, couriers and other labor groups that rely on physical labor in the previous flexible employment group, but also include those who have formal jobs but work part-time or engage in multiple jobs, such as online bloggers, video editors, etc. The impact of the epidemic on people's lives has made people's financial management concepts more conservative. People hope to earn more money within their ability, which has led to an increase in the number of “gig workers”. In addition, the demand for “gig workers” has increased significantly amid the epidemic. Groups such as deliverymen and couriers have provided support for people's normal lives and provided strength for the stable development of society. Part-time workers and other groups that provide one-time or short-term labor, such as advertising copywriters, video editors, and domestic workers, can not only help alleviate the survival pressure of small and micro enterprises under the severe epidemic environment and increase personal income sources, but also become a driving force for economic development.

2.2 Characteristics of Gig Workers

The development from traditional “odd jobs” and “flexible employment” to today's “gig workers” has benefited from the mature application of the Internet. Gig workers have some of the flexibility characteristics of previous gig workers, and have also developed some new characteristics:

First, gig workers have freedom. "Gig workers" have the freedom to choose their time, location, and work tasks. First of all, "gig workers" can freely choose their working hours according to their own schedules, and through the recruitment requirements posted by online recruiters, they can screen suitable jobs that match their time range according to their available time. The advantage is that "gig workers" can do a variety of jobs according to their schedules and maximize their self-worth. Secondly, the choice of work location for "gig workers" is also free. In the past, traditional gig work locations were mainly carried out within the scope of their own activities, mainly within the community where they lived. Today, "gig workers" can cross provincial and municipal boundaries, use the Internet to directly connect with recruiters, and carry out work through the Internet. Finally, the freedom of "gig workers" to choose their work tasks is mainly reflected in the fact that workers can choose the type of work according to their personal preferences. Unlike the passivity of traditional gig workers in employment, they have more initiative in job hunting, and can use multiple job search channels such as APP, WeChat public accounts, Douyin, etc. The selected work tasks are no longer limited to jobs that match their professional skills, but can also choose other fields they are good at. This advantage lies in discovering the diversity of their own skills.

Second, use the Internet as a medium. The traditional way of job hunting for gig workers is to place signs on the side of the road and wait for the employer to come. Through face-to-face communication with the recruitment department, they understand the content of the work and working hours. Most of the work they do is physical labor, and the scope of work is limited to the community within the residential area or the adjacent community. Although there are also hourly workers and temporary workers, the employment model is still dominated by employers and employees. Under the development of informatization and technology, the employment model has added a platform as a tripartite subject. "Gig workers" can search for recruitment information and obtain work tasks through the Internet, and employers can also publish recruitment information and assign work tasks through the Internet. Delivery drivers, couriers and other manual laborers can obtain information through the Internet, accept orders and deliver goods without having to wait for work assignments at offline employers; network anchors, part-time planners and other workers who rely on their own skills can obtain customer needs through the Internet, and directly report and hand over work with customers. The advantage of "gig workers" using the Internet as a medium is that they can break geographical restrictions, communicate directly with employers, improve work efficiency, and achieve effective allocation of their own ability resources.

Third, employment forms are diversified. Traditional part-time employment forms are relatively simple, mainly concentrated in physical labor such as food delivery and couriers, which are jobs chosen by workers to make a living; today's part-time work forms are more diversified, and the work groups are also more diversified, such as computer majors using their professional expertise to choose the production of programs, broadcasting majors choosing to host a project part-time, stay-at-home moms using mobile phones and computers to share parenting articles, office workers

working part-time as video editors after work, etc. Many new employment forms derived from the Internet provide more choices for "part-time workers". In the past, food delivery and couriers needed to be highly familiar with geographical space, but now, with the development of the Internet, only a mobile phone and a tram are needed to achieve delivery and complete work tasks.

Fourth, the immediacy of labor. Traditional odd jobs are flexible and temporary, while today's odd jobs are not only flexible and temporary, but also immediacy. They mainly perform one-time work, are not bound by labor relations, and cancel their relationship with employers after completing the task, which is highly self-selective. In a WeChat applet about odd jobs, the homepage includes the location and the choice of intended work time. "Odd workers" can choose according to their own schedule. Not only can they choose specific working dates, but also have options of "morning", "noon", "evening", "all day" and "cross-day" to choose from; then the second interface is "My Work", which includes "Completed Work", "Unfinished Work" and "Work in Progress". It not only clearly lists the odd jobs you have chosen, but also calculates the length of work. The development of intelligence has tasked work. Individuals are no longer constrained to establish a labor relationship with a certain enterprise. They can choose tasks issued by multiple companies according to their own wishes. It is task-oriented and has higher immediacy.

3. Analysis of the Current Social Security Situation of "Gig Workers" in the New Economy

my country's current social security policies are not yet mature for "gig workers". On the one hand, from the perspective of individual "gig workers", there are risks of weak willingness to participate in social insurance, high contribution rates, insufficient awareness, and the possibility of adverse selection; on the other hand, from the perspective of the existing social security system, due to the ambiguity of labor-capital relations and the difficulty of transferring social security relations, the labor rights and interests of "gig workers" are prominent. Analysis of the current social security status of "gig workers" is not only conducive to improving the problems existing in the social security of "gig workers", but also plays an important role in the development of the social security system.

3.1 Individual Level of Gig Workers: Low Insurance Participation Rate

First, the high contribution rate leads to a low participation rate. The existing social security system mainly includes urban employee social insurance and urban and rural resident social insurance. The payment objects of urban employee social insurance are jointly borne by enterprises and individuals, including medical insurance, maternity insurance, pension insurance, work-related injury insurance and unemployment insurance; urban and rural resident social insurance includes medical insurance and pension insurance, which are mainly borne by individuals. Gig workers can choose resident insurance or participate in employee insurance as flexible workers, but the difference is that the

social insurance of gig workers must be borne by individuals. Taking pension insurance as an example, the employee pension insurance is paid by individuals at 8% and the enterprise at 12%, and individuals only need to bear 8% of the payment; for gig workers, according to the "Notice on Further Improving the Participation of Flexible Employment Personnel in the Basic Pension Insurance for Enterprise Employees" issued by Zhejiang Province, the pension insurance payment ratio of gig workers is 20%, of which 8% is transferred to personal accounts and 12% is transferred to the pooling account, all of which are borne by individuals. In contrast, the pressure on individuals to pay social insurance premiums is too great, with a 12% higher contribution rate. In addition, the income of gig workers is mostly based on personal performance [1]. Fixed low wages are difficult to support personal daily expenses, but income based on personal performance is unstable. High social insurance contributions mean a reduction in personal disposable income. These factors make gig workers less willing to pay.

Second, the low participation rate of social insurance is caused by the lack of awareness of social insurance participation. For gig workers, the risk factor they may encounter is relatively high. However, most gig workers are unaware of the existence of such problems. Even if they know the possible risks, they will not take measures to deal with them. Most gig workers are young and middle-aged people, moving from rural areas to urban areas, from cities with low levels of development to cities with high levels of development. They have no houses or cars at their workplaces, and are faced with the need to buy a house and raise children. Therefore, they will focus more on short-term interests, hoping to get more and more wages, while paying social insurance means less disposable income, so there are more people who are unwilling to pay social insurance.

Third, the problem of adverse selection is prominent. In the gig economy, among those who rely on gig income as their main source of livelihood, food delivery workers, couriers and other employment groups account for a large proportion. In most cases, they are unable to recognize the importance of social insurance to their personal lives, and their wages are mostly the main source of income for their families, bearing great economic pressure in their lives. Since the current social security system does not require gig workers to participate, "gig workers" have become more voluntary. For example, for people with better physical qualities, they are no longer willing to invest their income in medical insurance, while for those with poor physical qualities, participating in social medical insurance may play a certain role in protecting their future lives, which has led to an increase in the burden on the social security system [2]. Although the proportion of payers has also increased, the number of people who need to provide insurance has increased year-on-year, and even accounts for a larger proportion.

3.2 Existing Social Security System: Narrow Coverage

First, the uncertainty of labor-capital relations makes it difficult to participate in insurance. The existing social security system mainly relies on labor contracts to confirm the clear labor relationship between employers and employees. When the labor relationship is clear, the social security system

is relatively complete. Medical insurance and pension insurance are paid by employers and employees, while unemployment insurance and work-related injury insurance are borne by employers. However, for "gig workers" who are employed by platforms and individuals without signing labor contracts and whose labor relations are not close, the payment of social insurance has become a problem. The mobility of the location and time of work of "gig workers" makes it difficult to confirm a clear labor relationship. In addition, the gig employment group may be engaged in two or even more gigs at the same time, and it is extremely difficult to establish a labor relationship with several employers at the same time. Therefore, in the social security system that relies on a certain labor relationship, it is difficult for "gig workers" to protect their labor rights and interests, it is difficult to have clear evidence of the existence of a labor relationship with the employer, or it is difficult to choose which employer to pay social insurance.

Second, it is difficult to identify work-related injury insurance. "Gig workers" can participate in pension insurance and medical insurance as flexible workers, but in terms of work-related injury insurance, although there are clear regulations that they can pay as individuals, many regions currently do not allow "gig workers" to pay for work-related injury insurance individually. Take food delivery workers as an example. They often face risk accidents, but their rights and interests are often not guaranteed. Part of the reason is that the freedom of work location and working hours makes it impossible to establish a definite relationship of rights and responsibilities with the employer or the platform. The work-related injury insurance identification points out that "in the working hours and workplace, the accident caused by work reasons", but it is difficult to clearly plan whether the risk accident occurred during working hours or between the workplaces. For example, a food delivery worker died unexpectedly in an accident while delivering food, but the platform distanced itself from the relationship on the grounds that there was no labor relationship, and finally paid 2,000 yuan for humanitarian reasons. This shows the defects in the work-related injury insurance of such workers. Another reason is that road accidents involving food delivery drivers are more serious, but there is a lack of work-related injury rates that match them. According to the current insurance premium rates, the base rate for food delivery drivers is 0.5%, which is socially unfair given the high probability of accidents in the food delivery industry [3]. In addition, there are difficulties in investigation and evidence collection. Food delivery drivers and other groups have poor personal protection awareness. When risk accidents occur, it is often difficult for them to consciously preserve the labor relationship between them and the platform or the proof of the accident during working hours. This puts individuals in a weak position in terms of rights protection. The existing social security system does not cover the clear provisions for the recognition of work-related injury insurance for such employment groups in the workplace and with free working hours.

Third, there is a lack of social welfare for "gig workers". Among gig workers, food delivery workers and couriers account for a large proportion. Such jobs are highly substitutable, so they often face the risk of unemployment. In

addition, food delivery workers, couriers and other employment groups mainly rely on physical labor for a living and lack the knowledge and skills to engage in other occupations. Once they are unemployed, it is also very difficult for them to find a job again, which also has an impact on social and economic development and social stability. Social welfare can improve the happiness of social residents to a certain extent, but there is still a significant difference between the employee welfare of gig workers and the occupational welfare of traditional formal employment groups. Due to the special nature of the work of gig workers, they do not enjoy employee benefits such as overtime subsidies, physical examination benefits, employee physical examinations, commercial supplementary insurance, and physical examinations for immediate family members [4]. In addition, under the background of the development of "Internet +", professional skills training and business improvement of gig workers are extremely important in the "gig economy". It can not only improve the efficiency of enterprises, but also improve the personal professional abilities of gig workers. However, due to the large size of this group, it is relatively difficult to carry out. They often only receive training on the first day of employment, and the main content of this type of training is related to the basic process of using the platform. Some do not even need training. They can directly start working by submitting resumes and being hired. Therefore, deeper skills training has not been carried out.

3.3 Platform and Employer Level: Poor Sense of Responsibility

The platform also plays an important role in the social security of "gig workers". The relationship between "gig workers" and the platform is both deep and far-reaching. The platform acts as an employer, and all business assessments, salary payments, and daily work reports of "gig workers" must be based on the regulations formulated by the platform. However, just like the example mentioned above, the platform refuses to recognize the labor relationship between it and the individual in order to avoid responsibility. The platform aims to earn high profits, so it adopts various means to reduce costs in hiring and recruiting. For example, the emergence of the "special delivery" model, which manages takers through delivery companies, has reduced the social security costs of the takeaway platform by 40% [5]. In addition, the platform fully exploits the workers. Through online APPs, it monitors the work status and work trajectory of the workers at all times and sets work time assessments. It only forms a two-party subject of salary payment and task performance with the workers, blurring the actual labor relationship and breaking the labor relationship of the riders step by step through crowdsourcing [6].

4. Exploring the Path to Optimizing Social Security for "Gig Workers" Under the New Economy

The "gig economy" has brought momentum to social and economic growth, breaking the traditional employment model and forming an autonomous, immediate and diversified employment model. It can not only increase the economic income source of the employed group, but also increase the mobility of the labor force and contribute to the development

of the national economy. The social security of gig workers can help individuals resist the uncertain risks of the future and protect their personal rights and interests. In the face of the current lack of social security system for gig workers, the government, platforms, and "gig workers" must take corresponding measures to improve it.

4.1 Popularize Social Security Knowledge and Increase the Participation Rate

Social security plays an important role for gig workers, ensuring their stability and providing basic living security. However, the current awareness of gig workers is poor and the participation rate is low, which makes it impossible for them to participate in the social security system. Therefore, it is very important to improve the awareness of gig workers and popularize social security knowledge.

First, we can increase the publicity of the social security system, content, characteristics, etc. For example, we can set up publicity columns in the community, hold lectures and publicity activities, etc. The community is a social organization within a certain range and composed of a certain population. Promoting social security knowledge in the community can not only give full play to the common consciousness of the residents in the community and improve the governance capacity of the community organization, but also convey and explain social security knowledge to the community residents in a more specific way.

Second, the protection awareness of employees can be improved through publicity on the platform. "Gig workers" use their mobile phones frequently, and they need to keep an eye on the information on the platform to complete their work tasks. Therefore, adding publicity on basic social security knowledge in the platform settings can have a subconscious impact on them. By using advertising effects or task assessment requirements, social security knowledge can be integrated into the minds of "gig workers" so that they can understand the importance of social security to individuals while working.

Third, the government can provide professional training for employees, improve the professional ability of practitioners during the training, and promote social security knowledge, so as to promote the improvement of platform enterprise systems. From the life to the work of "gig workers", the importance of social security is conveyed in a potential way all the time, and personal awareness is improved. The most important person responsible for social security is the individual practitioner, and a large part of the reason for the low participation rate is also due to weak personal awareness, so publicity efforts should be increased.

4.2 Improve the Social Security System and Expand Its Coverage

The existing social security system does not cover a wide enough scope, which to a great extent limits the protection of the labor rights and interests of the gig workers. Therefore, it is necessary to include "gig workers" in the social security system by improving the original social security system, untying the system that is bound to labor relations,

establishing a unified social security system, increasing social welfare, etc.

First, improve the existing social insurance system that is tied to labor relations. It is difficult for “gig workers” and platforms to have a labor relationship with a clear labor contract. There is more flexibility between them. Therefore, it is necessary to improve the existing security system and expand the coverage of security. You can refer to Europe’s “personal work account” [7], which includes personal accounts and supplementary accounts. The rights and interests of workers are no longer linked to employers, but to personal payment records. The funds accumulated by individuals during different working periods are included in personal accounts, and the funds paid by the unit platform are included in supplementary accounts. Not only are there clear personal payment records, but it is also more convenient to manage.

Second, expand the coverage of social security and establish a unified social security system. Although “gig workers” can now flexibly join pension and medical insurance, there are still defects for other insurances, and the pension and medical insurance payment rates are too high for individuals to bear. In this regard, it is necessary to expand the scope of unemployment insurance, work-related injury insurance, and maternity insurance. By increasing the scope of work-related injury insurance for “gig workers”, adopt more flexible identification methods, and improve the vocational skills training of “gig workers”; gradually adopt a unified rate for the collection and payment of social insurance fees. Cancel household registration restrictions. As pointed out in the annual report on the sharing economy, “localities should relax household registration restrictions on flexible employment personnel participating in basic pension and basic medical insurance at the place of employment. For some super-large cities that are difficult to achieve in one step, they should actively create conditions and gradually relax them in light of local conditions.” Clear obstacles for the smooth flow of inter-city and urban-rural mobility of the gig economy.

Third, enhance the social welfare of “gig workers”. “Gig workers” have played an important role in promoting the development of my country’s sharing economy and platform economy. Therefore, it is necessary to strengthen the protection of the rights and interests of “gig workers”. There are still many loopholes in the platform, and the government needs to intervene to a certain extent to provide a safer institutional environment for the protection of the rights and interests of “gig workers”. The government can provide “gig workers” with allowances, physical examination benefits and other employee benefits by giving a certain degree of special funding to the platform, and can also hold vocational skills training on a regular basis. While providing funding, it is also necessary to supervise the funds to ensure that the funds can be effectively used for “gig workers” instead of being embezzled or abused for other purposes. The “Opinions on the Sharing Economy Annual Report” clearly stated that “for all kinds of new employment forms of workers who participate in vocational skills training at the place of employment, optimize the application and issuance process of vocational skills training subsidies, increase the direct subsidy of training subsidy funds to enterprises, and provide vocational skills training subsidies to qualified enterprises in accordance with

regulations.” However, there is often poor supervision, and many places cannot effectively carry out this activity, so it is necessary to increase supervision and improve institutional processes. This not only plays a key role in the personal career development of “gig workers”, but also enhances their sense of happiness and gain in the process of work, thereby contributing to the economic development of society and even the entire country.

4.3 Enhance the Platform’s Sense of Responsibility

The platform has a great impact on the protection of the rights and interests of “gig workers”. By enhancing the platform’s sense of responsibility, the rights and interests of “gig workers” can be protected. First, the platform has “behavior control” and “financial control” over individual “gig workers”, and needs to bear the necessary responsibility for occupational injuries caused by them, namely work-related injury insurance. “Gig workers” need to obey the platform’s command, and their salary must also be paid through the platform, so the platform needs to bear its corresponding responsibilities. Including prevention responsibility, carry out safety accident explanations and publicity for “gig workers”; protection responsibility, bear the work-related injury insurance expenses that should be paid after the risk accident occurs, and handle insurance in accordance with legal procedures [8]. Second, strengthen the supervision of the platform. The quality of the platform is often uneven. Strengthen the statistical monitoring of platform employees, make the protection of employees who have not signed labor contracts public and transparent, and improve the reporting channel. For the platform’s failure to perform its responsibility to protect the rights and interests of workers, including refusing to pay insurance when it should pay, avoiding liability for accident compensation, etc., the employment group can protect their rights and interests by reporting.

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