

Current situation and optimization path of labor rights protection for new types of employees: A case study of City C in Jilin Province

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Abstract

Purpose – The purpose of this paper is to explore the current situation and existing problems of the protection of labor rights and interests of employees in new business forms, take City C of Jilin Province as an example, analyze the causes and deep contradictions of the dilemma of the protection of rights and interests, and put forward the systematic optimization path, so as to provide theoretical and practical reference for the protection of the labor rights and interests of practitioners in new business forms.

Design/Methodology/Approach – Based on the quantitative research method to obtain the relevant information about the protection of labor rights and interests of employees in City C, deeply analyzes the problems and causes in the protection of labor rights and interests, and reveals the particularity of labor relations of new business forms and the weak links in the protection of labor rights and interests.

Findings – This paper studies has found that the protection of labor rights and interests of new business practitioners are many problems, such as difficult identification of labor relations and lack of rights and interests of vocational skills training. These problems are mainly caused by the lag and lack of legal system, the avoidance of platform corporate responsibility, and the limitation of practitioners themselves.

Research Implications – In the management of this paper, this study has significance in effectively protecting the labor rights and interests and promote the new forms economic healthy, stable and sustainable development, put forward reasonable countermeasures and Suggestions.

Keywords: employees in new business forms; protection of labor rights and interests; flexible employment

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I. Introduction

In recent years, the global economy has shown a trend of rapid development. According to the forecast of the International Monetary Fund in 2025, the growth rate of emerging economies will reach 4.2%, and industries such as artificial intelligence will continue to develop, jointly promoting the labor market to be flexible and digital transformation to accelerate. At the same time, along with the in-depth development of Internet technology, new business models represented by platform economy and sharing economy have developed rapidly, giving birth to new employment groups such as delivery workers, online taxi drivers and network anchors. According to the 9th National Survey on the status of the National workforce, there are 84 million new employment workers in China and the number is still increasing rapidly (Chen Ying, 2024). In the face of the vigorous development of new forms of business, the state has also released a series of signals of support. In the Government Work Report of The State Council in 2025, it was clearly proposed to "strengthen the protection of the rights and interests of workers in flexible employment and new employment forms", and the Ministry of Human Resources and Social Security also listed "lowering the threshold of insurance participation and expanding social security coverage" as a policy priority. However, in the process of the prosperity and development of the new business economy, the problem of protecting the labor rights and interests of employees is gradually exposed. The new business economic model itself has the characteristics of work flexibility and diversified employment forms, which makes it difficult to effectively match the traditional labor legal system, resulting in many difficulties in labor remuneration, working hours, social insurance, occupational safety and other aspects of employees. Therefore, it has become an urgent and important topic to further analyze the causes and deep contradictions of the labor rights and interests protection dilemma of the new business mode employees, alleviate labor conflicts, and provide effective labor rights and interests protection.

II. The status quo of labor rights and interests protection for new business type employees in City C

Through a combination of online and offline methods, 1500 questionnaires were distributed using a random sampling approach, with 1164 valid questionnaires returned, resulting in a response rate of 77.6%. The questionnaire design covers core indicators such as monthly average income, average daily working hours, labor contract signing, social security system coverage (basic endowment insurance, work-related injury insurance participation), vocational skills training participation, etc.

1.The basic information of the employees

This paper describes and analyzes the overall situation of the sample through the gender, age, education background, household registration status and other family members' working conditions of the investigated group. The specific data distribution is shown in Table 1 below.

Table 1. Descriptive statistics of individual characteristics of new business model practitioners in City C

Variable	Options	options	Percentage (%)
Sex	Male	1108	95.20%
	Female	56	4.80%
Age	16-30	237	20.30%
	31-50	859	73.80%
	≥51	68	5.90%
Degree of education	Primary school and below	53	4.60%
	Junior or senior high school	561	48.20%
	Specialized college	283	24.30%
	University and above	267	22.90%
Household registration status	Urban	629	54.00%
	Rural	535	46.00%
Work conditions of other family members	Stable	428	36.80%
	Unstable	736	63.20%
Monthly income	≤4000	154	13.20%
	4001-6000	668	57.40%
	6001-8000	263	22.60%
	≥8001	79	6.80%

As for the gender distribution, the survey shows that the number of male practitioners far exceeds that of female practitioners. To be specific, there are 1108 male practitioners, accounting for 95.20%. While there are only 56 female practitioners, accounting for only 4.80 percent. Considering the characteristics of the new industry attributes (such as high-intensity physical labor, technical threshold, etc.), the gender ratio in this study is appropriate for the survey of new industry employees, which can also reflect the significant gender preference in the industry.

In terms of age distribution, the survey shows that the 16-30 year old practitioners account for 20.30%, a total of 237 people; Those aged 31-50 are the main group, with 859 people, accounting for 73.80% ; And only 68 workers over 51 years old, accounting for 5.90%. This distribution may be related to the industry's requirements for physical strength, adaptability or experience. The middle-aged and young people have both work experience and physical strength advantages, and are easier to adapt to changes in new business models.

In terms of educational attainment, the survey covered practitioners with different educational backgrounds. Specifically, those with a middle or high school education accounted for 48.20 percent of the total, 561 people; 24.30%, or 283, of those with junior college degrees; University or above accounted for 22.90%, with 267; And primary school or below accounted for 4.60 percent, with only 53. Therefore, it can be seen from the

data that the education level of practitioners in the industry is mainly secondary education, but the group of higher education also accounts for nearly half, indicating that the industry is highly inclusive of educational background, which requires basic operational skills and may also exist specialized knowledge in subdivisions.

In terms of household registration distribution, 629 practitioners with urban household registration (54.00%) are slightly higher than those with rural household registration (535) (46.00%), showing a small difference. This may reflect the more mature development of new business models in urban areas, or it may be that employment opportunities are more concentrated, but the high proportion of rural household registration practitioners also indicates that this industry provides relatively balanced participation opportunities for urban and rural labor.

In terms of the distribution of stable work of family members, 736 (63.20%) of the workers with unstable work were significantly higher than the stable group, with 428 (36.80%). This may imply that the motivation of the practitioner to choose this industry is related to the family economic pressure.

In terms of monthly income distribution, the survey results show that the proportion of practitioners in different income segments is as follows: 57.4% of practitioners' monthly income is concentrated in the range of 4001-6000 yuan, and 22.6% is distributed in the range of 6001-8000 yuan, accounting for 80% of the total of 931 people, constituting the main range of income distribution. The low-income end is less than 4000 yuan accounted for 13.2%, there are 154 people; And 6.8 percent of high-income earners were those with more than 8,000 yuan. This distribution reflects the diversity of practitioners' income, and also shows that the middle-income group accounts for a large proportion of practitioners.

2.The current situation of labor rights protection

2.1 Labor contract signing situation

From the data in Table 2, we can intuitively find that the number of workers in new forms of business who have not signed labor contracts is 93, accounting for 8.00%, which may be related to the characteristics of strong mobility and high proportion of part-time jobs. The number of workers who directly signed labor contracts with employers was the largest, 581 people, accounting for 49.90%, which indicates that traditional employment forms are still dominant, and direct labor relations can provide relatively complete rights and interests protection for practitioners. And 275 people chose to sign with labor dispatch units, accounting for 23.60%. This labor dispatch mode makes labor relations more complicated, and the division of responsibilities and rights and interests protection are prone to ambiguity. At the same time, 215 people signed outsourcing contracts, accounting for 18.50%. This method also makes there is no direct labor relationship between the actual employer and the practitioner, and the rights and interests protection depends on the specific terms of the outsourcing contract.

On the whole, the labor employment forms under the new business economic model show diversified characteristics, Although most practitioners establish labor relations through traditional means, other diversified forms of signing also reflect the diversified modes of signing new business employment contracts in City C, and there are hidden dangers in the rights and interests of some practitioners, which need to strengthen supervision and improve relevant laws and regulations.

Table 2. Labor contract signing of new business practitioners in City C.

Variable	Options	options	Percentage (%)
Signing of the labor contract situation	Unsigned	93	8.00%
	Sign with the employer	581	49.90%
	Sign with the labor dispatch unit	275	23.60%
	Labor outsourcing contract	215	18.50%

2.2 Social security coverage and labor protection

As can be seen from the data in Table 3, in the aspect of employee pension insurance, the overall participation rate reached 60.5% (704 people), highlighting that this insurance is still the main choice for practitioners of new forms of business; While the participation of urban and rural residents in old-age insurance accounted for 17.4% (202 people); The most noteworthy group is the uninsured group, 22.2% (258 people) did not participate in the insurance. In terms of industrial injury insurance, statistics show that 73.40 percent (854 people) of workers have participated in industrial injury insurance, which enables them to receive medical treatment and other benefits in the event of accidents or occupational diseases in the course of work. However, it should not be ignored that 26.60% (310 workers) still do not participate in industrial injury insurance, and this group of people is likely to bring a heavy financial burden to individuals and families once they suffer from work-related injuries.

Similarly, the situation of enjoying labor protection is also noteworthy. 64.10% (746 people) of the workers have corresponding labor protection, while 22.90% (266 people) of the workers are not equipped with corresponding labor protection, and 13.10% (152 people) of the workers think that labor protection is not necessary. This may be due to their lack of awareness of the dangers of their working environment, or lack of adequate understanding of the importance of labor protection.

In general, although practitioners have made some progress in social security and labor protection under the new format of business, there are still many problems that need to be solved. The problems of the uninsured, the lack of labor protection and the lack of awareness of labor protection all show the shortcomings of the current policy in terms of coverage, enforcement and publicity and education.

Table 3. Social security and labor protection status of new business practitioners in City C

Variable	Options	options	Percentage (%)
The type of basic endowment insurance attended	Basic endowment insurance for employees	704	60.50%
	Basic old-age insurance system for both urban and rural residents	202	17.40%
	No insurance	258	22.20%
attend industrial injury insurance	Yes	854	73.40%
	No	310	26.60%
whether the corresponding labor protection	Yes	746	64.10%
	No	266	22.90%
	not needed	152	13.10%

2.3 Participation in vocational skills training

From the overall data, among the 1164 new business practitioners in City C surveyed, 735 people have participated in vocational skills training, accounting for 63.1%, which indicates that more than 60% of practitioners have had vocational skills training experience. In addition, in the case of those who have not participated in vocational skills training, there are 429 people, accounting for 36.9%. This may be because the practitioners themselves have to work for a long time in order to maintain their income, which leads to time conflict, or it may be because the practitioners' own cognition is biased, or the platform economy is unable to provide corresponding training. Overall, although 60% of practitioners participated in training, the presence of non-participants also suggests that we need to do more to remove barriers to participation and help practitioners upgrade their professional skills.

Table 4. Social security and labor protection status of new business practitioners in City C

Variable	Options	options	Percentage (%)
participated in vocational skills training	Yes	735	63.10%
	No	429	36.90%

2.4 Working hours situation

From the data point of view, the proportion of practitioners working 9-11 hours is the highest, reaching 51.8% (603 people), which indicates that more than half of the new industry practitioners are in the state of medium long working hours. The second is the long-term working group of 12 hours or more, accounting for 38.30% (446 people), which shows that a considerable proportion of practitioners are facing high-intensity work. In contrast, those who work 4 hours or less and 5 to 7 hours account for a relatively small proportion. In contrast, only 7.50 percent of those working eight hours. This distribution of working hours reflects the

generally high work intensity of the new business type industries in City C. Long working hours not only affect the physical and mental health of the workers, but also may lead to problems such as tired driving, traffic safety hazards and decline in service quality.

Table 5. the average daily working hours of practitioners in new forms of business are shown

Variable	Options	options	Percentage (%)
Daily working hours	≤4	7	0.60%
	5-7	21	1.80%
	8	87	7.50%
	9-11	603	51.80%
	≥12	446	38.30%

III. The protection of labor rights and interests of employees in new forms of business in City C

1. It is difficult to identify labor relations

According to China's laws, the identification of labor relations needs to meet three core conditions. First, the subject qualification is legal, and both the employer and the worker meet the legal subject qualification; Second, the subordination includes economic subordination and personality subordination. The laborer should abide by the rules and regulations of the employing unit, accept its labor management, and engage in remunerative labor arranged by the employing unit; Third, the labor provided by the laborer belongs to the main business scope of the employer (Zhang Guodong, 2021). The biggest difference between the new business economic model and the traditional employment model in terms of labor relations is the difference between the standard employment relationship in the industrial era and the flexible employment in the digital economy era. The new business model has more diversified and loose contract forms, which makes it unable to meet all the above three conditions (Kuang Yalin, 2021). Through the investigation of online taxi drivers and delivery workers in City C, it is found that their contract types are more diversified, including direct labor contract, labor dispatch, and even the existence of no contract. Therefore, practitioners may establish relationships with platforms, outsourcers and labor dispatch companies at the same time, leading to the ambiguity of the subject of responsibility and the difficulty in identifying labor relations (Qiu Yurong, 2024). This dilemma also makes it difficult for practitioners to protect their legitimate interests when they are faced with the protection of rights and interests.

2. It is difficult to protect the rights and interests of workers

2.1 Occupational health protection is inadequate

Although data show that more than 60% of practitioners have received basic labor protection under special circumstances, there are still 22.4% of the group in a completely unprotected state, of which the proportion of

food delivery workers with higher risk exposure is particularly outstanding, reflecting the imperfect platform security system. On the one hand, practitioners are generally under high labor pressure. More than 60% of the workers who are the sole breadwinner of their families have become the norm for working more than 12 hours per day under the algorithm- driven order taking mechanism, and the incidence of occupational injuries such as traffic accidents remains high. On the other hand, under the pressure of economic survival, workers have the idea that their health gives way to income, but the platform shifts the occupational health responsibility to individual risk through crowdsourcing, labor dispatch and other modes, and the current law lacks rigid constraints on the labor intensity monitored by the algorithm, resulting in occupational health protection becoming an empty talk (Judy, 2022). This makes us rethink whether the platform algorithm is reasonable. Is the legal system sound? Is occupational health protection sound? It requires the joint efforts of the government, platform enterprises and workers to safeguard the occupational safety and health of practitioners.

2.2. High working hours

As can be seen from the survey data, more than half of the practitioners work 9-11 hours a day, and 38.3% of the group work more than 12 hours, reflecting the high-intensity labor conditions of the practitioners. This kind of high- intensity labor of new industry practitioners not only accompanies the rise of health risk index, but also reflects the dilemma that labor rights and interests are not fully protected. Online taxi drivers and food delivery workers are in long-term working conditions, and the risk of fatigue driving and traffic accidents increases sharply. However, the platform algorithm pushes up labor intensity in a disguised way through the mechanism of order reward and time- limited delivery, forming a vicious circle. At the same time, the risks are transferred to the individual workers by the platform through the ambiguity of labor relations.

2.3 The extent of social insurance coverage is low

Under the current legal framework, enterprises pay social insurance for employees, which needs to satisfy the labor relationship between employers and workers, and flexible employees can voluntarily choose to participate in the basic pension insurance and basic medical insurance for employees as flexible employees, but they need to fully bear the 20% pension insurance contribution that should be shared by enterprises (Jiang Yingxue, 2021). However, under the new business economic model, the labor relationship between practitioners and labor enterprises is not clear at all. The platform economy packages the labor behavior that should be a labor relationship through crowd-sourcing agreements, labor dispatch and registration of individual industrial and commercial enterprises, resulting in a dual identity dilemma for groups such as online ride-hailing drivers and takeout workers. However, if practitioners consider to participate in the basic pension insurance of enterprise employees as flexible employees, individuals need to bear a large cost, but they have borne the burden of family expenses, which makes them often choose to give up the insurance, which is actually shifting the social responsibility due to the platform to the individual's choice between survival and social security. This undoubtedly aggravates the problem of lack of social security rights and interests of practitioners (Xue Huiyuan, 2019).

3. Lack of rights and interests in vocational skills training

In today's labor security system, the lack of vocational skills training rights and interests of new types of practitioners has become a quite prominent problem, which is actually related to the future development of every practitioner. On the one hand, most of the platform enterprises have not established a standardized vocational training system, and the workers only receive simple operation training after entering the company, which lacks the improvement of skills. On the other hand, practitioners in the new industry face the pressure of high-intensity work and unstable income, most of them work 12 hours a day, and it is difficult to spare time to participate in training. This also reflects that the current labor laws and regulations do not clearly stipulate the training responsibilities of enterprises in new forms of business, leading to the possibility that some platform enterprises may circumvent their employment training responsibilities in some ways, and the government departments also lack special supervision over vocational skills training in new forms of business (Jiang Yingxue, 2021).

IV. The reasons for the protection of labor rights and interests of new business employees

1. The legal system lags behind and lacks

The current Labor Law and Labor Contract Law are mainly designed for the traditional fixed labor relationship, and it is difficult to cover the flexible employment mode of new business types (Xin Wanpeng, 2022). Although documents such as the Guiding Opinions on Protecting the Labor Security Rights and Interests of Workers in new employment Forms have been issued in recent years, these policies lack the force of law. For example, the current law takes the three dependent elements of the traditional industrial era as the core conditions to identify labor relations, which is difficult to adapt to the flexible employment mode of new business forms, and the relationship between practitioners and platforms is vague, resulting in practitioners being unable to enjoy social security, industrial injury and other rights and interests. In the investigation, it was found that the takeout riders in City C applied for the identification of industrial injury due to a traffic accident, and because they did not sign a labor contract with the platform, the arbitration institution rejected the appeal on the grounds of no labor relationship. At the same time, the existing social security system is based on the premise of labor relations, new business practitioners are often excluded because of unclear labor relations, unable to enjoy the legal social security rights and interests, if practitioners consider to participate in social insurance in the identity of flexible employment, they have to bear a large amount of high expenses, but the income of new business practitioners in City C is not high. Therefore, they often give up participating in the insurance, resulting in the lack of rights and interests.

2. Platform corporate responsibility avoidance and profit-oriented

With the help of Internet technology and new business models, platform enterprises realize responsibility avoidance and profit maximization through algorithm control and lagging legal system, ignoring their own social responsibilities. First of all, through crowd-sourcing, labor dispatch and other means, the platform

makes the identification of labor relations between the platform and practitioners vague, so that they do not need to bear social insurance, industrial injury and other responsibilities. Secondly, the platform algorithm implicitly promotes practitioners to work excessively long hours through rules such as time-limited delivery, bad assessment deduction and reward for receiving orders, which increases the health risk index of practitioners and transfers the risks to individuals. Finally, the platform only provides basic operational training, but ignores occupational safety skills, resulting in practitioners' weak awareness of occupational safety, and then neglect their own safety.

3. Practitioners' own awareness of rights protection is weak and action is limited

From the investigation of City C, it can be found that the practitioners have a low education level and are the only source of family income, which leads to their lack of legal knowledge and limited action. On the one hand, the low educational level of practitioners may lead to their cognitive bias. First of all, most practitioners may lack understanding of the identification standards of labor relations and are easily misled by the platform. For example, a practitioner is required by a logistics company to register as an individual industrial and commercial merchant and sign a "project contracting agreement", but is actually still under the management of the company. Secondly, most of the new business practitioners do not know how to protect their legitimate rights and interests. Finally, platforms trap low- educated workers into contracts through complex and specialized agreements. On the other hand, due to the economic fragility of their families, they are trapped in the movement restrictions. In the survey of City C, 62.3% of practitioners in new forms of business are the only source of income for their families and work more than 12 hours per day. Once they choose to defend their rights, they need to bear the corresponding risk of income interruption and are forced to compromise between income and rights protection.

V. Optimization path of labor rights and interests protection for new business practitioners

1. Building a sound legal system

The current law is still based on the traditional fixed labor relations, emphasizing the economic, personal and organizational attributes, while the special nature of the new form of labor relations makes it unable to apply to the existing legal system. Therefore, the practitioners of the new form of business lack legal support when facing the labor security dilemma, and can not get effective protection. China has issued the "Guidance Opinions on Safeguarding the labor security rights and interests of new employment forms of workers" document, but because its positioning is guidance, rather than legal provisions, it is difficult to put into practice.

Therefore, it is urgent to construct a perfect labor law suitable for the new business economic model. In the short term, new business practitioners should be included in the current labor legal system, so that they can enjoy the legitimate rights and interests (Xin Wanpeng, 2022). In the long run, special legislation is the fundamental solution. A labor rights and interests protection law should be formulated for new types of workers, and labor relations should be clearly classified, such as standard labor relations (mandatory signing of labor contracts, Pay "five insurance and one fund", incomplete labor relations (requiring platforms to bear

some responsibilities such as industrial injury insurance and vocational training) and civil cooperation (covering occupational risks through commercial insurance), so that the government and regulatory authorities can rely on the law. Internationally, the European Union issued the "Platform Work Directive" to treat the algorithm management as the basis for labor relations judgment, and the German court recognized the takeout rider as a "class employee", enjoying some labor law protection. At the same time, strengthen judicial popularization and relief, improve practitioners' awareness of rights protection and reduce costs, so that practitioners dare to defend their rights and have the ability to defend their rights.

2. We should give full play to the multiple roles of the government

As the maker of laws and regulations, the supervisor of platform enterprises and the provider of public services, the government should keep up with the development trend of The Times and effectively protect the labor rights and interests of practitioners. First, the government should continue to innovate the social security system. In the face of the flexible and changeable characteristics of the new business economic model, the government should relax the constraints on practitioners' participation in social insurance, and innovate the insurance participation mode by adopting tiered insurance participation, so that flexible employees can pay insurance according to their income proportion, or appropriately reduce the contribution proportion of practitioners, so that they can lighten the burden and have the ability to participate in insurance. Secondly, the government should also strengthen the supervision of the platform economy. The government should jointly enforce the law with other departments such as the General Administration of Market Regulation, share the information of new business platform enterprises, and capture the employment information of platform in real time, so as to achieve real-time monitoring and accurate identification. At the same time, the government should also require platform enterprises to disclose or submit algorithm reports, supervise platform algorithms, and prevent platforms from forcing or squeezing practitioners through algorithms. For example, the European Union issued the Digital Services Law requiring platforms to disclose algorithm logic, and offenders will be fined 6% of global turnover. Finally, the government should also strengthen the provision of public services. In the face of platform enterprises, the government should give them certain tax incentives and subsidies, encourage them to protect the rights and interests of practitioners, provide free vocational skills training for practitioners, build more public service facilities such as rest stations and job introduction centers, and improve the working environment. In the face of practitioners, the government should provide them with legal assistance, and set up a special organization to deal with labor disputes and disputes in the new business economy, improve the efficiency of dispute handling, reduce costs, and ensure that practitioners' legitimate demands are fairly resolved.

3. Promote industry autonomy and platform responsibility

Platform enterprises should take the initiative to strengthen industry autonomy and enhance corporate social responsibility awareness. On the one hand, promote the establishment of new industry associations, formulate industry norms and self-discipline conventions, guide platform enterprises to abide by laws, regulations and ethical codes, and carry out exchanges and cooperation within the industry to jointly explore effective models of rights and interests protection. At the same time, it supports and encourages practitioners to join regional trade unions and participate in relevant decision-making. On the other hand, the platform should formulate reasonable

rules for dispatching orders and calculation methods of remuneration, and disclose them to practitioners to ensure that they receive fair remuneration, provide them with necessary labor protection supplies and safety training, share occupational risks, and actively establish communication and feedback channels to deal with complaints and suggestions of practitioners in a timely manner.

4. Enhance practitioners' own ability and awareness of rights protection

First of all, we should vigorously publicize and popularize the knowledge of labor laws and regulations and rights protection means through a combination of online and offline, so that practitioners can be clear about their rights and obligations, learn to use legal weapons to safeguard their rights and interests, and take the initiative to protect their rights when they encounter infringement. Secondly, practitioners should take the initiative to participate in various skills training, improve their professional quality and competitiveness, obtain higher income and better career development, and adapt to the ever-changing market demand of new forms of business. Finally, practitioners should join forces to establish regional workers' mutual aid organizations to share information, help each other and jointly safeguard their legitimate labor rights and interests.

VI .Conclusion

The emergence of new forms of business makes the economy show new vitality, and as the main body of new forms of business, the realization of labor rights and interests of employees is particularly important. Therefore, in the face of the current problems such as difficult identification of labor relations, difficult protection of workers' rights and interests, and lack of rights and interests of vocational skills training, it is necessary for the government, platform enterprises and practitioners to work together to establish a collaborative governance mechanism and a sound legal system, so as to strengthen vocational skills training and enhance practitioners' awareness of rights protection, and effectively protect the labor rights and interests of practitioners. To promote the sustainable development of the new business economy.

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