

LABOUR RIGHTS PROTECTION FOR PLATFORM WORKERS IN CHINA: CURRENT LANDSCAPE, INSTITUTIONAL GAPS, AND REFORM PATHWAYS

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Abstract: China's trade union federation counts 84 million workers in 'new forms of employment', most of them organised through digital labour platforms. Their legal protection has become one of the largest open questions in Chinese industrial relations. This review essay takes stock of what English-language research and official sources show about that question. It proceeds in three steps. First, it synthesises the empirical record. Algorithmic management intensifies work; layered outsourcing detaches riders from the platforms they serve; most platform workers sit outside employment-based social insurance; collective voice runs through informal networks rather than institutions. Second, it examines the institutional response built since 2021: the eight-ministry Guiding Opinions, the new category of workers who do not fully meet the conditions of a labour relationship, the occupational injury insurance pilot, and algorithm regulation. Third, it compares this response with the presumption-of-employment route taken in the European Union, Spain, and the United Kingdom, with California's reversal, and with Australian and ILO developments. The essay closes by identifying four institutional gaps and the reform pathways that follow from them.

Keywords: Platform work; GIG economy; China; Labour rights; Employment classification; Algorithmic management; Social protection

1 INTRODUCTION

China's workforce numbered roughly 402 million in 2023. According to the ninth national survey conducted by the All-China Federation of Trade Unions, 84 million of these workers, about one in five, earned their living in what Chinese policy calls new forms of employment [1]. The category covers food-delivery riders, ride-hailing and truck drivers, couriers, and others whose work is allocated and supervised through digital platforms. No other country hosts a platform workforce of this size. The International Labour Organization has documented a fivefold increase in digital labour platforms worldwide between 2010 and 2020, with location-based transport and delivery services driving much of the growth [2]. Platforms of this kind match labour to demand in real time, pay by the task, and direct the work through software rather than supervisors [3]. They have created income for millions of workers, many of them rural migrants, at remarkable speed. They have also created a protection problem of equal scale.

The problem arises because China's labour law, like most labour law, attaches protection to the employment relationship. A worker with a recognised labour relationship gains minimum wage coverage, working-time limits, employer-funded social insurance against injury, illness, unemployment, and old age, and access to labour arbitration. Most platform workers have no such relationship. Platforms typically engage riders and drivers as independent contractors, often through layers of staffing agencies, so that the entity directing the work bears none of the duties of an employer. The resulting exposure is not hypothetical. Survey and ethnographic research, reviewed in Section 3, documents intense algorithmic work pressure, high accident rates, thin insurance coverage, and weak channels for collective voice. Economic dependence deepens the exposure: for full-time platform workers, the flexibility that justifies contractor status is largely nominal [4-5].

Since 2021 the Chinese state has answered with a distinctive institutional experiment. In July of that year, eight central agencies jointly issued the Guiding Opinions on safeguarding the labour rights of workers in new forms of employment [6]. The instrument extended specific protections to workers who 'do not fully meet the conditions for establishing a labour relationship'. Companion instruments followed. Sector rules for food-delivery platforms now require pay above the local minimum wage and forbid the strictest algorithmic performance targets [7]. Binding provisions on algorithmic recommendation systems added a clause on the algorithms that schedule work [8]. A pilot occupational injury insurance scheme covered more than 8.8 million platform workers across seven provinces by mid-2024 [9]. Rather than reclassifying platform workers as employees, China has built a third space between employment and self-employment and begun filling it with selected rights.

Whether this construction protects workers in practice is now a live question, and the English-language research that bears on it has grown quickly but in separate fields. Sociologists have produced a rich empirical record on algorithmic control and rider resistance. Legal scholars have analysed the 2021 instruments and the court decisions applying them. Industrial relations and social policy researchers have examined social insurance coverage and union responses. These literatures rarely cite one another, and no review has yet joined the empirical record to the post-2021 institutional

response in order to ask how far the response reaches and where it fails. The question has gained an international edge. The European Union's Platform Work Directive, in force since December 2024, takes the opposite route of a rebuttable presumption of employment [10]. The ILO opened standard-setting discussions on platform work in 2025 [11]. China's third-category experiment is one of the main alternatives against which these instruments will be judged.

This review essay therefore makes four contributions. First, it synthesises the post-2020 empirical research on the working conditions and rights position of Chinese platform workers across four dimensions: algorithmic management, employment classification, social insurance, and collective voice. Second, it maps the institutional response assembled since 2021 and the evidence on its implementation. Third, it places the Chinese approach in comparative perspective against the European Union, Spain, California, the United Kingdom, Australia, and the emerging ILO standard. Fourth, it identifies four institutional gaps that survive the 2021 reforms and sets out the reform pathways the literature supports. The essay proceeds as follows. Section 2 defines the key concepts and describes how the review was conducted. Section 3 reviews the empirical record. Section 4 examines the institutional responses. Section 5 develops the comparison. Section 6 analyses gaps and reform pathways, and Section 7 concludes with a research agenda.

2 CONCEPTS AND REVIEW APPROACH

2.1 Key terms

The vocabulary of this field is unsettled, so the essay fixes its terms at the outset. Platform work refers to income-earning activity organised through digital platforms that allocate tasks, set or shape pay, and monitor performance [3]. A standard distinction separates cloudwork, performed remotely for clients anywhere, from geographically tethered work such as delivery and transport, which must be performed in a particular place [12]. Within the tethered type, Duggan et al. label the dominant form app-work [13]: local service work obtained and managed through an application. This essay concerns app-work in mainland China, chiefly food delivery, ride-hailing, and freight, because that is where the workforce and the rights disputes concentrate.

The Chinese policy category is broader than any of these academic terms. New forms of employment (*xin jiuye xingtai*) covers workers who depend on internet platforms for work orders, whether or not an employment relationship exists. Official usage extends it to couriers and truck drivers alongside riders and ride-hailing drivers [14]. The essay uses platform workers and workers in new forms of employment interchangeably, following this official scope.

Two further concepts organise the analysis. Algorithmic management denotes the delegation of supervisory functions to software systems that direct, evaluate, and discipline workers [15]. Its double edge, real discretion over schedule alongside tight control over the work itself, has been documented across the global gig economy [16]. A recent systematic review confirms that such systems now mediate task allocation, pay, and sanctions throughout the sector [17]. Employment classification denotes the legal sorting of workers into categories that carry different rights. Most legal systems sort binarily, into employees and the self-employed, and the misfit between platform work and this binary is a worldwide source of litigation [18]. China's response since 2021 has been a three-way sorting: workers with an established labour relationship, workers in circumstances that do not fully meet the conditions for a labour relationship, and workers in ordinary civil relationships. The middle category, often rendered as incomplete labour relationship, is the pivot of the Chinese approach and is examined in Section 4.

2.2 How the Review was Conducted

The essay is a review of literature and policy, not a systematic review with quantitative synthesis, but its source base was assembled through a documented search rather than ad hoc citation. The search used the OpenAlex scholarly database in mid-2026. Title-level queries combined platform and gig terms with China terms, rights and regulation terms, and the names of specific instruments and cases. Separate query sets served each of the seven themes that structure Sections 3 to 6. Title-level matching for the field's three core phrases alone returns over 5,200 works published since 2020, so screening favoured precision. Studies were retained when they bore directly on the rights position of Chinese platform workers, on the instruments responding to it, or on the comparative benchmarks against which that response can be read.

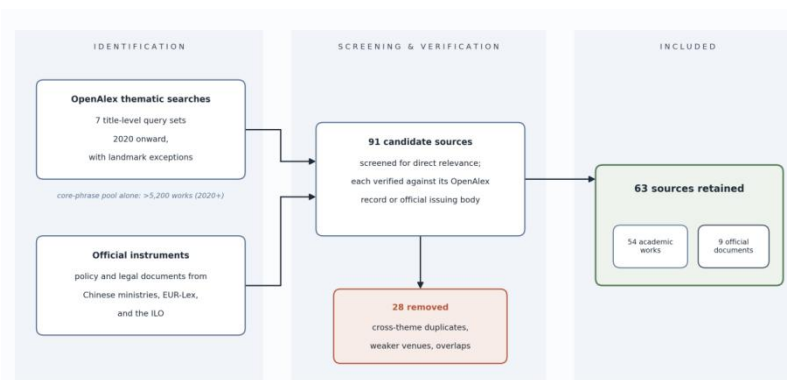


Figure 1 Source Identification and Screening Flow

Note: Academic sources entered through thematic title-level searches of OpenAlex (2020 onward, with landmark exceptions); official instruments entered through their issuing bodies. Screening for direct relevance to Chinese platform workers' rights, institutional responses, and comparative benchmarks produced 91 verified candidates, which deduplication and quality screening reduced to 63 retained sources: 54 academic works and 9 official documents.

Three rules governed inclusion. First, sources date from 2020 onward. A small number of earlier works are retained as landmarks, such as the conceptual framework of Kellogg et al. and the regulatory options of Stewart and Stanford [15,19]. Second, every academic source was verified against its database record before inclusion, and every policy document against the issuing body's official website; nothing is cited from secondary description. Third, official instruments are treated as primary sources alongside the academic literature, since the legal core of the topic is only partly covered by journals. The process yielded 63 sources: 54 academic works and 9 official documents. Figure 1 summarises the flow from search to retention. The resulting base is selective by design. It aims to support an argument about protection and its gaps, not to inventory a literature whose volume now defeats inventory.

3 THE CURRENT LANDSCAPE: WHAT RESEARCH SHOWS

A decade of empirical research, much of it focused on food delivery, has produced a consistent picture of how Chinese platform workers stand in relation to their rights. This section organises that picture along four dimensions: how the work is managed, how the relationship is classified, how the workers are insured, and how they can speak. The dimensions are presented separately but, as the closing synthesis argues, they interlock.

3.1 Algorithmic Management and the Intensification of Work

The starting point of the empirical literature is that platform work in China is managed by software to an unusual depth. Sun gave the early account [20]. Riders on Meituan and Ele.me perform what she calls algorithm labour: a working day organised around a dispatch system that assigns orders, sets delivery windows, and ranks riders through gamified levels and bonuses. Later studies traced how the system tightens. Chen and Sun show platforms practising temporal arbitrage [21], compressing promised delivery times and fragmenting the working day into rushes that keep riders on standby without pay. Huang finds that algorithmic management restructures the labour process itself [22], transferring the costs of speed to riders while presenting each target as a neutral output of the system. Comparative work confirms that the Chinese case is a sharp instance of a general design. On Chinese and American platforms alike, van Doorn and Chen find pay structured as a game whose odds favour the platform, with data flowing one way [23].

Two findings give this literature its industrial relations significance. The first concerns control. Lei shows that platform architecture combines technological control through the dispatch algorithm with legal control through contracting structures [24], so that the firm directing every movement of the rider is, on paper, not the rider's employer. The pattern was already visible in ride-hailing: Uber's Chinese operation exercised detailed control over drivers it classified as independent partners [25]. The second concerns the erosion of flexibility. Tracking riders over time, Sun et al. find that supposedly flexible work becomes sticky [5]: pay rates per order decline, hours lengthen to maintain income, and exit becomes harder. For the full-time rider, the autonomy that justifies contractor status is largely formal, which mirrors the wider association between platform dependence and precarity [4].

3.2 Employment Classification and De-Labourisation

The second dimension is legal. China's protective labour law attaches to the labour relationship, a status that courts determine mainly through subordination criteria developed for factory and office work [26]. Platform work fits these criteria awkwardly, and the empirical record shows courts disagreeing about it. Reading platform cases through judicial decisions, Wang and Cooke find similar facts producing opposite outcomes [27], with many workers falling into a legal vacuum between employment and self-employment. Zheng and Su reach a parallel conclusion from a larger sample [28]: subordination theory gives judges wide discretion, and they exercise it inconsistently. The most recent analysis of delivery-rider rulings from 2021 to 2024 finds the divergence persisting after the policy reforms [29].

The classification problem is not only a doctrinal accident; the research shows it being actively produced. Platforms route riders through layers of intermediaries. Yang documents the outsourced service stations that formally employ [30], or contract with, dedicated riders on behalf of delivery platforms, absorbing employer duties and disputes while the platform retains control of the algorithm. Feng et al. describe the result as a double fragmentation [31], of the employment relationship across entities and of working time across orders, which strips away the premises on which standard labour protection rests. Riders themselves are split between regimes: dedicated riders work scheduled shifts under stations, while crowdsourced riders log on at will, and the two regimes carry different degrees of protection and dependence [5]. Chinese commentary calls the overall strategy de-labourisation, the contractual disassembly of what functions, in practice, as an employment relationship. Its effects reach workers' own understanding of their position. Interviewing riders about the law, Lin finds that ambiguous status breeds an ambiguous legal consciousness [32]: many riders do not know whether they have labour rights to claim, and so do not claim them.

3.3 Social Insurance and Occupational Injury

The third dimension follows from the second. China's work-injury, medical, unemployment, and pension insurance for urban workers is employment-based, so a worker without a recognised labour relationship has no employer to enrol or fund them. Before the reforms, the ILO's mapping found exactly this: most platform workers were uninsured for work injury, with platforms substituting commercial accident policies of limited coverage [33]. The gap matters most where the work is most dangerous. Delivery work is paid by the piece and timed by the algorithm. Zhan et al. show the mechanism quantitatively [34]: the more a rider depends on platform income, the heavier the workload undertaken, and the more frequent the injuries. The COVID-19 pandemic widened the exposure, as riders carried urban logistics through lockdowns while remaining outside urban welfare [35].

Two structural barriers deepen the insurance gap. One is the hukou system. Most platform workers are rural migrants. Social insurance designed around urban employment offers migrants weak incentives and poor portability [36], and the platform workforce is drawn disproportionately from rural-registered workers [1]. The other is voluntarism. Where enrolment is left to choice, take-up stays low. Examining the food-delivery sector, Zhang and Liu conclude that a voluntarist approach to social security cannot extend protection to gig workers [37]: neither low-margin workers nor cost-sensitive platforms volunteer. These findings frame the occupational injury insurance pilot examined in Section 4, which breaks with both barriers by attaching compulsory, platform-funded cover to the order rather than to an employment relationship.

3.4 Collective Voice and Dispute Resolution

The fourth dimension concerns what workers can do about the first three. Formal channels are narrow. Independent unions are not available, and the All-China Federation of Trade Unions historically organised around workplaces with employers, which platform work lacks. Its post-2021 drive to unionise platform workers has enrolled large numbers, but observers question whether enrolment translates into representation: Lin reads the campaign as service delivery and conflict prevention more than bargaining [38]. Labour arbitration, the standard dispute route, presupposes the labour relationship whose absence is the heart of the problem [27].

Collective action therefore runs through informal channels, and the research shows both its vitality and its limits. Lei demonstrates that platform architecture itself shapes contention[24]: by standardising grievances across cities, the dispatch system enables dispersed riders to protest in parallel without organisation. Liu and Friedman describe resistance under the radar [39], brief and local work stoppages that extract concessions without building durable structures. Online, riders sustain mutual-aid networks that share route knowledge, warn of penalties, and teach ways of gaming the algorithm, a practice Yu et al. call algorithmic solidarity [40]. Two further studies show the channels narrowing. Zhao and Luo find that outsourcing redirects courier grievances toward station managers and agencies [41], fragmenting conflicts that might otherwise aggregate against platforms. Liu and Wei show platforms absorbing discontent through internal grievance systems [42], whose discretionary mercy resolves individual cases while leaving the rules that generated them intact.

3.5 Synthesis

Across the four dimensions, classification is the keystone. The contractual disassembly described in Section 3.2 simultaneously switches off wage and hours protection, employer-funded insurance, and access to arbitration, while algorithmic management raises the physical stakes of being unprotected. Voice, the usual corrective, is weakest exactly where the other deficits are deepest. The empirical record thus defines what an adequate institutional response would have to do. It must reach workers regardless of classification, fund protection from platforms rather than from choice, constrain the algorithm, and give workers a channel that does not begin with proving employment. The next section examines how far the response built since 2021 does these things.

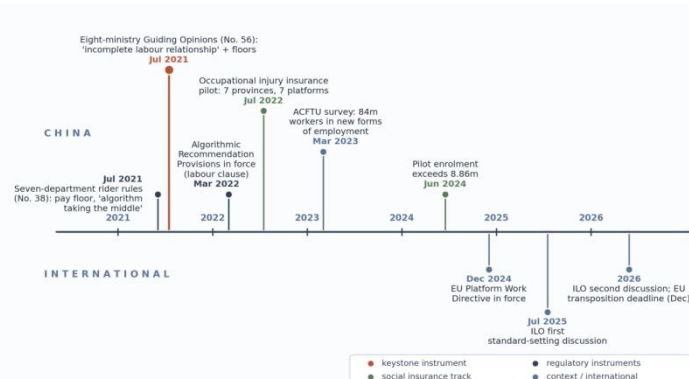


Figure 2 Timeline of China's Principal Institutional Responses on Platform Labour, 2021 to 2026, with the EU Platform Work Directive Shown for Comparison
Sources: The official instruments cited in Sections 4 and 5.

4 CHINA'S INSTITUTIONAL RESPONSES SINCE 2021

The reforms examined in this section arrived together, and their timing was not accidental. They formed the labour strand of the broader regulatory turn against platform companies in 2020 and 2021, a campaign that moved with a speed and breadth that ordinary legislative processes do not allow [43]. Within a single week of July 2021, two central instruments redefined the policy ground for platform labour, and within a year a binding algorithm regulation and a new insurance pilot had followed. Figure 2 places the main instruments on a timeline. This section examines each in turn and then asks what the package amounts to.

4.1 The Guiding Opinions and the Incomplete Labour Relationship

The centre of the package is the Guiding Opinions of 16 July 2021 [6]. Eight central bodies issued the document jointly, among them the Ministry of Human Resources and Social Security, the Supreme People's Court, and the ACFTU. Its key move is taxonomic. Rather than forcing platform workers into the employee or self-employed boxes, the document recognises a middle situation, workers who 'do not fully meet the conditions for establishing a labour relationship' but whose work the platform manages. For this group, platforms must ensure pay at or above the local minimum wage, guarantee rest, and take responsibility for occupational safety. They must also consult workers or their union representatives when setting the rules and algorithms that bear directly on workers' interests. The document also instructs platforms to conclude written agreements with such workers and directs local authorities to open dispute channels to them.

Legal commentary reads the instrument in two registers at once. Xie presents it as genuine legal innovation [44]: China moved earlier than most jurisdictions to attach enforceable-sounding floors to non-employees, and did so across pay, time, safety, and voice rather than insurance alone. Ke supplies the caution [45]. The Guiding Opinions are a policy document, not a statute. The new category has no definition, no listed criteria, and no dedicated remedies. What counts as not fully meeting the conditions of a labour relationship is left for courts and localities to work out. Both readings have proved right. The floors now exist and are cited in disputes, yet their application turns on a category whose boundaries remain unsettled, a point Section 4.4 returns to.

A companion instrument issued the same month applies the approach to the sector where the problems are sharpest. The seven-department guidance on food-delivery platforms requires that rider pay not fall below the local minimum wage for normal work and that platforms arrange insurance [7]. It further requires delivery-time targets to be set with what the document calls the middle of the algorithm, prohibiting the strictest performance parameters as a basis for assessment. The phrase has become shorthand for a distinctive Chinese regulatory idea: rather than disclosing or auditing the algorithm, the regulator instructs the platform to detune it.

4.2 The Occupational Injury Insurance Pilot

The second pillar answers the insurance gap directly. Trial measures agreed in late 2021 launched, from July 2022, a pilot scheme of occupational injury protection for platform workers in seven provinces and municipalities, covering riders, drivers, and couriers on seven major platforms [9]. The design breaks with the employment-based logic of Chinese social insurance at three points. Participation is compulsory for the covered platforms, not chosen by workers. Contributions are paid by the platform per order, so coverage follows activity rather than a wage relationship. And eligibility does not depend on the existence of a labour relationship at all. By the end of June 2024 the scheme had enrolled more than 8.86 million workers [9].

Read against Section 3.3, the design is well aimed. It removes the two barriers the research identifies, voluntarism and the classification precondition, and it does so for the risk, injury, that bears most heavily on delivery work [34,37]. The ILO's review of China's new-employment-form policies treats the pilot as the most consequential element of the package [14]. Its limits are equally clear. It covers one risk among the several that employment-based insurance bundles, and it operates only in seven provinces and on listed platforms. Early studies have begun to examine how far enrolment translates into awareness and claiming among the workers it covers [46]. Expansion beyond the pilot provinces and platforms remained pending as of the time of writing.

4.3 Algorithm Regulation

The third pillar regulates the management technology itself. The Provisions on the Administration of Algorithmic Recommendation in Internet Information Services were adopted in late 2021 and took effect in March 2022. They are a general instrument aimed mostly at content and consumer issues, but they contain a labour clause. Platforms that use algorithms to dispatch work must protect workers' rights to remuneration and rest, and must establish and improve the algorithms governing order allocation, piece rates, and working time accordingly [8]. Together with the sectoral detuning rule of SAMR et al. [7], this gives China a basic legal vocabulary for algorithmic management, created earlier than the European equivalent examined in Section 5.

The enforcement architecture, however, was not built for labour. Xu shows that the regime's instruments [47], a filing registry, security assessments, and content-oriented inspections, sit with the cyberspace administration rather than with labour inspectorates. The labour clause has generated little visible enforcement of its own. The algorithm rules thus

illustrate in miniature the character of the whole package: the norm exists on paper ahead of most jurisdictions, while the machinery to make it bite remains thin.

4.4 Courts and Implementation

The final question is what the instruments change in practice, and the early judicial evidence counsels modesty. Studies of post-2021 decisions find that courts now refer to the new category but apply it unevenly. Examining food-delivery cases, Wang et al. find judicial attitudes still divided over how platform control maps onto subordination [48], with outcomes varying by locality and by the contracting structure the platform used. The latest reading of rider rulings from 2021 to 2024 confirms that divergence has survived the reforms [29]. The pattern is consistent with the design of the package itself. Because the Guiding Opinions created floors without defining the category that triggers them, litigation has continued to turn on the old classification question, now with a third possible answer [45].

Taken together, the post-2021 package is best described as protection without status. It extends selected floors, one insured risk, and a nominal voice requirement to workers it declines to classify. The extension is funded by platforms and policed through campaign-style oversight rather than through rights that workers can reliably enforce alone [14,43]. How this construction compares with the routes other jurisdictions have taken is the subject of the next section.

5 COMPARATIVE PERSPECTIVES

China's package is one answer to a question every industrial relations system now faces. Stewart and Stanford set out the menu in advance [19]: regulators can enforce existing categories more strictly, redefine or presume employment, create an intermediate category, attach rights to work regardless of status, or rebuild standards sector by sector. Jurisdictions have since chosen differently from this menu, and the choices illuminate what the Chinese route does and does not attempt. Table 1 summarises the comparison developed below.

Table 1 Principal Regulatory Responses to Platform Work, Compared across the Devices They Use

Jurisdiction	Instrument (year)	Core device	Classification effect	Algorithmic management	Social protection
China	Guiding Opinions and companions (2021); injury pilot (2022)	Third category with floors	None; status left open	Detuning rule; labour clause in algorithm regulation	Per-order, status-neutral injury insurance (pilot)
European Union	Directive (EU) 2024/2831	Rebuttable presumption of employment	Channels workers into employment	Transparency, human oversight, review rights	Follows from employment status
Spain	Rider Law (2021)	Statutory presumption (delivery)	Riders presumed employees	Works council right to algorithm information	Follows from employment status
United Kingdom	Uber BV v Aslam (2021)	Purposive judicial classification	Drivers are intermediate 'workers'	Not addressed	Partial, via worker status
California	AB5 (2020); Proposition 22 (2020)	ABC test, then ballot carve-out	Drivers re-excluded from employment	Not addressed	Platform-defined benefits without status
Australia	Closing Loopholes reforms (2024)	'Employee-like' category with standards orders	None; status left open	Addressable through standards orders	Through minimum standards machinery
ILO	ILC standard-setting (2025-2026)	Proposed Convention and Recommendation	Member-state choice	Under negotiation	Under negotiation

Sources are given in the text.

The European Union has taken the route China declined, after a decade of litigation and national legislation that tested most options on the menu [49]. The Platform Work Directive establishes a rebuttable presumption: where facts indicating control are present, the platform worker is presumed an employee, and the platform bears the burden of proving otherwise [10]. The presumption device had been argued for as the cleanest correction of misclassification [50]. Spain had already legislated it for delivery riders, together with a right for worker representatives to be informed about the algorithms that manage them [51]. The Directive generalises that second idea into a chapter on algorithmic management, with rights to transparency, human oversight, and human review of significant decisions. Commentary regards this chapter as the Directive's most consequential part [52-53]. The contrast with China is instructive. Both systems now regulate the algorithm, but the EU proceduralises it, giving workers and their representatives information and review rights, while China instructs platforms to detune it and leaves workers no corresponding entitlement [47].

The common law route runs through the courts. In *Uber BV v Aslam*, the United Kingdom Supreme Court held that employment status is a matter of statutory purpose rather than contractual label [54]. The judgment placed Uber drivers in the intermediate worker category, with minimum wage and holiday rights. The decision shows courts achieving, case by case, what presumptions achieve wholesale, and its reasoning about purposive classification speaks directly to the

discretion Chinese judges currently exercise without such guidance [28]. California shows the politics that classification can provoke. The AB5 statute codified a broad test that swept platform drivers into employment; Proposition 22, a platform-funded ballot initiative, then carved them back out in exchange for company-defined benefits [55]. Dubal reads the episode as a warning: a benefits-without-status settlement, written by the platforms, can entrench the exclusion it compensates.

Australia’s 2024 reforms are the closest institutional cousin to the Chinese approach, and the kinship is worth noting in this journal. The Closing Loopholes amendments created a category of employee-like workers on digital platforms and empowered the Fair Work Commission to set minimum standards for them without disturbing their status [56]. Like China, Australia chose floors over reclassification. The difference lies in machinery: the Australian standards are set through a tribunal with union participation and are enforceable as orders, where the Chinese floors rest on policy documents and administrative oversight. Finally, the ILO opened standard-setting discussions on platform work in 2025, with a Convention and Recommendation under negotiation for adoption following the 2026 session [11]. The negotiations make the comparison practical. Whichever instrument emerges will be the benchmark for both the presumption route and the third-category route. China’s package will be read as one of the main national experiments feeding it [14,18].

Three lessons travel. Presumptions shift burdens, and burden-shifting is detachable: it could discipline classification even within a three-category system. Algorithmic regulation gains force when workers hold information and review rights, not only when regulators instruct platforms. And benefit schemes detached from status are double-edged. They can extend protection, as the Chinese pilot does, or cement exclusion, as Proposition 22 did, depending on who writes them and whether they supplement or substitute for status-based rights.

6 INSTITUTIONAL GAPS AND REFORM PATHWAYS

Reading the empirical record of Section 3 against the institutional response of Section 4, and both against the comparative experience of Section 5, four gaps stand out. Figure 3 maps them: it crosses the rights dimensions the research identifies against the instruments built since 2021, and marks where coverage is full, partial, or absent. This section takes the four gaps in turn and asks, for each, what reform pathway the literature supports.



Figure 3 Coverage of Chinese Platform Workers’ Rights Dimensions by the Post-2021 Instruments

Note: Filled cells indicate substantive coverage, half-filled cells partial or pilot coverage, and empty cells no effective coverage. The classification row conditions the others: rights that presuppose employment status remain inaccessible where status is undetermined.

6.1 A Category without Criteria

The first gap is the one the 2021 reforms were expected to close. The incomplete labour relationship category has floors attached to it but no definition. The question of who stands in it is therefore decided dispute by dispute, and the judicial record shows the answers still diverging [29,45]. The consequence is that de-labourisation keeps working: contracting structures that route riders through stations and agencies continue to pay, because the worst outcome a platform faces is a finding it could have faced anyway [30]. The pathway here is definitional. The category needs statutory criteria. The comparative record offers a device that would discipline their application: a rebuttable presumption that shifts the burden of proof to the platform once indicators of algorithmic direction are shown [50]. A presumption is usually discussed as a route into employment, but the device is detachable; it could equally allocate workers between China’s three categories, replacing judicial guesswork with a default the platform must displace. The design must also heed the standard warning against intermediate categories, that they level protection down by giving firms a cheaper box to aim for [57]. The Chinese floors must therefore remain additions to, never substitutes for, full employment where its conditions are in fact met, which is precisely what undefined boundaries currently fail to guarantee.

6.2 One Insured Risk

The second gap concerns social insurance. The injury pilot shows that compulsory, platform-funded, status-neutral coverage is administratively feasible at scale [9]. But it insures one risk, in some provinces, on listed platforms, while pensions, medical, and unemployment insurance remain tied to employment status and hukou, the barriers the research identified before the reforms [33,36]. The pathway is extension along the pilot's own logic. International analysis of social protection for platform workers reaches the same design: contributions collected from platforms per transaction, benefits attached to the person rather than the job, and portability across platforms, places, and statuses [58]. OECD work adds the benchmark that matters, *de facto* accessibility rather than formal coverage [59]. Nationalising the injury scheme, then adding risks in sequence, would move China's system toward the person-based architecture that a workforce of 84 million mobile workers requires. It is also the element of the package most readily aligned with whatever ILO instrument emerges [11,14].

6.3 Consultation without Voice

The third gap is collective. The Guiding Opinions oblige platforms to consult workers or union representatives over the rules and algorithms that affect them, but the research finds the obligation thin in practice. Union enrolment has grown faster than representation [38]. Grievances are managed inside platform systems [42]. The informal solidarity that does exist has no institutional outlet [40]. The pathway is to give the consultation duty content. Comparative experience shows that collective bargaining need not presuppose employee status. The European Commission has exempted collective agreements of solo self-employed platform workers from competition law [60]. Analysis of that settlement identifies what else effectiveness requires, including protection against retaliation and a counterpart obliged to bargain [61]. In the Chinese setting the realistic vehicle is sectoral consultation through the ACFTU, which the 2021 instruments already authorise. What is missing is specificity: a duty to disclose the parameters under negotiation, a cycle for renegotiating them, and consequences for platforms that consult no one. Without these, consultation remains the package's decorative element.

6.4 An Algorithm Rule without Enforcement

The fourth gap concerns the management technology. China regulates the algorithm earlier than most jurisdictions but enforces the labour clause through machinery built for content governance [47]. Workers and their representatives hold no information rights, so the detuning rule operates, if at all, between regulator and platform, invisibly to those it protects. The pathway has been specified twice over. Adams-Prassl et al. supply the general blueprint [62], pairing transparency duties with purpose limits and human oversight. Zhang et al. supply the China-specific version [63], mapping how existing instruments could be redirected toward labour protection. Two redirections matter most. Enforcement competence should sit with, or be shared by, the labour administration, which inspects workplaces, rather than resting solely with the cyberspace administration, which inspects systems. And the information generated by the existing algorithm registry should flow to worker representatives in usable form, converting a filing obligation into the evidentiary basis for the consultation that Section 6.3 argues must become real. The EU experience suggests that procedural rights of this kind, more than substantive detuning commands, are what give algorithmic regulation traction [52].

6.5 The Pathways as a Sequence

The four pathways are ordered, not parallel. Defining the category disciplines the contracting games that produce the other deficits. Extending person-based insurance is feasible now and does not wait on classification. Voice and algorithmic transparency reinforce one another, since consultation without information is empty and information without a counterpart to use it is inert. The sequence also distributes realism. Insurance extension continues an existing scheme, and category definition requires legislation. The voice and algorithm reforms require the state to accept organised counterparts to platforms, the hardest step and the one on which the durability of the rest depends.

7 CONCLUSION AND RESEARCH AGENDA

This essay set out to join three bodies of material that rarely meet. They are the empirical research on Chinese platform workers, the institutional response built since 2021, and the comparative record against which that response can be read. Joined, they support a clear characterisation. China has answered the platform labour question with protection without status. Floors on pay, rest, and safety, one compulsorily insured risk, a consultation duty, and an algorithm rule have all been extended to workers whose classification the state has deliberately left open. The construction is more substantial than its critics allow and less settled than its drafters imply. Its floors reach workers that the binary systems of most jurisdictions still miss, and its injury pilot demonstrates a person-based social insurance architecture at a scale no other country has tried. Yet its central category remains undefined, its insurance covers one risk in part of the country, its consultation duty lacks content, and its algorithm rule lacks labour enforcement. The gaps share a root: the package extends protections to workers while withholding the institutional standing, defined status, organised voice, and informational rights that would let workers enforce the protections themselves.

A research agenda follows. First, the injury pilot deserves implementation studies that track claims, not just enrolment: who claims, who succeeds, and what the per-order funding does to platform behaviour. Second, the judicial application of the incomplete labour relationship category should be monitored systematically as case law accumulates, extending the court-data work now emerging [28-29]. Third, the EU Directive's transposition deadline of December 2026 will set the presumption route and the third-category route running at the same time on the same business model. Comparative researchers should prepare for that natural comparison now [53]. Fourth, the empirical record needs widening beyond food delivery, whose riders dominate the literature, toward ride-hailing, freight, and the dispersed forms of platform work where rights deficits are at least as deep but far less documented. Finally, the ILO negotiations will test whether national experiments as different as China's and the European Union's can be brought under one standard [11]. For industrial relations scholarship, China's experiment is no longer a peripheral case. It is the largest trial of non-employment labour protection in the world, and the discipline should study it as such.

COMPETING INTERESTS

The authors have no relevant financial or non-financial interests to disclose.

REFERENCES

- [1] All-China Federation of Trade Unions. Quanguo xin jiuye xingtai laodongzhe da 8400 wan ren [China has 84 million workers in new forms of employment: results of the ninth national survey of the workforce]. 2023. https://www.gov.cn/xinwen/2023-03/27/content_5748417.htm.
- [2] International Labour Organization. World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work. Geneva: International Labour Office, 2021.
- [3] Vallas SP, Schor JB. What do platforms do? Understanding the gig economy. *Annual Review of Sociology*, 2020, 46: 273-294. DOI: 10.1146/annurev-soc-121919-054857.
- [4] Schor JB, Attwood-Charles W, Cansoy M, et al. Dependence and precarity in the platform economy. *Theory and Society*, 2020, 49(5-6): 833-861. DOI: 10.1007/s11186-020-09408-y.
- [5] Sun P, Chen YJ, Rani U. From flexible labour to 'sticky labour': A tracking study of workers in the food-delivery platform economy of China. *Work, Employment and Society*, 2021, 37(2): 412-431. DOI: 10.1177/09500170211021570.
- [6] Ministry of Human Resources and Social Security and seven other departments. Guanyu weihu xin jiuye xingtai laodongzhe laodong baozhang quanyi de zhidao yijian [Guiding opinions on safeguarding the labour rights and interests of workers in new forms of employment], No. 56 [2021]. 2021.
- [7] State Administration for Market Regulation and six other departments. Guanyu luoshi wangluo canyin pingtai zeren, qieshi weihu waimai songcanyuan quanyi de zhidao yijian [Guiding opinions on implementing the responsibilities of online food-delivery platforms and safeguarding the rights and interests of food-delivery riders], No. 38 [2021]. 2021.
- [8] Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, State Administration for Market Regulation. Hulianwang xinxi fuwu suanfa tuijian guanli guiding [Provisions on the administration of algorithmic recommendation in internet information services]. 2021. http://www.cac.gov.cn/2022-01/04/c_1642894606364259.htm.
- [9] Ministry of Human Resources and Social Security. Tansuo pobing zhi lu [Exploring the path: a retrospective on the occupational injury protection pilot for workers in new forms of employment]. 2024. <https://chinajob.mohrss.gov.cn/c/2024-10-10/416112.shtml>.
- [10] European Parliament and Council. Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on improving working conditions in platform work. *Official Journal of the European Union*, L series, 2024.
- [11] International Labour Organization. Realizing decent work in the platform economy. Report V(1), International Labour Conference, 113th Session. Geneva: International Labour Office, 2025.
- [12] Woodcock J, Graham M. *The Gig Economy: A Critical Introduction*. Cambridge: Polity Press, 2020.
- [13] Duggan J, Sherman U, Carbery R, McDonnell A. Algorithmic management and app-work in the gig economy: A research agenda for employment relations and HRM. *Human Resource Management Journal*, 2020, 30: 114-132. DOI: 10.1111/1748-8583.12258.
- [14] Du W, Wang X. New forms of employment and labour protection in China. ILO Working Paper. Geneva: International Labour Organization, 2024. DOI: 10.54394/ekjk7740.
- [15] Kellogg KC, Valentine M, Christin A. Algorithms at work: The new contested terrain of control. *Academy of Management Annals*, 2020, 14: 366-410. DOI: 10.5465/annals.2018.0174.
- [16] Wood AJ, Graham M, Lehdonvirta V, et al. Good gig, bad gig: Autonomy and algorithmic control in the global gig economy. *Work, Employment and Society*, 2019, 33(1): 56-75. DOI: 10.1177/0950017018785616.
- [17] Kadolkar I, Kepes S, Subramony M. Algorithmic management in the gig economy: A systematic review and research integration. *Journal of Organizational Behavior*, 2024, 46(7): 1057-1080. DOI: 10.1002/job.2831.
- [18] De Stefano V, Durri I, Stylogiannis C, et al. Platform work and the employment relationship. ILO Working Paper 27. Geneva: International Labour Organization, 2021.

- [19] Stewart A, Stanford J. Regulating work in the gig economy: What are the options?. *The Economic and Labour Relations Review*, 2017, 28(3): 420-437. DOI: 10.1177/1035304617722461.
- [20] Sun P. Your order, their labor: An exploration of algorithms and laboring on food delivery platforms in China. *Chinese Journal of Communication*, 2019, 12(3): 308-323. DOI: 10.1080/17544750.2019.1583676.
- [21] Chen YJ, Sun P. Temporal arbitrage, fragmented rush, and opportunistic behaviors: The labor politics of time in the platform economy. *New Media & Society*, 2020, 22(9): 1561-1579. DOI: 10.1177/1461444820913567.
- [22] Huang H. Algorithmic management in food-delivery platform economy in China. *New Technology, Work and Employment*, 2022, 38(2): 185-205. DOI: 10.1111/ntwe.12228.
- [23] van Doorn N, Chen YJ. Odds stacked against workers: Datafied gamification on Chinese and American food delivery platforms. *Socio-Economic Review*, 2021, 19(4): 1345-1367. DOI: 10.1093/ser/mwab028.
- [24] Lei YW. Delivering solidarity: Platform architecture and collective contention in China's platform economy. *American Sociological Review*, 2021, 86(2): 279-309. DOI: 10.1177/0003122420979980.
- [25] Wu Q, Zhang H, Li Z, et al. Labor control in the gig economy: Evidence from Uber in China. *Journal of Industrial Relations*, 2019, 61(4): 574-596. DOI: 10.1177/0022185619854472.
- [26] You C. Law and policy of platform economy in China. *Computer Law & Security Review*, 2020, 39: 105493. DOI: 10.1016/j.clsr.2020.105493.
- [27] Wang T, Cooke FL. Internet platform employment in China: Legal challenges and implications for gig workers through the lens of court decisions. *Relations industrielles / Industrial Relations*, 2021, 76(3): 541-564. DOI: 10.7202/1083612ar.
- [28] Zheng Q, Su J. Subordination theory in practice: An empirical analysis of Chinese courts' approaches to classifying labour relationships in platform cases. *Industrial Law Journal*, 2023, 52(3): 721-750. DOI: 10.1093/indlaw/dwad015.
- [29] Wu W, Wang R. How do Chinese courts determine the employment relations of workers in platform companies? An analysis of court rulings on delivery riders between 2021 and 2024. *Employee Relations*, 2025, 47(7): 1227-1243. DOI: 10.1108/er-03-2025-0168.
- [30] Yang BL. Balancing flexibility and stability: The role of outsourced service stations in managing food-delivery platform work in China. *Industrial Relations: A Journal of Economy and Society*, 2024, 63(4): 530-551. DOI: 10.1111/irel.12371.
- [31] Feng X, Cooke FL, Zhao C. Fragmentation of employment relationships, fragmentation of working time: the nature of work and employment of platform takeaway riders and implications for decent work in China. *Asia Pacific Journal of Human Resources*, 2024, 62(2). DOI: 10.1111/1744-7941.12398.
- [32] Lin O. What do platform workers think about the law? The ambiguous legal status and legal consciousness of on-demand food delivery riders in China. *Industrial Law Journal*, 2025. DOI: 10.1093/indlaw/dwaf025.
- [33] Zhou I. Digital labour platforms and labour protection in China. ILO Working Paper 11. Geneva: International Labour Organization, 2020.
- [34] Zhan J, Li Y, Zhao Y. More reliance, more injuries: Income dependence, workload and work injury of online food-delivery platform riders. *Safety Science*, 2023, 167: 106264. DOI: 10.1016/j.ssci.2023.106264.
- [35] Huang H. Riders on the storm: Amplified platform precarity and the impact of COVID-19 on online food-delivery drivers in China. *Journal of Contemporary China*, 2021, 31(135): 351-365. DOI: 10.1080/10670564.2021.1966895.
- [36] Tian Y, Chen Y, Zhou M, et al. Institutional design and incentives for migrant workers to participate in social insurance in China: Evidence from a policy experiment in Chengdu city. *Frontiers in Public Health*, 2021, 9: 736340. DOI: 10.3389/fpubh.2021.736340.
- [37] Zhang H, Liu K. Can a voluntarist approach to social security extend protection to gig workers? Evidence from the platform-based food-delivery sector in China. *Journal of Industrial Relations*, 2024, 67(1): 101-129. DOI: 10.1177/00221856241262786.
- [38] Lin K. The Chinese trade union to the rescue: A real solution to platform workers' woes?. *Made in China Journal*, 2021, 6(2): 17-21. DOI: 10.22459/mic.06.02.2021.01.
- [39] Liu C, Friedman E. Resistance under the radar: Organization of work and collective action in China's food delivery industry. *The China Journal*, 2021, 86: 68-89. DOI: 10.1086/714292.
- [40] Yu Z, Treré E, Bonini T. The emergence of algorithmic solidarity: Unveiling mutual aid practices and resistance among Chinese delivery workers. *Media International Australia*, 2022, 183(1): 107-123. DOI: 10.1177/1329878x221074793.
- [41] Zhao B, Luo S. The old conflict in the new economy? Courier resistance on outsourcing platforms in China. *The China Quarterly*, 2023, 258: 495-512. DOI: 10.1017/s0305741023001467.
- [42] Liu Z, Wei W. Mercy consent and contained resistance: Grievance systems in Chinese food-delivery platforms. *New Technology, Work and Employment*, 2025, 41(1): 100-115. DOI: 10.1111/ntwe.70012.
- [43] Zhang AH. Agility over stability: China's great reversal in regulating the platform economy. *SSRN Electronic Journal*, 2021. DOI: 10.2139/ssrn.3892642.
- [44] Xie Z. Labour protection of platform workers in China: Legal innovations and emerging trends. *Industrial Law Journal*, 2022, 51(4): 831-854. DOI: 10.1093/indlaw/dwac029.
- [45] Ke Z. A third employment category for platform workers in China: A tough start. *The Chinese Journal of Comparative Law*, 2022, 10(2): 297-322. DOI: 10.1093/cjcl/exac022.

- [46] Wu X, Wang J, Jiang J. Insurance and the gig economy: Analyzing Chinese platform workers' participation in work-related injury insurance. *Acta Psychologica*, 2025, 256: 105016. DOI: 10.1016/j.actpsy.2025.105016.
- [47] Xu J. Opening the 'black box' of algorithms: Regulation of algorithms in China. *Communication Research and Practice*, 2024, 10(3): 288-296. DOI: 10.1080/22041451.2024.2346415.
- [48] Wang Q, Chen Y, Yang Y. Unpacking the legal status of platform workers in China: An empirical analysis of judicial attitudes and challenges in the food delivery sector. *Asia Pacific Law Review*, 2023, 32(1): 149-171. DOI: 10.1080/10192557.2023.2233222.
- [49] Aloisi A. Platform work in Europe: Lessons learned, legal developments and challenges ahead. *European Labour Law Journal*, 2022, 13: 4-29. DOI: 10.1177/20319525211062557.
- [50] Kullmann M. 'Platformisation' of work: An EU perspective on introducing a legal presumption. *European Labour Law Journal*, 2021, 13(1): 66-80. DOI: 10.1177/20319525211063112.
- [51] Todolí-Signes A. Spanish riders law and the right to be informed about the algorithm. *European Labour Law Journal*, 2021, 12(3): 399-402. DOI: 10.1177/20319525211038327.
- [52] Veale M, Silberman MS, Binns R. Fortifying the algorithmic management provisions in the proposed Platform Work Directive. *European Labour Law Journal*, 2023, 14(2): 308-332. DOI: 10.1177/20319525231167983.
- [53] Aloisi A, Potocka-Sionek N, Ratti L. Straddling two horses: Digital or social regulation? Behind, within and beyond the EU Platform Work Directive. *Common Market Law Review*, 2025, 62(5). DOI: 10.54648/cola2025082.
- [54] Adams-Prassl J. *Uber BV v Aslam*: '[W]ork relations ... cannot safely be left to contractual regulation'. *Industrial Law Journal*, 2022, 51(4): 955-966. DOI: 10.1093/indlaw/dwac027.
- [55] Dubal V. Economic security & the regulation of gig work in California: From AB5 to Proposition 22. *European Labour Law Journal*, 2021, 13(1): 51-65. DOI: 10.1177/20319525211063111.
- [56] Minas J, French BC. The classification of platform workers in the Australian context. *Journal of Industrial Relations*, 2024, 67(1): 35-55. DOI: 10.1177/00221856241256477.
- [57] Cherry MA, Aloisi A. A critical examination of a third employment category for on-demand work. In: *The Cambridge Handbook of the Law of the Sharing Economy*. Cambridge: Cambridge University Press; 2018. DOI: 10.1017/9781108255882.024.
- [58] Behrendt C, Nguyen QA, Rani U. Social protection systems and the future of work: Ensuring social security for digital platform workers. *International Social Security Review*, 2019, 72(3): 17-41. DOI: 10.1111/issr.12212.
- [59] Immervoll H, Fernandez R, Hye R, et al. De-facto gaps in social protection for standard and non-standard workers. OECD Social, Employment and Migration Working Papers. Paris: OECD Publishing, 2022. DOI: 10.1787/48e282e7-en.
- [60] European Commission. Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons (2022/C 374/02). *Official Journal of the European Union*, 2022, C 374: 2-13.
- [61] Stylogiannis C. The effective application of the right to collective bargaining for self-employed (platform) workers: 'Not such an easy task'. *European Labour Law Journal*, 2023, 14(4): 494-513. DOI: 10.1177/20319525231194278.
- [62] Adams-Prassl J, Abraha HH, Kelly-Lyth A, et al. Regulating algorithmic management: A blueprint. *European Labour Law Journal*, 2023, 14(2): 124-151. DOI: 10.1177/20319525231167299.
- [63] Zhang Z, Du J, Ding H. China's legal and policy pathways towards regulating algorithmic management. *Industrial Law Journal*, 2025. DOI: 10.1093/indlaw/dwaf007.