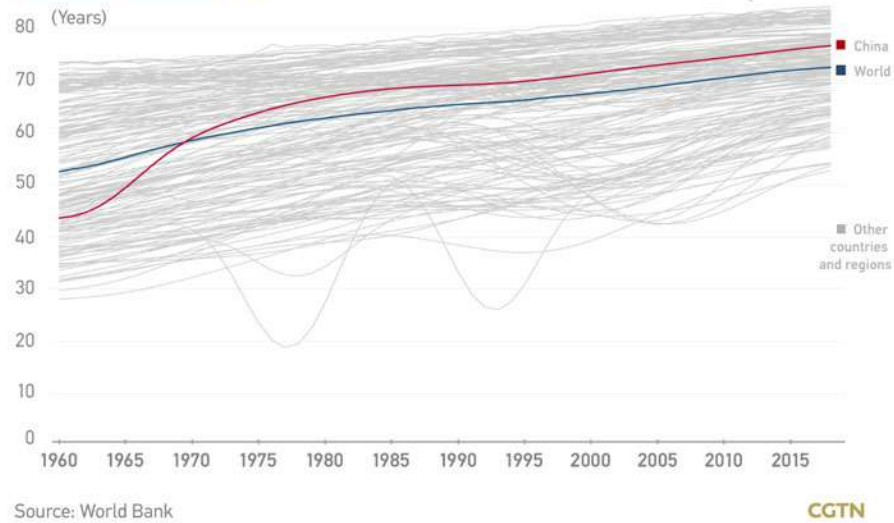


Protecting Older Workers in China: A Path Forward

Wang Tianyu

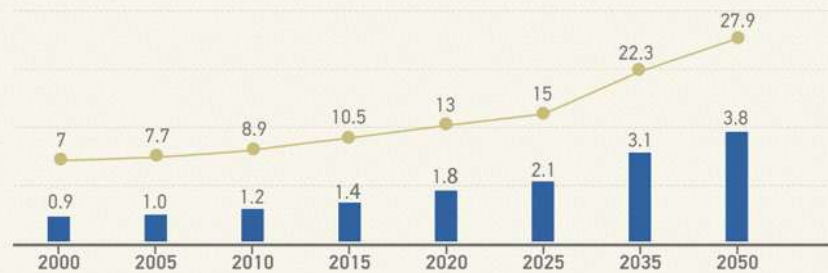
The Institute of Law, Chinese Academy of Social Sciences

Life expectancy



China's aging population (2000-2050)

■ Unit: 100 million (aged 65 or older)
● Percentage of the total population



CGTN

Source: China Development Foundation

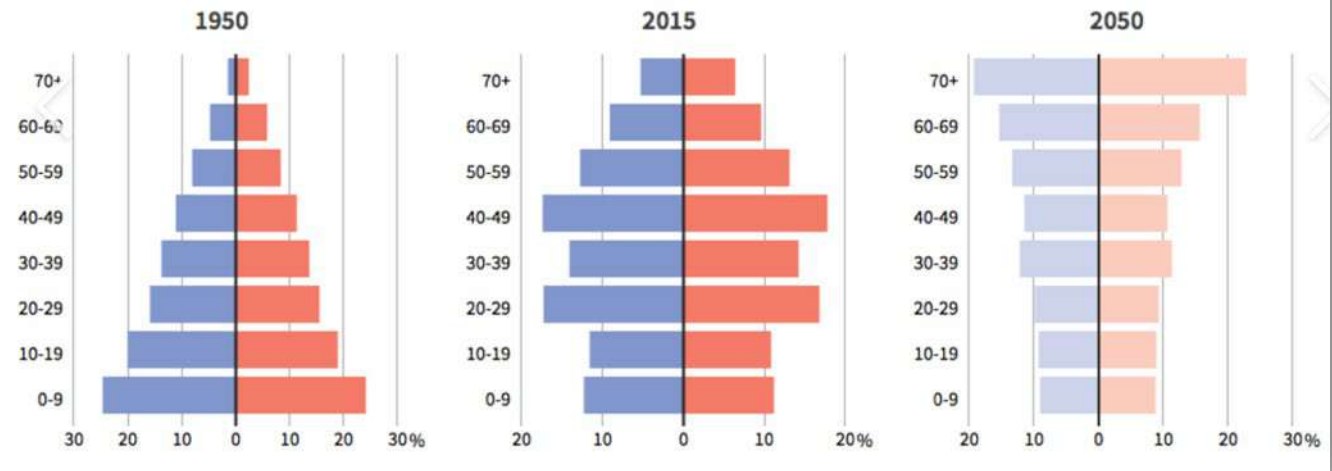
Aging

China's ageing population

China will ease family planning restrictions to allow all couples to have two children after decades of a strict one-child policy implemented in 1980.

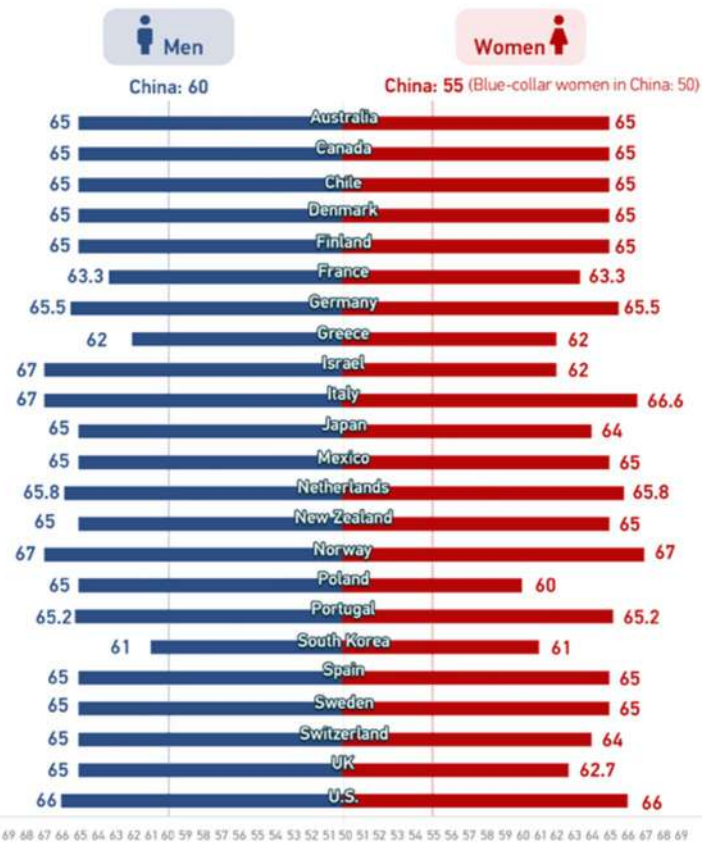
A CHANGING POPULATION

In 1950, children aged 10 or younger accounted for the largest share of China's population. This population pyramid is estimated to change shape dramatically by 2050.



How does China's retirement age compare with other countries?

Normal retirement age



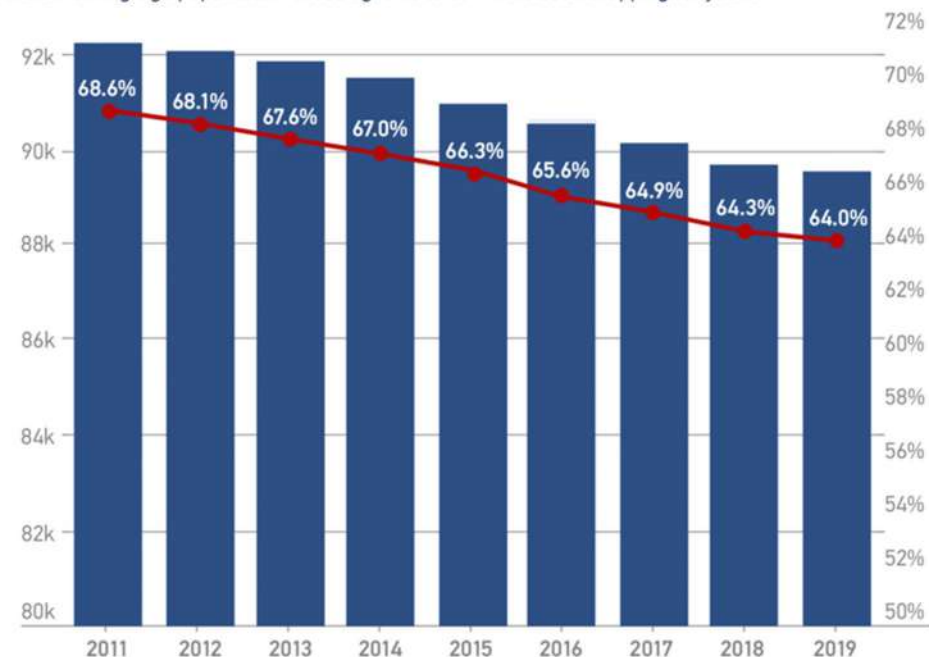
Source: OECD

CGTN

Retirement age

China's shrinking workforce

The absolute number and relative proportion of China's working-age population - those aged 16 to 59 - have been dropping for years.



Source: National Bureau of Statistics

CGTN

- Older workers represent a unique demographic within China's labor market.
- They are defined as individuals who continue to participate in the workforce and earn income beyond the state-mandated retirement age.
- This group is not limited to retired urban employees but includes migrant workers and others who remain employed past their statutory retirement age.



"2022 Survey Report on the Re-employment of the Elderly Group," released by the recruitment platform "51job" in October 2022, shows that

68% of older adults are strongly willing to seek employment after retirement.

Specifically, 46.7% of them return to the job market to pursue personal and social value, 19% of job seekers hope to utilize their professional skills to continue their career development, and 34.3% of job seekers seek re-employment to supplement household income and meet higher-level consumption needs.

前程无忧：2022老龄群体退休再就业调研

2022年10月19日 生活数据

随着人口平均寿命的延长和健康状况的改善，不少达到退休年龄的老年人仍有精力和意愿继续参与社会活动。8月下旬，以中国老年人才网的上线为标志，“银发族就业”的话题再次提上公共议题，冲进人们的视野。

退休后再就业面临怎样的困境？银发族如何找到合适的机会重返职场？哪些行业对老年人就业最友好？为清晰地呈现老龄群体再就业现状，国内领先的人力资源服务商前程无忧面向达到退休年龄的求职者（法定退休年龄：男年满60周岁，女干部年满55周岁、女工人年满50周岁）进行了访谈与调查，于近日发布《2022 老龄群体退休再就业调研报告》。

Issues



1. Labor Disputes

Research by the Supreme People's Court indicates that from 2018 to 2022, there were approximately 50,000 labor and personnel dispute cases involving older workers yearly, with a year-on-year upward trend since 2020, accounting for about 11% of all labor and personnel disputes.

2. Employment Restrictions

Local authorities have introduced policies to restrict labor access for over-aged migrant workers in high-risk industries like construction. They aim to prevent construction companies from employing over-aged workers in dangerous jobs through administrative supervision and penalties.



3. Occupational Injury Protection



China's labor relations are linked to the traditional social insurance system, with work-related injury insurance based on labor relations. Traditional work-related injury insurance covers workers with a labor relationship with their employer. If older workers cannot establish this relationship, they will unlikely be protected by work-related injury insurance.

Main Difficulties in Legal Protection

- 1. Service Relationship Theory

This view holds that individuals over the statutory retirement age are not considered workers under China's labor law and thus cannot establish a labor relationship with employers.

- 2. Labor Relationship Theory

This view argues that the retirement age does not limit the eligibility of labor relationship subjects. Reaching retirement age should not deprive workers of their eligibility in a labor relationship.

The Path to the Future

- The "Decision of the Standing Committee of the National People's Congress on the Implementation of a Progressive Delay in the Statutory Retirement Age"
- The Ministry of Human Resources and Social Security
- The Supreme People's Court "Explanations (II) on Several Issues concerning the Application of Law in Adjudicating Labor Dispute Cases" for public comments

Conclusion

- **Older workers will become a special group in labor law, enjoying a series of rights enumerated by labor law.**



Thanks

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