

► **Fissured Workplace in the Digital Age**

Examining Employment Models on China's Food
Delivery Platforms and Their Implications

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► Abstract

This working paper examines the evolving manifestations of the fissured workplace in the era of digital technologies. The rapid advancement of digital technology has profoundly reshaped both the employment practices of platform enterprises and broader labour market dynamics. Focusing on China's food delivery platforms—representative digital platforms characterized by rapid expansion and large-scale development—this study analyzes the role of digital platforms in driving extreme labour market fissuring within the food delivery industry. From a historical perspective, digital platforms have facilitated a transition from direct employment of riders to outsourced labour models. More significantly, digital platforms have enabled enterprises to entirely detach themselves from formal labour relationships, promoting on-demand work as an exceptionally flexible form of employment. This evolution highlights a new dimension of the longstanding labour law dilemma regarding the identification of the employer in the digital economy—namely, the fragmentation of the employer's role and the real-time transformation of employer responsibilities. Drawing on empirical analysis, this paper further examines China's current regulatory responses and identifies potential gaps in the legal framework governing platform-based employment.

► Keywords

Platform Economy; Food Delivery; Forms of Employment; Employer; the Fissured Workplace; Outsourcing

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1. Introduction

The fissured workplace is a pervasive phenomenon in the contemporary global labour market, and the advent of digital technologies—particularly digital platforms—has introduced new complexities to this issue. The rise of platform work, driven by digital innovation, represents a significant global labour market trend. While platform-based employment has facilitated the emergence of new consumer markets, expanded job opportunities, and provided more flexible, lower-barrier employment options, it also presents challenges to workers' access to decent work (Eurofound, 2020; ILO, 2021; De Stefano, 2016; OECD, 2016; Harris & Krueger, 2015). Fundamentally, the platform economy has disrupted traditional work organization structures, leading to the dissolution of the conventional employer-employee relationship and challenging the theoretical foundations of labour law, particularly regarding the question of "who is the employer?" Weil (2016) characterizes this shift—where firms move from direct employment relationships to complex networks of subcontracted or affiliated business units—as the "fissured workplace." Digital technologies and platform work have undeniably intensified this phenomenon.

China's platform economy is among the most advanced globally in terms of both development speed and scale. The rapid evolution of platform-based employment models, coupled with the increasingly fragmented nature of workplace structures, has drawn considerable scholarly and policy attention. The employment arrangements in China's platform economy exemplify the broader labour market transformations driven by digitalization, offering valuable insights for other countries grappling with similar challenges.

While existing research on platform employment in China has largely focused on the legal classification of workers and their labour rights,¹ less attention has been paid to the broader impact of platformization on employment structures within enterprises. The platform economy has not only reshaped workers' employment conditions but has also transformed the logic of employment itself. A particularly notable shift is the widespread adoption of indirect and cooperative employment arrangements, replacing the traditional direct employment model. In this ecosystem, multiple actors—including platforms, franchising agents managing delivery services, affiliated service providers, such as human resources management companies offering human resources solutions, and newly emerging flexible employment platforms offering service to the franchising agents—collabourate in complex, interdependent relationships. Consequently, in addition to the debate over whether platform workers can be classified as employees, it is imperative to address the equally critical question: "Who is the employer of the platform workers?"

This paper argues that the question of employer identification is intricately linked to the legal status of workers, yet it manifests differently across various employment scenarios. Based on empirical observations, this study identifies four distinct employment models within China's platform economy, each requiring a nuanced approach to determining employer responsibility.

To comprehensively examine platform enterprises' employment structures, this paper employs a case-study methodology. It conducts an empirical investigation into the employment models utilized by Chinese food delivery platforms (Part II) and categorizes four primary modes of rider management in collabouration with external entities (Part III). Subsequently, the paper evaluates the effectiveness of

¹ Currently, two representative perspectives prevail in China: first, that platform workers constitute a distinct category, separate from traditional employees or self-employed individuals (Wang Tianyu et al.); and second, that platform workers should be classified as employees (Chang Kai et al.).

existing regulatory frameworks and explores potential policy approaches to address the challenges posed by the fissured workplace in the platform economy (Parts IV and V).

2. Background: The Rapid Growth of Platform Economy and the Food Delivery Industry in China

2.1. Platform work as an integral feature of the labour market

Over the past decade, China's platform economy has experienced rapid expansion and continuous development. According to the International Labour Organization, China's platform economy accounts for 22 percent of global platform-generated value, second only to the United States at 49 percent.² This growth has been driven by both technological advancements and supportive policy measures.³ On the technological front, the convergence of digital innovations—including 4G and 5G networks, mobile internet devices, artificial intelligence, big data algorithms, and mobile payment systems—has transformed China's service sector, fostering the rise of the platform-based business model. Concurrently, government policies have consistently endorsed platform-based employment and entrepreneurship, as reflected in successive Government Work Reports.⁴ These policies have created a favorable regulatory environment, further accelerating the expansion of platform employment.

In parallel with the increasing market size of the platform economy, platform-based employment has also witnessed sustained growth. Data from the widely cited Sharing Economy Report indicate that the number of workers engaged in platform-based services increased from 50 million in 2015 to 84 million in 2020.⁵ As a share of the total labour force, this figure has risen from 6.5 percent to over 10 percent (see Figure 1). Furthermore, platform employment has permeated various sectors of the Chinese economy, a trend that has intensified since the COVID-19 pandemic. As of 2022, the penetration rates of online car-hailing, shared accommodation, and online food delivery services among internet users had reached 38.5 percent, 6.6 percent, and 61.4 percent, respectively.⁶ Given the continued expansion of platform-based business models and the growing number of platform jobs, this trend is expected to persist, reinforcing the notion that platform employment is no longer a marginal or temporary phenomenon in China but rather an integral feature of the labour market.⁷

² World Employment and Social Outlook 2021: The Role of Digital Labour Platforms in Transforming the World of Work, International Labour Office - Geneva: ILO, 2021.

³ Tu, Wei and Wang, Xueyu, New Forms of Employment and Labour Protection in China, International Labour Office - Geneva: ILO, 2024.

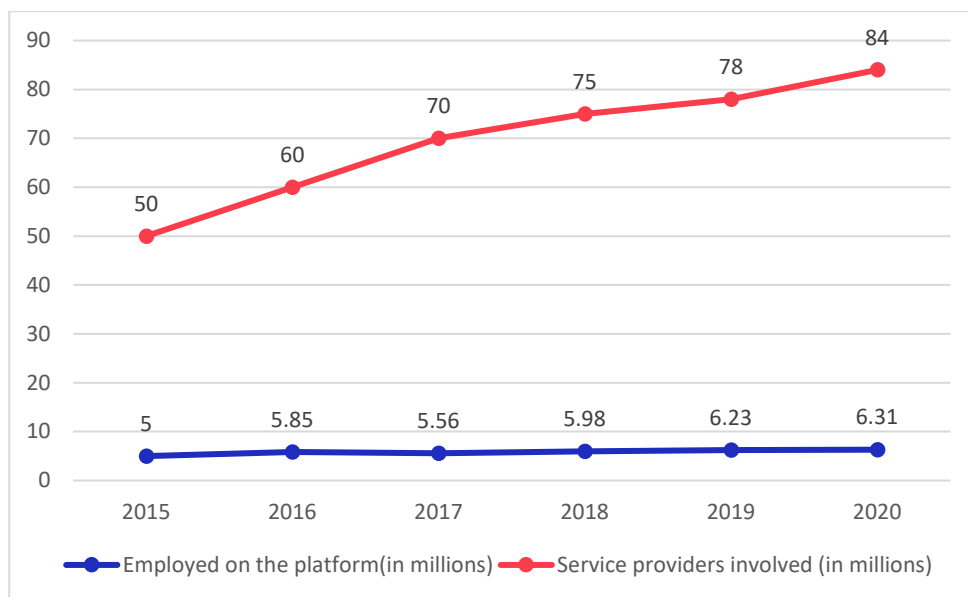
⁴ For instance, the Prime Minister explicitly emphasized the necessity to "strengthen support for flexible employment and new forms of employment" in the Government Work Reports of 2016, 2017, and 2019.

⁵ China Sharing Economy Development Report (2015-2021).

⁶ China Sharing Economy Development Report (2023).

⁷ The Goldman Sachs report said the size of the digital economy, which includes the information technology industry as well as the digitization of traditional industries, surged to 39.2 trillion yuan (\$8.11 trillion) last year, or about 39 per cent of gross domestic product (GDP), up from 14 per cent in 2005. In addition, the digital economy contributed more than 60 per cent of China's GDP growth between 2016 and 2019. See <https://www.weforum.org/stories/2018/01/these-are-the-challenges-facing-chinas-digital-economy/>

► **Figure 1: The Number of Workers on the Platform (2015-2022)**



Source: China Sharing Economy Development Report (2015-2021)

The impact of the platform economy on employment extends beyond quantitative changes in job availability and job types; it has also fundamentally transformed the nature of labour relations and employment practices. Unlike traditional employment arrangements based on formal labour contracts, jobs created within the platform economy predominantly fall under non-standard forms of employment. The regulatory framework governing platform enterprises imposes relatively few restrictions on employment structures, and as platform business models continue to evolve, major enterprises—including those in online ride-hailing, food delivery, and intra-city courier services—have increasingly adopted flexible employment arrangements. These arrangements are primarily based on civil contracts and cooperative agreements, resulting in a diverse and complex landscape in which multiple employment modes coexist.

2.2. The food delivery industry as a representative case

Among the various platform-based industries, China's food delivery sector stands out as the most representative example of flexible employment due to its large-scale labour force and rapid development. While food delivery services have existed for decades, their early business model was centered around independent restaurants. In this traditional model, consumers placed orders via telephone, and restaurants managed deliveries through their own hired staff. At this stage, food delivery remained an extension of the conventional restaurant industry. However, beginning in 2014, advancements in digital technology and the widespread adoption of mobile internet devices, such as smartphones, transformed the food delivery landscape. These technological developments facilitated the emergence of digital platforms that fundamentally restructured the industry, driving its exponential growth.⁸ Under this new model, restaurants list their services on digital platforms and receive orders through these systems, while food delivery services are coordinated and managed by the platforms themselves. Consequently, the provision of delivery services became fully independent from the restaurant industry, with digital platforms supplanting restaurants as the central actors in the food

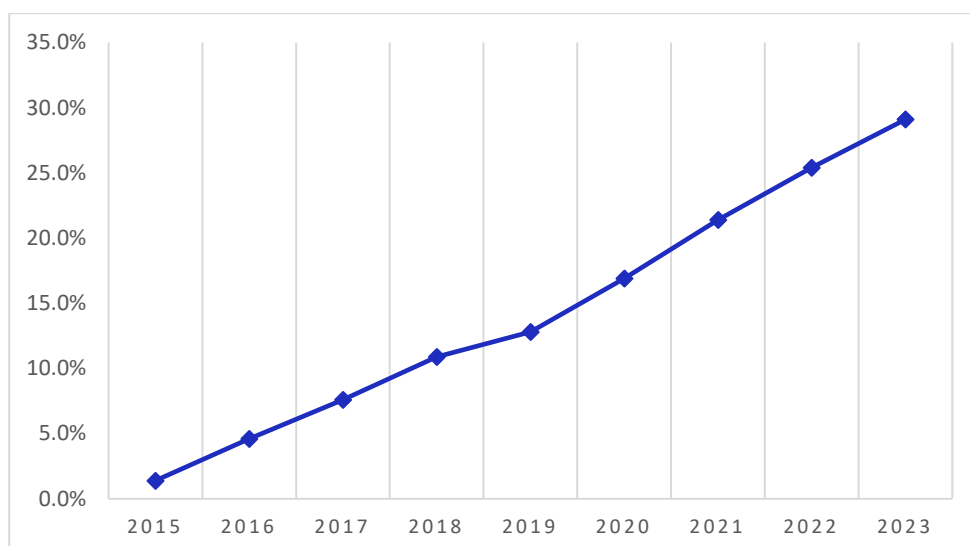
⁸ For example, Ele.Me Takeaway service launched in 2008, and Meituan in 2010.

delivery ecosystem. As a result, food delivery transitioned from a traditional offline service to an integral component of the platform economy.

The food delivery industry is one of the fastest-growing sectors within China's platform economy. In terms of market structure, life service platforms, which include food delivery services, constitute the largest segment of the platform economy, accounting for 48.4% of the sector. In terms of industry penetration, food delivery has been steadily increasing its share of the overall food and beverage market, growing at an average annual rate of 30.7% since 2015 and reaching a market share of 29.1% in 2023 (see Figure 2).

The rise of this new business model attracted significant investment from major technology firms, including Tencent, Alibaba, and Baidu. Platforms such as Ele.me (2008), Order Me (2009), Meituan Takeout (2010), and Baidu Takeout (2014) emerged and expanded rapidly. Following several rounds of capital investment, industry competition, and mergers over the past decade, China's food delivery market ultimately consolidated into a duopoly, with Meituan and Ele.me capturing 46.1% and 39.5% of the market share, respectively, by the second half of 2017.⁹

► **Figure 2: Industry Penetration of Food Delivery Platform (2015-2023)**



Source: China Sharing Economy Development Report (2015-2023) and the Ministry of Business (2024)

From an employment perspective, food delivery platforms have become significant sources of work. Reports from Meituan and Ele.me indicate that, as of 2023, approximately 7.5 million riders earned income through the Meituan platform, while an additional 4.0 million riders worked through Ele.me (see Table 1). The food delivery industry is characterized by its low entry barriers and its role as an employment buffer, absorbing a large number of workers, particularly in response to economic disruptions such as the COVID-19 pandemic. Notably, data shows that 580,000 new riders joined the industry within just two months during the pandemic, reflecting its function as a flexible employment reservoir.¹⁰

⁹ The recent share of the two platforms is 65% and 33% respectively according to BOCOM International Securities. JD officially announced its entry into the takeaway industry on 11 February 2025. It remains to be seen whether this move will disrupt the existing duopoly pattern.

¹⁰ What will happen to our manufacturing industry when all the young people go to delivery?

<https://news.cctv.com/2021/04/19/ARTI3Rtw9dZNIxGo9H1Dh4yk210419.shtml>

While food delivery platforms have generated substantial employment opportunities, they have also given rise to critical labour-related challenges. Issues such as traffic accidents, high work intensity, and excessive working hours have sparked widespread labour disputes and public debate.¹¹ For instance, growing concerns over the extreme compression of delivery times—driven by platform algorithms—have led to heightened scrutiny and prompted government intervention in labour regulation.¹²

Due to its visibility and the intensity of public discourse surrounding it, the food delivery industry serves as a focal point for broader discussions about the future of work in the digital economy. Given its prominence and the labour-related complexities it entails, this article examines the food delivery industry as a paradigmatic case within the platform economy, analyzing its evolving employment practices and the regulatory challenges it poses to labour law in China.

► **Table 1: Industry Penetration of Food Delivery Platform (2015-2022)**

Delivery Riders Who Have Received Income Through (Unit: 10,000)	2018	2019	2020	2021	2022	2023
Meituan	270	398.7	470	527	624	745
Ele.me	/	/	/	114	400	401

Source: Sina Financial News <https://finance.sina.com.cn/tech/discovery/2024-09-18/doc-incpptnu8043548.shtml> and Blue Knights Development and Assurance Report (2022-2024)

¹¹ For example, according to data from "Subordination Criteria for Determining the Labour Relationship of Platform Employment: An Empirical Study Based on 3016 Labour Dispute Cases Involving Platforms," labour dispute cases involving takeaway riders constitute the largest proportion among all types of platform work. According to the Haidian court (Beijing), 31.6% of the labour disputes in the platform economy involve riders between 2020 and 2023.

¹² In particular, an article in People magazine, "Takeout Riders, stuck in the Algorithm System," has generated the most attention.

3. Transformation of the Employment Models in the Food Delivery Industry: Towards Extreme Fragmentation

There is no doubt that the employment practices of any industry must align with the characteristics of its development. The food delivery industry, dominated by digital platforms, as an emerging sector, exhibits two primary characteristics.

First, it experiences tidal-like demand for services. Food delivery is a market with highly volatile demand. For instance, during peak dining hours,¹³ a large number of orders are placed instantaneously, requiring a significant number of riders to meet this sudden demand. Once the peak subsides, the platform's need for riders drops sharply. Unlike traditional manufacturing industries, the fluctuation cycle of labour demand in food delivery often occurs within a single day and is measured in hours.

Second, standardizing the service process is challenging. The distribution of buildings in different delivery areas varies, leading to differing levels of complexity in delivery routes. Additionally, to ensure food quality, meals must be delivered quickly and cannot endure long-distance transport, necessitating a limited delivery radius for riders. This second characteristic requires platforms to maintain a certain number of localized riders.

These industry characteristics lead to two natural requirements for the employment practices of food delivery platforms: First, platforms need to maintain a large reserve of workers to meet the tidal-wave-like delivery demands. Second, a certain percentage of food delivery staff must operate within a limited radius to ensure service efficiency and quality. Compared to other digital service platforms, such as ride-hailing and same-city express delivery platforms, the complexity of employment on food delivery platforms is greater and requires more sophisticated management processes. However, the development of the employment model for food delivery platforms did not occur overnight but evolved through an iterative process.

3.1. Early developments: the emergence of diverse employment models enabled by digital technology

Before 2017, the food delivery industry in China was highly competitive, with numerous platforms vying for market share. To compete effectively, food delivery platforms needed to focus on both delivery efficiency and service quality. Consequently, platforms required a stable workforce to ensure consistent service and a flexible workforce to manage peak-period adjustments. During this period, emerging food delivery platforms were experimenting with various employment methods and frequently employed multiple types of riders simultaneously, often resulting in undefined and diverse relationships with food delivery riders.

3.1.1. Employment strategies for workforce stability

First, employee riders: Platforms directly employed riders, which is the most traditional method of securing a stable labour force. Legally, the relationship between the platform and employee riders was clear, with employee riders being formal employees of the platform. According to labour laws, food delivery platforms were required to conclude labour contracts directly with these riders to establish an employment relationship. In the early days, platforms often offered generous benefits to attract and

¹³ Examples include lunch, dinner, holidays, inclement weather, etc.

retain employee riders, who enjoyed various labour rights and interests, including overtime pay and termination indemnity. Platforms also provided social security benefits and free equipment, such as electric bikes and professional uniforms.

Second, outsourced riders:¹⁴ Given the limited number of employee riders, platforms outsourced a significant number of orders to franchisees and agents (collectively referred to as franchising agents) to meet the rapid expansion of the food delivery business. These agents were responsible for completing the "last mile" of order delivery. Riders employed by franchising agents were known as outsourced riders, and the agents managed their daily operations. Under this model, the platform did not establish a direct labour relationship with outsourced riders. Instead, franchising agents were required to sign labour contracts with riders if the criteria for establishing a labour relationship were met. In the early days, franchising agents had significant control over the recruitment, working hours (attendance), daily training, payroll standards, specific payroll channels, and order dispatching of outsourced riders. In contrast, the platform focused on designing order-dispatching methods (using algorithms to calculate optimal routes and estimated arrival times, and selecting the best target for dispatching), using GPS to monitor riders' routes in real-time, determining delivery unit prices and commission rates, and evaluating service quality through customer feedback. The platform was not deeply involved in human resources management aspects such as recruitment, attendance, training, and remuneration. Legally, platforms and franchising agents constituted a typical business outsourcing or contracting relationship, while riders had a labour relationship with the franchising agent.

3.1.2. Flexible employment models for managing demand fluctuations

To adapt to the fluctuating demand in the food delivery industry, platforms have adopted two types of flexible employment for capacity adjustment:

First, dispatched riders: Platforms sign agreements with labour dispatch companies, which then dispatch riders to complete delivery tasks under the platform's command. Labour dispatch, officially recognized by Labour Contract Law as a typical form of non-standard forms of employment since 2008, was initially chosen by platforms as the primary method for adjusting delivery capacity. However, the Labour Contract Law imposes strict regulations on labour dispatch compliance, including the scope of use¹⁵ and usage ratio¹⁶. Compliance risks led platforms to quickly abandon labour dispatch.

Second, food delivery platforms have created a new employment model called "on-demand work" to replace labour dispatch and achieve flexible employment leveraging digital technology.¹⁷ The features of this model include: (1) any individual can become an on-demand rider by simply registering on a mobile application and can instantly start working and accepting orders on the food delivery platform; (2) there is no mandatory requirement for on-demand riders to go online and offline daily; (3) on-demand riders can take orders on multiple platforms simultaneously; (4) the platform pays by the order, with the price of each order fluctuating in real-time based on the labour supply situation at that moment; (5) logistics services for on-demand riders, such as personal income tax payments and handling procedures in case of traffic accidents, are not the direct responsibility of the platform but are provided through the purchase of professional third-party human resources services. In October 2015, Ele.me

¹⁴ The platform designates them as "professional delivery riders." However, to more accurately reflect their legal status as outsourced workers, this paper employs the term "outsourced riders" as a proxy.

¹⁵ Article 66 of the Labour Contract Law (2008) and Article 3 of the Interim Provisions on Labour Dispatch (2014) stipulate that employers may engage dispatched workers only for temporary, auxiliary, or substitute positions.

¹⁶ Article 3 of the Interim Provisions on Labour Dispatch (2014) stipulates that employers must strictly control the proportion of dispatched workers, ensuring that the number of dispatched workers does not exceed 10 percent of the total workforce.

¹⁷ In some countries, this type of employment is also referred to as new gig work or just-in-time work.

launched the “Hummingbird on-demand work” platform, and in December of the same year, Meituan established the “Meituan on-demand work” platform, both representing this new employment model.

In summary, under the on-demand work model, the relationship between riders and platforms is not regulated by traditional labour relationships formed under hierarchical corporate systems but is instead governed by the labour market through fluctuating order prices. This innovative employment method has enabled platforms to create a reservoir of food delivery capacity. However, while the use of on-demand riders offers high flexibility and low labour costs, it also presents challenges in effective control, as these riders enjoy a high degree of freedom.

3.2. Maturity phase: the shift to cooperative employment and the decline of traditional employment models

Through continuous refinement of early employment methods, food delivery platforms have gradually eliminated direct employment and completely abandoned the standard form of labour relationship. Although employee riders can ensure stable capacity, the labour costs and compliance risks are relatively high. Especially in the context of the rapid expansion of the food delivery market, it is neither economical nor realistic for platforms to manage hundreds of thousands or even millions of riders across various regions simultaneously.¹⁸ Therefore, since the beginning of 2017, food delivery platforms in cities such as Guangzhou, Shenzhen, and Shanghai have significantly reduced the number of employee riders, replacing them entirely with outsourced riders hired by franchising agents.¹⁹

As the importance of outsourced riders to the platform increased dramatically at this stage, the platform's management model for outsourced riders also evolved. In the early development period of food delivery platforms, management issues such as franchising agents defaulting on riders' wages and order dispatching chaos due to private relationships between managers and riders were prevalent. To address these problems, platforms have strengthened their involvement in the human resource management of outsourced riders, taking on roles traditionally assumed by franchising agents, such as salary payments, dispatch management, and daily disciplinary actions. Conversely, the role of franchising agents as employers has been weakened compared to the early stage, with their responsibilities now primarily focused on day-to-day management tasks such as recruiting riders, managing working hours, determining salary composition,²⁰ conducting daily training, and ensuring staff retention. Compared to the previous stage, their authority in salary payment methods, order dispatching, and disciplinary actions has declined.

At this point, outsourcing under digital technology presents a fundamental difference from traditional outsourcing (or contracting relationships under civil law). In a traditional outsourcing relationship, the role of the employer is always fully performed by a single entity, either the contractee (the platform) or the contractor (the franchising agent). However, with digital technology, the employer role has been decentralized and is gradually moving towards shared management between the platform and the franchising agent.

By this stage, the employment model of food delivery platforms has gradually developed and matured. Outsourced riders are equivalent to the “regular army” of food delivery platforms, consistently meeting

¹⁸ Interviews with the managers of a typical food delivery platform.

¹⁹ JD, as a new entrant into the food delivery industry, has recently announced its plan to recruit directly employed riders. This move may serve as a strategic approach to attract riders by offering stable employment conditions, distinguishing itself from competitors that primarily rely on outsourced or flexible employment models.

²⁰ For example, some franchising agents structure riders' salaries using a combination of a “basic salary + commission,” with the fixed salary component varying by region. In contrast, some franchisees compensate riders solely on a piece-rate basis. These variations in payment structures are based on interviews conducted with a typical food delivery platform.

daily delivery demand and quality requirements. On-demand riders act as a “balancer” for fluctuations in order demand. When orders surge on weekends or rainy days etc., the platform can attract and integrate more social delivery resources by increasing the unit price of each order, thereby compensating for the limitations of the outsourced delivery model through the on-demand work model.

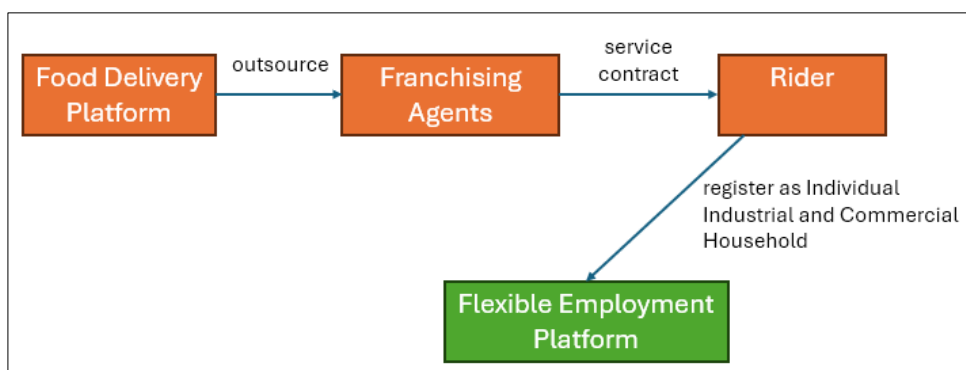
3.3. Unintended consequences: the emergence of an extreme fragmentation

Due to the low profit margins and high labour risks inherent in the food delivery business, franchising agents now face similar compliance challenges that platforms previously encountered. As a key strategy to mitigate these risks, franchising agents seek to minimize their employer liability under labour laws. Digital technology has once again become a critical tool in circumventing traditional labour regulations.

The widespread adoption of blockchain, electronic signature technologies, and automated auditing and approval systems has enabled digital platforms to streamline the mass registration of riders as individual industrial and commercial households. Additionally, tax authorities in certain provinces and cities have introduced online tax payment portals accessible to human resource (HR) service companies. These portals allow qualified HR firms to facilitate personal income tax payments on behalf of self-employed individuals.

In response to these developments, specialized digital HR service firms have emerged, promoting so-called “flexible employment platforms.”²¹ These platforms assist franchising agents in mitigating labour law compliance risks by formalizing cooperative rather than employment relationships with riders. The process typically involves the flexible employment platform assisting outsourced riders in registering as self-employed individual industrial and commercial households. Subsequently, these riders enter into cooperative agreements with franchising agents and carry out food delivery services as independent contractors (see Figure 3). By structuring these relationships in this manner, franchising agents significantly reduce the risks associated with establishing formal labour relationships with outsourced riders, effectively extending the employment chain through the intervention of flexible employment platforms.²²

► Figure 3: The Extreme Fragmentation through Flexible Employment Platforms



Source: by the Author

²¹ Such flexible labour platforms include Quhuo, Haohuo, Dinggehuo, Lanxinka, Youhuoyue, Xinqicheng, Yunzhanghu, Linggongyun, Huiyonggong, etc.

²² According to a study conducted by the Beijing Zhicheng Migrant Workers' Legal Aid and Research Centre (2021), this practice has proven effective in reducing the proportion of franchising agents identified as employers, decreasing from 81.6% to 58.6%.

In addition to restructuring employment relationships, platforms have also modified their payment structures for on-demand riders to enhance workforce retention and engagement. While the fundamental nature of on-demand rider employment has remained unchanged, platforms have transitioned from a simple per-order compensation model (“billing by order, one single price, one single settlement”) to a more complex system of “comprehensive pricing and incentives based on time periods” (e.g., weekly or monthly incentive schemes). These incentive structures are designed to encourage on-demand riders to accept more orders and maintain a stable level of participation, particularly during periods of labour shortages.

For instance, during the Chinese New Year in February 2021, Ele.me introduced an incentive program in which on-demand riders were promised financial rewards if they completed a predetermined number of deliveries over a seven-week period, working seven days per week. The underlying objective of such schemes is to increase the probability of engagement among on-demand riders, who typically exhibit higher levels of mobility and work flexibility. By leveraging these financial incentives, platforms aim to secure a more consistent supply of labour, ensuring service continuity in the face of fluctuating demand.²³

²³ “Did Ele.me “trap” the riders during the Spring Festival? Ele.me apologises!” See <https://news.qq.com/rain/a/20210220A020F200>

4. Challenges of Fissured Workplace and the Regulatory Responses

4.1. Multiple forms of fissured workplace under digital platforms and associated challenges

Through a historical review, it can be found that food delivery platforms have changed the single employer model in the traditional employer-employee mode, resulting in the effect of the fissured workplace. Employment by the platform often involves multiple entities, including food delivery platforms, franchising agents, human resource service companies and more recent, digital flexible labour platforms. They play their respective roles in the labour management process of riders. This has resurfaced the long-standing labour law question of who should be the real employer of food delivery riders? In short, food delivery platforms, franchising agents, human resources service companies and flexible labour platforms are interlinked through digital platforms, presenting four different modes of combination.

- **Model 1:** *The overall transfer of the employer functions between different entities through general contracting and subcontracting.*

This relationship was typified by the early days of food delivery platforms and franchising agents. Food delivery platforms outsourced their core delivery operations to franchising agents. Although the platform still dispatches specific tasks through mobile applications and directs the specific labour process of the riders through the GPS positioning system, this is more out of the need to control the quality of the delivery service and does not involve too much direct intervention in the riders' human resource management process. The core functions of labour process control, including salary structure, payroll, and performance evaluation, are all under the direct responsibility of the franchising agent or consumers. Therefore, from the management level, the franchising agent assumes the function of the actual employer. At this point in time, outsourcing in the food delivery industry is not fundamentally different from business outsourcing in traditional industries such as construction.

- **Model 2:** *The Fragmentation of employer responsibilities through the distribution of labour management roles among different entities.*

Currently, the relationship between food delivery platforms and franchising agents is no longer a simple business outsourcing and contracting relationship. In the process of food delivery, the two parties respectively assume different employer roles and jointly manage and control the riders. For example, food delivery platforms are mainly responsible for the formulation of dispatch regulations, labour process control and employee discipline. Franchising agents, on the other hand, are responsible for rider recruitment, attendance, daily training, temporary labour replacement and stabilisation of the rider team. In addition, both parties share joint responsibility for payroll, dispatching, and employee discipline. More interestingly, digital platform technology has enabled consumers to play an important role in the management of riders, monitoring and evaluating such things as work efficiency and service quality, assuming the role of performance appraisal that used to be the responsibility of the employer.

At this point, it is difficult to simply regard any of the platforms, franchising agents or even consumers as a single employer entity, so digital platform technology has transformed the single employer function into multiple entities sharing the employer role. It can be said that different employer role bearers are closely linked together through the digital platform and jointly play the functions that used to be undertaken by a single employer. Thus, outsourcing in Model 2 presents a fundamental difference from that in Model 1.

► **Model 3:** *The dynamic evolution of entity roles in labour Management.*

In the model of on-demand work, the employer function keeps switching as the worker agrees or refuses to take the order, presenting a difference from Models 1 and 2. When on-demand riders do not register or do not agree to take orders, the food delivery platform only plays the role of an information intermediary, i.e., it provides riders with specific dispatch information and delivery unit prices. At this point, it actually plays the market function (not the employer function) of matching consumers and riders. But this function of the platform is not static. Once the rider decides to take the order, the platform is responsible for directing the rider through the algorithm to complete the delivery business through a specific route, and evaluating the service effect through the customer, and ultimately paying their remuneration. From the point of view of this labour process, the platform plays the role of an actual employer. This process of “market-employer” function is constantly cyclical, resulting in every transaction between the two parties is real-time and one-time. Neither party has a stable expectation of whether the other will work next time, and a stable employer-employee relationship can never be established between them. At this point, how to determine the relationship between the platform and the rider has become a new problem for labour law.

► **Model 4:** *Blurring the line between the genuine employer and the disguised self-employed through digital platforms.*

Flexible labour platforms register outsourced riders as individual industrial and commercial households, transforming the typical labour relationship between the franchising agent and the rider into a commercial partnership. However, the labour process of the riders themselves and their relationship with the franchising agent does not change substantially. In this scenario, the flexible employment platform serves to segregate the labour relationship chain, and the real employer is the franchising agent who hides behind it. This is the old problem of disguise self-employment repackaged through digital platform. Only in the case of digital platforms, the problem is pushed to the extreme, where the worker is completely packaged as a legally registered individual industrial and commercial households, and works as an individual contractor.

Models 1 and 4 have emerged under the traditional employment approach, and there are also models that are uniquely presented under the platform economy (Models 2 and 3).

The above four modes of fissured workplace under digital platforms have indeed posed challenges to judicial practice. Judging from the results of disputed cases on the determination of labour relations, in the early days of triangular employment relationships, such as labour dispatch, judicial practice had a relatively high rate of determining the existence of a labour relationship between the employment entity, i.e. the labour dispatch company and the worker. However, once the above four modes of co-operation are adopted, the proportion of cases in which a labour relationship is deemed to exist by the judiciary drops significantly. Many quantitative analyses of similar case decisions have proved that the fissured workplace has led to a sharp decline in the proportion of existence of labour relations. For example, according to an analysis of 1,907 judgments by the Beijing Zhicheng Migrant Workers’ Legal Aid and Research Centre (2021), the proportion of cases in which the court found that a labour relationship existed between a food delivery platform and a rider is now less than 1 per cent. In addition, franchising agents have successfully reduced the rate of being identified as employers from 81.6 per cent to 46.9 per cent and 58.6 per cent through sub outsourcing and registering riders as individual industrial and commercial households. Looking at the different models, Models 3 and 4 have the lowest rates of being identified as a labour relationship at the moment (see Table 2).

► **Table 2: Proportion of Labour Relationship Recognition Across Different Entities**

Entities Involved	Corresponding Models	Proportion of Labour Relationship Recognition
Labour Dispatch Company	/	98.6 per cent
Outsourcing Company	Model 1	59.9 per cent
Platforms and Franchising Agents	Model 2	55.6 per cent
On-demand Work Service Companies	Mode 3	35.7 per cent
Individual Industrial and Commercial Household	Mode 4	8.3 per cent

Source: Adapted by the author based on the data from Bei Wang, Qiuling Qin (2025)

4.2. Regulatory responses to employer identification

The evolution of employment models within the platform economy has introduced significant challenges to governmental oversight. In its early stages, the Chinese government adopted a "prudent regulatory" approach to the platform economy. However, as various issues emerged—particularly concerning consumer safety—the government began implementing regulatory measures, experiencing two distinct peaks in regulation.

The initial regulatory peak, which occurred between 2016 and 2018, saw the government introduce policies targeting sectors such as online ride-hailing, food delivery, online live-streaming, and e-commerce. These regulations primarily aimed to enhance industry standards, including the qualifications of online ride-hailing drivers, food safety in takeaway services, and content standards for online live-streaming (refer to Appendix I for details). In contrast, the subsequent regulatory peak, spanning from 2021 to 2023, marked a shift from a focus on industry standards to the protection of workers' rights and interests. A pivotal development during this period was the issuance of the Guiding Opinions on Safeguarding the Labour Rights and Interests of Platform Workers (hereinafter, Document No. 56) by the Ministry of Human Resources and Social Security (MOHRSS) in July 2021. Document No. 56 provided the first comprehensive regulatory framework aimed at protecting workers engaged in new forms of employment. Subsequent policies introduced further measures addressing contractual arrangements, wages, working hours, dispute resolution mechanisms, occupational injury insurance, and trade union participation (see Appendix II for details).

The efficacy of these safeguards is contingent upon the determination of the labour relationship between the platform and the worker. This determination is critical, as it establishes workers' eligibility for labour protections and social security and identifies the primary entity responsible for safeguarding workers' rights. In response to this challenge, the Chinese government has pursued two primary approaches.

4.2.1. Approach 1: determining labour relationships

In December 2024, the Supreme People's Court released four guiding cases addressing labour disputes in new forms of employment.²⁴ These cases encompassed various occupational groups, including food delivery riders (two cases), online live streamers (one case), and ride-hailing drivers (one case). The central issue in these cases was the determination of the labour relationship between the platform and the worker. The rulings varied—some recognized the existence of a labour relationship, while others did not. Consequently, China continues to evaluate such cases on an individual basis rather than adopting a uniform classification of platform workers as employees, as seen in Spain, or presuming an employment relationship by default subject to rebuttal, as practiced in California, United States.²⁵ In summary, the key considerations in these guiding cases are as follows:

► Primacy of Factual Employment Conditions

The labour relationship must be established based on the actual nature of the employment—adhering to the principle of the primacy of facts—rather than solely relying on the terms of any signed agreements. A critical factor in this determination is whether a relationship of "dominant labour management" exists between the platform and the worker.

► Criteria for Dominant Labour Management

The criteria for assessing dominant labour management continue to be based on the "Notice of the Ministry of Human Resources and Social Security on Matters Concerning the Establishment of Labor Relations" (MOHRSS [2005] Document No. 12). This document evaluates the degree of personal, economic, and organizational subordination of the worker.²⁶

► Specific Indicators for Labour Relationship Determination

The evaluation includes several indicators: the extent of worker autonomy in determining working hours and workload; the degree of managerial control over the labour process; the obligation to comply with work rules, algorithmic management, disciplinary measures, and reward systems; the continuity of employment; and the worker's capacity to set or modify transaction prices.

► Assessment in Cases of Successive Subcontracting

In instances involving successive subcontracting, the judicial assessment prioritizes the entity with the closest relationship to the worker, thereby designating it as the actual employer. This criterion is particularly significant in determining the employment relationships among platforms, franchising agents, and flexible digital labour platforms.

4.2.2. Approach 2: redefining employer liability

After nearly a decade of discourse, a societal consensus has emerged in China regarding the necessity for platform enterprises to assume certain responsibilities in safeguarding workers' rights and interests.

²⁴ Guiding cases are judicial decisions selected and issued by the Supreme People's Court to serve as references for courts across China in trial and enforcement proceedings. Although China follows a civil law system rather than case law, guiding cases do not possess formal legal authority. However, Article 7 of the Provisions of the Supreme People's Court on the Work of Guiding Cases stipulates that courts at all levels should refer to these cases when adjudicating similar disputes.

²⁵ The former is exemplified by Spain's Rider Law, which classifies platform-based delivery workers as employees, while the latter is represented by California's AB5 bill, which establishes a presumption of employee status for gig workers unless specific criteria are met.

²⁶ Article 1 stipulates that a labour relationship is established even in the absence of a written labour contract, provided that the following conditions are met: (1) both the employer and the worker fulfill the qualifications prescribed by laws and regulations; (2) the employer's labour rules and regulations, formulated in accordance with the law, apply to the worker, who is subject to the employer's labour management and engages in remunerated work assigned by the employer; and (3) the labour performed by the worker constitutes an integral part of the employer's business operations.

This consensus is reflected in various policies mandating that platforms bear a degree of liability for worker protection. Nonetheless, a systematic framework for allocating these liabilities among platforms and other labour-management entities remains absent. Among the current regulatory measures, Document No. 56 offers the most explicit delineation of employer liability, distinguishing between two forms: quasi-labour relationships and cooperative employment.

► For Quasi-Labour Relationships

The first category introduces a novel regulatory approach that establishes a new type of labour relationship with corresponding platform responsibilities. Document No. 56 classifies this as a category “that does not fully conform to the determination of a labour relationship.”²⁷ This departure from the traditional binary distinction between employees and self-employed workers requires platform enterprises to uphold fundamental worker protections even absent a formal employment relationship. Such protections include the right to fair employment, equitable remuneration, rest periods, occupational safety, and participation in social security in accordance with regulatory standards, as well as democratic involvement in platform governance and algorithmic decision-making.²⁸ While many of these rights remain underdeveloped within the current framework, specific measures—such as minimum wage guarantees and inclusion in a specialized occupational injury insurance scheme—have been explicitly articulated.²⁹ Additionally, platform workers are afforded equal access to public employment services, encompassing job information, policy and legal consultation, vocational training, and other welfare services.³⁰

► For Cooperative Employment Arrangements

The second category pertains to outsourced and cooperative employment arrangements. Article 3 of Document No. 56 stipulates that platform enterprises, irrespective of their formal designation as employers, must fulfill affirmative obligations. These include selecting outsourcing enterprises with legitimate business qualifications and ensuring their compliance with worker protection standards. Furthermore, platforms are required to assume “corresponding legal liabilities” when workers’ rights and interests are compromised due to noncompliance by subcontracted entities.

The redefinition of employer liability through Document No. 56 constitutes a critical step in addressing the challenges posed by the evolving nature of employment within the platform economy. However, further legislative and judicial developments are necessary to fully integrate these provisions into a coherent regulatory framework capable of effectively safeguarding the rights of platform workers.

4.3. Existing gaps in the regulatory framework

Regarding the effects of the two types of regulatory responses discussed above, the Supreme People's Court's guiding cases emphasize the necessity of piercing the corporate veil, which effectively addresses the issue of disguised self-employment—a challenge posed by Model 4. Simultaneously, Document No. 56's requirement for platform enterprises and their partner enterprises to share responsibility for

²⁷ According to Article 2 of Document No. 56, this type of situation is characterized as one in which “the enterprise exercises labour management over the worker in a manner that does not fully align with the conditions required for establishing a formal labour relationship.”

²⁸ Refer to Articles 4–10 of the Guidelines on Safeguarding the Labour Rights and Interests of Workers in the New Forms of Employment for detailed provisions on worker protections and employer responsibilities.

²⁹ Since 2022, occupational injury insurance has been implemented as a mandatory pilot scheme for platform workers in China, functioning similarly to traditional work injury insurance. However, platform companies are not required to establish an employment relationship to fulfill this obligation. Instead, they must provide coverage for all workers who complete tasks on their platforms. The insurance is financed through per-order contributions, with platforms making monthly payments based on the total number of completed orders. Payment rates vary by industry, reflecting the differing levels of occupational risk.

³⁰ Refer to Articles 11–15 of the Guidelines on Safeguarding the Labour Rights and Interests of Workers in the New Forms of Employment for detailed provisions on this matter.

infringements on workers' rights helps mitigate employer liability concerns within the outsourced labour model, a challenge associated with Model 1.

However, both approaches presuppose that the employer function remains centralized within a single entity. This assumption proves inadequate in addressing the novel characteristics of digital platform-based outsourcing, particularly (1) the fragmentation of the employer's role—where multiple entities simultaneously undertake different employer functions—and (2) the transformation of employer identity. The division of employer responsibilities under these circumstances presents significant theoretical and practical challenges.

First, there is the issue of employer role fragmentation, a complication arising from Model 2. A key question in this context is whether liability should be apportioned based on the relative significance of each employer's role or whether a joint employer liability framework should be applied. Document No. 56 does not provide clear guidance on this matter. As a result, provincial and municipal authorities have interpreted and implemented employer liability allocation differently when refining this foundational policy document. The various approaches taken include the following:

- Imposing joint and several liability on both the platform and the franchising agents, as observed in Hunan.
- Recognizing the franchising agent as the primary employer while assigning limited supplementary liability to the platform enterprise, an approach adopted in Shanghai, Tianjin, and Sichuan.
- Allowing the platform and the franchising agents to determine employer responsibility allocation through contractual agreements, as seen in Hebei and Chongqing.

For detailed provisions adopted by these representative provinces and cities, refer to Appendix III.

Second, there is the issue of employer identity transformation, a challenge associated with Model 3. The innovative regulatory provisions on incomplete labour relationships have provided a partial resolution to employer liability concerns in on-demand work. However, their implementation has encountered difficulties. Document No. 56 explicitly restricts on-demand work to situations that do not meet the criteria for establishing a formal labour relationship while simultaneously acknowledging that enterprises exercise labour management over their workers.

A case study involving food delivery platforms illustrates this complexity. Platforms exercise different degrees of managerial control over on-demand riders depending on the stage of the work process. Since they do not exert continuous full-time control over riders, the determination of whether an enterprise engages in "labour management" depends on the specific period under observation. If the observation period focuses on the time between rider registration and order acceptance, the assessment may yield different conclusions compared to an observation period during active order fulfillment. Consequently, judicial interpretations vary significantly based on the chosen temporal framework.

Moreover, platform management models are subject to continuous evolution. In the early stages, platforms exercised minimal direct control, whereas current practices reflect a higher degree of intervention. Given that algorithmic governance enables platforms to dynamically adjust management controls in response to business needs, the determination of employer responsibility becomes even more challenging. A static framework for assessing "the existence of management" may therefore be insufficient in capturing the dynamic and adaptive nature of platform-based labour governance.

5. Discussion and Policy Recommendations

5.1. Is fissured workplace under digital platforms merely old wine in new bottles?

The two employment models for which Chinese law has yet to provide an effective solution—namely, the decentralization of the employer's role (Model 3) and the transformation of the employer's function (Model 4)—have both been widely adopted through outsourcing in the food delivery industry. Although outsourcing in the platform economy shares some similarities with traditional outsourcing, the infusion of digital technology introduces two essential differences.

First, the outsourcing of core business functions. Digital technologies, such as smartphones, GPS positioning, and big data algorithms, have significantly enhanced the control exerted by platforms as contracting parties. These technologies enable platforms to manage the entire labour process and ensure service quality. Consequently, platforms are not limited to outsourcing peripheral tasks, such as certain management services for riders; they can also delegate their core business functions entirely. The food delivery industry serves as a prime example: while food delivery initially formed the core business of food delivery platforms, the advent of digital technologies now permits these platforms to fully outsource this function to contractors without compromising delivery quality.

Second, the employer's role in the outsourcing process is decentralized rather than fully transferred. In the digital era, outsourcing does not result in the complete transfer of the employer function; rather, the employer role is shared between the platform and its contractors. In effect, digital technology enables multiple entities to jointly assume functions that were once the sole responsibility of a single employer.

These differences offer two new perspectives on the longstanding phenomenon of the fissured workplace. First, if the unified role of the employer is distributed among multiple decentralized entities, a fundamental question arises: who, exactly, should be considered the employer? Second, under an on-demand work model—characterized by workers' significantly greater autonomy in accepting orders compared to traditional employment—platform workers are only loosely connected to the platforms, despite their high economic dependence on them. This prompts the inquiry: does the relationship between platform and worker still constitute a valid social contract, and should platforms be regarded as employers in such contexts?

These issues are not confined to China but have become global challenges as fragmented employment practices continue to expand internationally. For instance, interviews conducted in Japan suggest that Amazon's local courier service has adopted a model analogous to that in China.³¹ In Japan, the platform employs two types of local couriers: business-entrusted couriers, akin to outsourced riders in China, and Amazon Flex couriers, similar to on-demand work riders in China. These parallel employment practices underscore the universality of the labour law challenges posed by the platform economy.

5.2. The way forward

In addressing the issue of workplace fissuring in the digital economy, it is crucial to recognize that, to a large extent, this phenomenon represents a continuation of the traditional problem of disguise self-

³¹ The interview was conducted by the author with the Tokyo Unions on 5th Feb in Tokyo.

employment. Therefore, strict enforcement of existing labour laws is necessary to prevent companies from circumventing employer responsibilities through contractual arrangements.

Furthermore, the challenges posed by the fragmentation and transformation of the employer's role in the digital economy require targeted regulatory responses. One potential approach is to adopt a broader definition of the employer. For example, the U.S. Fair Labor Standards Act (FLSA) defines the term "employer" in an expansive manner, encompassing any entity that benefits from the labour relationship. This suggests the possibility of introducing the concept of joint employer liability in legislative frameworks. Additionally, employer liability allocation could draw inspiration from labour dispatch regulations, which distinguish responsibilities between client companies and dispatch agencies. In jurisdictions such as Japan and Germany, there are circumstances under which both the client company and the dispatch agency are recognized as joint employers, a model that may offer valuable insights for regulating platform-based employment relationships.

Finally, scholars have proposed three main approaches to addressing the difficulty of classifying labour relationships in the platform economy. The first is to adjust the criteria for determining employment relationships to ensure that more workers fall within the scope of labour protections. The second is to establish an intermediate category between employees and self-employed workers. The third, which is gaining increasing support among scholars, is to guarantee fundamental rights and protections for all workers, regardless of their contractual classification.³² However, given the institutional and historical differences among countries, whether a universal solution should be adopted remains an open question that requires further discussion.

³² ILO. Work for a brighter future – Global Commission on the Future of Work, International Labour Office – Geneva: ILO, 2019

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Appendix

I. The Industry-level Regulations for Digital Platforms in China (Chronological Overview)

Title	Date	Target Group	Ministry(s)
Interim Measures for the Administration of the Business Operation Services of Online Taxi-Hailing	July 28, 2016	Online Taxi-Hailing Drivers	Ministry of Transport, Ministry of Industry and Information Technology, Ministry of Public Security, Ministry of Commerce, General Administration for Industry and Commerce, General Administration of Quality Supervision, Inspection and Quarantine, State Internet Information Office
Electronic Commerce Act	January 1, 2019	E-commerce	Standing Committee of the National People's Congress
Opinions on work of Safeguarding the Rights and Interests of Courier Groups	June 23, 2021	Couriers	Ministry of Transport, State Postal Administration, National Development and Reform Commission, Ministry of Human Resources and Social Security, Ministry of Commerce, General Administration of Market Supervision, All-China Federation of Trade Unions
Guiding Opinions on Implementing the Responsibilities of Online Catering Platforms and Effectively Safeguarding the Rights and Interests of Food delivery Workers	July 16, 2021	Food Delivery Riders	General Administration of Market Supervision, State Internet Information Office, National Development and Reform Commission, Ministry of Public Security, Ministry of Human Resources and Social Security, Ministry of Commerce, All-China Federation of Trade Unions
Regulations on the Management of Algorithmic Recommendation of Internet Information Services (Draft for Public Comments)	August 27, 2021	Algorithms	State Internet Information Office

Opinions on Strengthening the Protection of the Rights and Interests of Freight Drivers	October 11, 2021	Truck Drivers	Ministry of Transport and other 16 ministries
Code of Conduct for Online Live Streamers	June 8, 2022	Online Live Streamers	State Administration of Radio and Television, Ministry of Culture and Tourism
Notice on Effectively Work in Regulating and Managing the Relevant Work of Online Taxi-Hailing Aggregation Platforms	April 25, 2023	Online Taxi-Hailing Platforms and Related Practitioners	Ministry of Transport, Ministry of Industry and Information Technology, Ministry of Public Security, State Administration for Market Regulation, State Internet Information Office
Measures for the management of the express delivery market	March 1, 2024	Relevant Entities in the Express Market (including express delivery enterprises, express delivery employees, etc.)	Ministry of Transport

II. Key Labour Policies for the Labour Protection of Platform Workers (Chronological Overview)

Title	Date of Enactment	Ministry(s)
Guidance on safeguarding the labour rights and interests of workers in new forms of employment	July 16, 2021	Ministry of Human Resources and Social Security, National Development and Reform Commission, Ministry of Transport Emergency Response Department, General Administration of Market Supervision, National Health Insurance Bureau, Supreme People's Court, National Federation of Trade Unions
Law on the Protection of Personal Information	Effective from November 1, 2021	Standing Committee of the National People's Congress
Notice of Pilot on Occupational Injury insurance for Employed Persons in New Employment Patterns	December 31, 2021	Ministry of Human Resources and Social Security
Revision of the Trade Unions Act	Effective from January 1, 2022	Standing Committee of the National People's Congress
Opinions on judicial services and guarantees for Stabilizing employment	December 26, 2022	Supreme People's Court
Guidelines on the Formation of Labour Contracts and Written Agreements for Workers in New Forms of Employment (Trial)	February 21, 2023	Ministry of Human Resources and Social Security
Guidelines for Protection of the Rights and Interests of Workers in New Forms of Employment regarding Rest and Remuneration	November 8, 2023	Ministry of Human Resources and Social Security
Guidelines for the Publicity of labour rules for workers in new forms of employment	November 8, 2023	Ministry of Human Resources and Social Security
Guidelines on Services for the Protection of the Rights and Interests of Workers in New Forms of Employment	November 8, 2023	Ministry of Human Resources and Social Security

Notice on Strengthening the One-Stop Mediation of Labour Disputes in New Forms of Employment	January 9, 2024	General Office of the Ministry of Human Resources and Social Security, General Office of the Supreme People's Court General Office of the Ministry of Justice, General Office of the National Federation of Trade Unions, General Office of the National Federation of Industry and Commerce General, Office of the Federation of Enterprises of China
The 42nd batch of 4 instructive cases on the topic of labour disputes in new forms of employment	December 3, 2024	Supreme People's Court

III. Central, Provincial, and Municipal Regulations on Employer Liability Allocation

Central and provincial and/or municipal	Title	Provisions
MOHRSS	Guidance on safeguarding the labour rights and interests of workers in new forms of employment	(3) Where platform enterprises adopt labour dispatch and other cooperative employment methods to organize workers to complete platform work, they select enterprises with legitimate business qualifications and supervise their protection of workers' rights and interests. Where a platform enterprise employs workers by means of labour dispatch, it shall perform the responsibilities of a labour dispatch employer in accordance with the law. In the event that the rights and interests of workers are harmed by outsourcing or other cooperative methods of employing workers, the platform enterprise shall bear the corresponding liability in accordance with the law.
Hunan Province	Implementing Opinions on safeguarding the labour rights and interests of workers in new forms of employment	(3) In the event that the rights and interests of workers are harmed by adopting other modes of cooperative employment, such as outsourcing, the platform enterprise and the outsourcing enterprise shall bear joint and several liability in accordance with the law.
Shanghai City	Implementing Opinions on safeguarding the labour rights and interests of workers in new forms of employment	(3) Where a platform enterprise adopts outsourcing or other cooperative methods of employment, it shall supervise the employment of labour by the cooperative enterprise in accordance with the law and safeguard the relevant rights and interests of workers; where a platform enterprise is at fault for failing to carry out timely and effective supervision, or for failing to reasonably disclose the situation of the actual employing unit, which results in the rights and interests of workers being harmed, it shall bear the corresponding liability in accordance with the law.

Tianjin City	Implementing Opinions on safeguarding the labour rights and interests of workers in new forms of employment	(4) Regulating outsourcing services. Where platform enterprises adopt outsourcing services and other modes of cooperation in the employment of labour, they shall select outsourcing service enterprises with legitimate business qualifications and supervise their protection of the rights and interests of workers. If the rights and interests of workers are harmed, the outsourcing service enterprises shall assume liability in accordance with the law; if the platform enterprises are at fault, they shall assume corresponding liability in accordance with the degree of fault.
Sichuan Province	Implementing Opinions on safeguarding the labour rights and interests of workers in new forms of employment	3. In the event that the rights and interests of workers are harmed by outsourcing, franchising, agency and other modes of cooperation in the use of labour, the platform enterprise shall bear the corresponding responsibility in accordance with the law, and in the event that the payment of labour remuneration and other payment entitlements to workers is not paid in a timely manner due to outsourcing, franchising, agency and other cooperative enterprises in the use of labour, the platform enterprise may be required to fulfil its responsibility to settle or compensate the amount in advance, to the extent of the amount that remains unsettled.
Hebei Province	Implementing Opinions on safeguarding the labour rights and interests of workers in new forms of employment	Article 7 Where platform enterprises use labour outsourcing and other forms of cooperation to employ workers, they shall differentiate and bear liability for the corresponding damage according to their agreements; cooperating enterprises shall fulfil their liability for employing workers in accordance with the law.
Chongqing City	Implementing Opinions on safeguarding the labour rights and interests of workers in new forms of employment	(3) Where platform enterprises adopt outsourcing and other forms of cooperation to employ workers, they shall select enterprises with legitimate business qualifications, and where the rights and interests of workers are harmed, the platform enterprise shall bear the corresponding liability in accordance with the law. If a platform enterprise adopts labour dispatch, outsourcing, joining and other forms of cooperation to employ workers, it shall specify in the agreement the contents related to the labour security rights and interests of workers and implement supervision. Platform enterprises and the human resources service agencies and labour dispatch enterprises with which they cooperate shall carry out the relevant business in accordance with the law and effectively protect the legitimate rights and interests of workers.