

Exploration of Harmonious Labor Relations under the New Business Model

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Abstract. In recent years, the prevalence of new forms of economy in China has not only changed people's lives but also further promoted the development of the labor market, changed the traditional labor market pattern, and gave birth to new forms of employment models. However, due to the differences between new forms of employment and traditional forms of employment, it is difficult to determine the labor relationship of workers in new forms of employment. Therefore, starting from the current situation of harmonious labor relations under the new business model, statistical analysis is conducted on the judicial judgments of labor relations in China's new business model. It is found that there are difficulties in identifying labor relations, insufficient performance of labor union responsibilities, and insufficient labor and rights protection capabilities in building harmonious labor relations. Suggestions are made to improve and improve relevant laws and regulations, strengthen labor union construction, and enhance workers' ability to protect their rights, In order to better protect the labor rights and interests of new employment groups.

1. The construction background of harmonious labor relations under the new business model

1.1 The meaning and characteristics of new business model

Driven by a new round of technological revolution and the demand for flexible work, the gig economy, platform economy, sharing economy, and demand economy are rapidly developing. With the expansion of "Internet plus" and the use of mobile terminals, there has emerged a digital business model, a new form of remuneration based on online platforms, that is, a new business type [1]. Codagnone C and Karatzogiani A point out that companies with indirect network effects can be regarded as an emerging economic entity or referred to as platforms, and it is precisely because of the platform model of the sharing economy that these companies have stronger bargaining power.[2] It includes the integration of different industries, the differentiation and integration of internal and external production chains, as well as the new organizational form formed by the cross departmental integration and transfer of information technology and internet technology. Compared with traditional employment models, new forms of employment have different characteristics. Firstly, job stability is weak, and new formats of work are mostly temporary; Secondly, workers in the new industry have long working hours and high intensity; Thirdly, there is a high risk of labor disputes and complex labor relations; Finally, it is difficult for workers in new formats to

protect their labor rights, and new economic and commercial forms also make traditional labor relations difficult to recognize. Therefore, building harmonious labor relations under the new economy and new business model has become an important topic in the modernization construction with Chinese characteristics.

1.2 The proposal and development of harmonious labor relations

Based on the theory of labor economics, labor relations refer to the legal relationship generated by the labor contract signed by the worker and the employer in accordance with the law. It is not only an important component of production relations, but also one of the most important social relationships [3]. Johnson believes that effective regulation and regulation of diversified labor employment patterns in new industries is also an important issue.[4] Harmonious labor relations are not only related to the vital interests of workers and enterprises, but also to economic development and social harmony. The Party and the state have always attached great importance to building harmonious labor relations and made corresponding work arrangements. However, China is currently in an era of economic and social transformation, with increasingly diverse subjects and interests in labor relations [5]. Conflicts in labor relations have become apparent and frequent, and the number of labor disputes is still high. Therefore, establishing harmonious labor relations is a complex and arduous task.

At the 18th National Congress of the Communist Party of China, the Central Committee and the State

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Council issued the "Opinions on Building Harmonious Labor Relations", marking the first clear proposal to build harmonious labor relations. The Opinion points out that under the new historical conditions, striving to build harmonious labor relations with Chinese characteristics is an important component of strengthening social governance and innovation, ensuring and improving people's livelihoods, and also an important foundation for building a socialist harmonious society. This is an important guarantee for the sustained and healthy development of the economy, and also a necessary prerequisite for consolidating the ruling foundation and position of the Party. That is why we need to deeply understand the importance of harmonious labor relations, effectively enhance our sense of responsibility and mission, make the task of establishing harmonious labor relations more urgent, and take effective measures to achieve this goal.

Since the 19th National Congress, in accordance with the goal of "establishing standardized, orderly, fair, reasonable, mutually beneficial, and harmonious and stable labor relations" proposed by the Party Central Committee, it has reflected the Party Central Committee's importance and care for the construction of harmonious labor relations [6], and further promoted the comprehensive promotion of harmonious labor relations construction in China, making harmonious labor relations stronger.

The report of the 20th National Congress of the Communist Party of China emphasizes that national security is the foundation of national rejuvenation, and social stability is the prerequisite for national strength [7]. We need to improve labor laws and regulations, improve labor negotiation and coordination mechanisms, and put forward new requirements for better building harmonious labor relations. Labor relations have distinct characteristics of the times and countries. With the strong development of the digital economy, the number of new forms of employment has further increased in recent years. The workers of the new business form connect thousands of cities and enterprises, providing services to millions of families, and playing an important role in promoting people's production and social harmony. Therefore, in order to promote the construction of harmonious labor relations, it is necessary to effectively protect the rights and interests of workers in the new business model.

2. The current situation and construction dilemma of harmonious labor relations under the new business model

2.1 Statistical analysis of labor dispute related cases in new formats

In recent years, the rapid development of the internet economy has created abundant employment opportunities, and the number of new employment groups is constantly increasing. At the same time, groups

that rely on the digital economy for new employment, such as ride hailing drivers, delivery riders, and online anchors, are constantly facing rights protection issues. By searching for "labor disputes" on the China Judgment Document Network [8] and using "labor disputes" as a basis to search for keywords such as "ride hailing", "delivery rider", and "online live streaming", it was found that there were a total of 3445 labor dispute cases announced on new business platforms nationwide between 2017 and 2022. Among them, there were 2798 ride hailing cases, 482 delivery rider cases, and 165 online anchor cases, It can be seen that the total number of labor dispute cases in the new business model in the past six years is relatively large, indicating that there is still room for development in the construction of harmonious labor relations under the new business model. The determination of employment relations under the new business model is currently a difficult problem in judicial practice.(Shown in Table 1)

Table 1. Number of labor dispute cases involving ride hailing, delivery riders, and internet anchors from 2017 to 2022

Year	Ride hailing	Delivery rider	Online live streaming	Total
2017	261	0	10	271
2018	142	15	10	167
2019	925	52	21	998
2020	516	236	26	778
2021	724	99	51	874
2022	230	80	47	357
Total	2798	482	165	3345

And by analyzing the number of cases per year, it was found that labor dispute cases in new formats reached their peak in 2019, and although there was a decrease afterwards, the number was still higher than before 2019. Since 2019, breakthroughs have been achieved in 2022 through the continuous improvement of national laws and social security systems.(Shown in Fig 1)

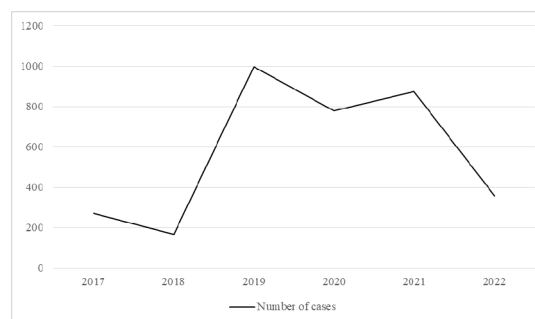


Fig 1. Trends in the number of labor dispute cases in new formats across the country from 2017 to 2022.

Through the analysis of labor dispute cases in the new industry through the China Judgment Document Network, it was found that the distribution of complaints by practitioners is relatively wide, mainly focusing on confirming labor relations (45.78%), wages (56.62%), overtime wages (27.71%), double wage difference without signing a written labor contract (28.99%),

unpaid annual leave wages (19.28%), and economic compensation or illegal termination compensation (46.99%). Among them, confirming a labor relationship lawsuit is a prerequisite and fundamental condition for the establishment of other lawsuits, and it is also a prominent controversial focus in the trial.(Shown in Fig 2)

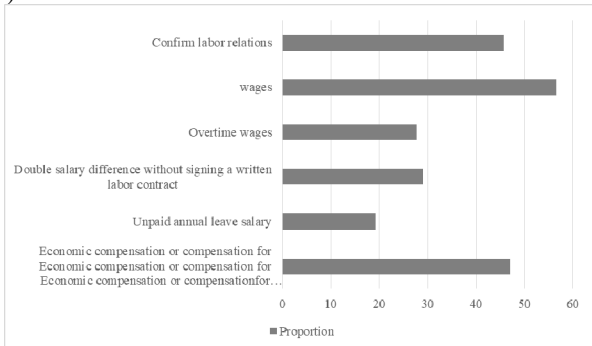


Fig 2. Distribution of Petitions from Practitioners

According to the China Judgment Document Network, in cases of employment disputes in new formats, only 21.05% of practitioners have confirmed labor relations with enterprises, while 78.50% have not confirmed labor relations, indicating that there are still difficulties in determining labor relations.(Shown in Fig 3)

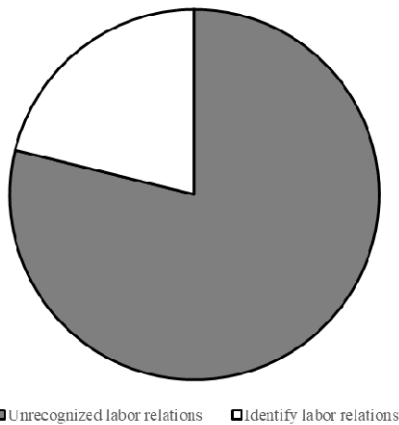


Fig 3. Recognition of Labor Relations in Employment Disputes of New Business Forms

In summary, through descriptive statistics of labor dispute related cases in the new format, it was found that since the development of the new format, the contradiction between legislative gaps and the new employment model has become increasingly prominent, indicating the urgency of building a harmonious labor relationship.

2.2 Analysis of the Difficulties in Constructing Harmonious Labor Relations under the New Business Model

Firstly, it is difficult to determine labor relations. The new employment forms have complex and diverse employment methods, some of which may create new employee enterprise relationships that are different from traditional labor relationships. For example, truck drivers do not have a close management relationship with the platform, and their working hours and workload are

independently determined by the driver, while their income is determined by receiving orders. In addition, drivers can establish relationships with multiple platforms, which complicates the nature of work, and labor relations disputes typically involve multiple legal subjects. However, some workers do not understand the importance of determining the "wage facts". They believe that as long as wages are paid normally, the payment cycle is one day, one week or one month, and the payment method is bank card or direct transfer to WeChat, Alipay, etc. This has led to the failure of the state to properly verify and regulate these wages, and there is no convincing evidence that workers need to confirm their labor relations with employers to protect their rights [9]. At the same time, some enterprises in new formats intentionally evade labor laws, evade labor obligations, and induce or force workers to switch to individual businesses, making it more difficult to identify labor relations in new formats.

Secondly, the labor union's responsibilities were not fulfilled enough. Most Chinese companies have established trade unions as mass organizations, but few trade unions have played their rightful role. Trade unions are collective organizations that coordinate the relationship between workers, employers, and the government, but in reality they have not fulfilled their responsibilities [10]. And most newly established companies have not yet established complete trade unions. The main reasons for this situation are the lack of representative trade unions in the industry, the imperfect operation mechanism of trade unions, and the lack of recognition of their own status by trade unions. Trade unions must be mass organizations representing workers, negotiating with enterprises to protect their legitimate rights and interests, and striving to maximize the interests of workers. However, the fact is that trade unions often overlap with the interests of employers and cannot fully represent workers in negotiations with them. On the contrary, they only copy the relevant provisions of the labor law, without pertinence, and generally become mere formality. The role played by unions is not obvious.

Thirdly, the ability of workers to protect their rights is insufficient. The new format of labor has strong mobility, flexibility, and dispersion, making it difficult to naturally form a professional group that protects the rights and interests of workers. Due to the failure of trade unions to fulfill their corresponding functions, workers' ability to rely on trade unions to safeguard their legitimate rights and interests is limited. Personally, workers lack legal knowledge and literacy, and they do not have sufficient ability to protect their rights and interests when their legitimate rights and interests are violated. New employment groups have different understandings of labor relations, how to maintain and protect legitimate labor rights, and what paths are available to resolve labor disputes [11]. In fact, workers are not accustomed to retaining labor evidence, and due to the lack of such labor evidence, they often do not receive legal assistance when proving their labor relationship with the employer. In addition, due to limited defense channels and high arbitration and

litigation costs, the legitimate rights and interests of workers cannot be effectively protected.

3. Construction and implementation of harmonious labor relations under the new business model

Firstly, improve and perfect relevant laws and regulations. At present, China's relevant labor regulations are based on traditional employment models and are a series of standards aimed at strengthening labor relations. According to the characteristics of new forms of labor, it is necessary to establish a system and mechanism when revising and improving labor legislation, so as to diversify the recognition of labor standards. For companies with high flexibility and instability in employment, it is necessary to reduce labor relations norms and labor standards. For certain content that is not suitable for such enterprises, corresponding adjustments or exemptions can be made [12]. We must also recognize and support multiple labor relationships, encourage the development of part-time jobs, establish compatibility rules for short-term, part-time, and diversified labor relationships, and explore the possibility of establishing working hour accounts. Improve the adaptability of the law, protect the legitimate rights and interests of both parties in labor relations, and allow for independent and fair determination of the content of labor contracts. Exploring the construction of a "three part law" and establishing applicable laws for incomplete labor relations, it is recommended to establish a corresponding legal framework based on the "simplified labor law" and resolve such disputes through labor dispute procedures. On this basis, we will continue to strive to establish methods for determining incomplete labor relations, improve the standards for determining incomplete labor relations, and promote the modernization of labor security with Chinese characteristics.

Secondly, strengthen the construction of trade unions. Firstly, innovate the trade unions in the new economy and new business models. In the new economic environment, professional trade unions or industry unions should be established to resolve labor disputes, or a labor relationship dispute resolution platform should be established between workers and enterprises to better resolve disputes and protect the legitimate rights and interests of workers [13]. Secondly, it is necessary to innovate the methods of collective bargaining. The collective bargaining system is an important system for safeguarding the rights and interests of workers. Therefore, it is necessary to flexibly utilize technologies such as big data and online platforms to incorporate the collective bargaining system into the new business model and carry out work according to local conditions under the premise of legal and standardized procedures. At the same time, trade unions should supervise the behavior of enterprise workers, strictly supervise the signing and termination of labor contracts, actively participate in the coordination and resolution of labor disputes, and actively speak on behalf of employees.

Trade unions should actively utilize their strengths, disseminate knowledge of labor law, enhance workers' legal awareness, and ensure that workers fully understand their rights. We should also prevent enterprises from violating labor laws or infringing on the legitimate rights of workers, fully leverage the role of trade unions as a link and bridge, optimize labor relations, and promote the development of harmonious labor relations.

Thirdly, improve the ability of workers to protect their rights. The new economy and new formats have created more job opportunities, but in some industries, the entry threshold is relatively low, leading to many workers with lower education and legal knowledge levels entering the industry. Therefore, it is necessary to strengthen the training of workers [14]. Firstly, safety training must be provided to workers. For example, in the food delivery industry, riders often violate traffic rules, run red lights, and go against the traffic flow. Although this is only to accept more orders, increase delivery volume, and increase income, it poses a significant risk to the safety of workers and other pedestrians. Secondly, it is necessary to enhance the awareness of workers in safeguarding their rights in accordance with the law. Disputes between workers and employers should be resolved through legal means, and workers should make more use of negotiation to resolve conflicts. Encourage workers in the new economy and new formats to actively participate in trade unions, fully participate in collective bargaining, and resolve labor disputes. Finally, train workers to use legal weapons, learn to preserve evidence, and use legal weapons to protect their legitimate rights and interests.

4. Conclusion

In short, to break the current stalemate between old and new labor relations, it is necessary to meet the needs of developing new forms of employment, fill existing institutional gaps, consider from different perspectives, and propose comprehensive solutions. The flexible integration and coordination of various labor systems not only adapts to the development of labor relations, but also helps to develop new forms of employment, in order to fully protect the labor rights and interests of new employment groups.

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