

# Research on the Protection of Workers' Rights and Interests under the "Part-Time Economy" based on the Internet

## -- Take Online Taxi Driver as an Example

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### Abstract

In recent years, with the rapid development of the Internet and the digital economy, the transformation of the network sharing platform economy has also officially arrived, and the "jobless economy" has come into being in this context. The China Sharing Economy Development Report (2022) shows that in 2021, the share economy market transaction scale will be about 3688.1 billion yuan, up about 9.2% year on year, and the direct financing scale will be about 213.7 billion yuan, up about 80.3% year on year, which fully affirms the important contribution of the sharing economy to China's economic development. At the same time, compared with the traditional form of employment, the current part-time job economy, as a new form of employment, while providing convenience for people, also presents some problems, such as the imperfect protection of legal rights and interests of workers, the lack of social security, and the weakening of economic rights and interests. This will not only affect the harmonious development of the platform economy, but also affect social harmony and stability. Based on this, the research on the protection of the rights and interests of part-time workers is of great significance to clarify their labor legal relationship, improve our social security system and promote the long-term development of the part-time economy.

### Keywords

Internet; Part-time Economy; Workers' Rights and Interests.

## 1. Introduction

The internet-based "jobless economy" is growing at an unprecedented pace. This emerging employment pattern involves a large number of employees, and its number is increasing year by year. According to the survey, 5 million people in the UK and 8 million people in Germany are working for the network platform [2]; The famous job-hunting website Zippia pointed out that in the past decade, the growth rate of the United States in the part-time labor market was 15%. In 2021, at least 59 million Americans participated in the part-time labor economy, accounting for about 36% of the labor force in the United States market. By 2023, this rate will increase to 52%, with a compound growth rate of 17.4% [3]. China's "part-time economy" employment form is also in the stage of rapid development. According to the prediction of Alibaba Research Institute, by 2036, nearly 400 million working people in China will be employed on the Internet platform [4].

From "developing the sharing economy, promoting the integration and development of economic society and the Internet" pointed out in the "13th Five-Year Plan" in 2015 to "promoting the development of the digital economy, accelerating the development of the industrial Internet, improving the governance of the digital economy, and improving the social security policy for flexible employment" put forward at the government work report at the fifth

session of the 13th National People's Congress on March 5, 2022, It can be seen that the Party and the state have issued several relevant policies for this purpose (see Table 1), which clearly pointed out that we should accelerate the development of industrial Internet, develop and expand digital industries such as artificial intelligence and integrated circuits, comprehensively build a national integrated big data center system, promote the digital transformation of industry, and promote the sustainable development of the platform economy.

**Table 1.** Relevant policies on sharing economy

Time	Publishing department	Document name/relevant description
October 2015	Central Committee of the Communist Party of China	The Proposal of the Central Committee of the Communist Party of China on Formulating the 13th Five-Year Plan for National Economic and Social Development points out that the sharing economy should be developed and strengthened to promote the combined development of economic society and the Internet.
March 2018	Ministry of National Defence of the People's Republic of China	The 2018 Government Work Report pointed out that we should strengthen and develop the sharing economy and platform economy, combine online and offline deeply, and cooperate with industry, university and research to form a new pattern of innovation and entrepreneurship with deep integration of large and medium-sized enterprises.
March 2019	China government website	The 2019 Government Work Report pointed out that we should deepen the research and development of artificial intelligence and big data, develop and expand the digital economy, vigorously support the development of emerging employment patterns and patterns, and promote the healthy growth of the sharing economy and platform economy.
March 2021	China government website	The 2021 Government Work Report pointed out that we should master the application technology of "Internet plus", promote the in-depth combination of offline and online, develop new employment forms and models, and provide more comfortable and convenient products and services for customers.
March 2022	China government website	The 2022 Government Work Report pointed out that we should promote the development of the digital economy, accelerate the development of the industrial Internet, improve the governance of the digital economy, and improve the flexible employment social security policy.

In the context of the digital economy, the platform economy has risen and promoted the development of the part-time economy, thus promoting the employment of workers. As a new form of employment, the part-time economy presents a different form of employment from traditional enterprises, that is, flexible employment. The traditional employment mode is that enterprises provide means of production, sign labor contracts to form stable employment relations and designate rules and regulations to manage workers, and workers provide labor for enterprises to obtain equal remuneration. Both have long-term stable labor relations and clear rights and obligations. The emergence and development of the odd job economy has subverted this model, showed new characteristics, but also triggered some problems, the most important of which is that the odd job economy has brought severe conflicts and challenges to the traditional social security system and the existing legal and regulatory system.

## 2. The Concept and Characteristics of Part-time Economy

### 2.1. The Concept of Part-time Economy

In order to distinguish from the "project" and "temporary" that only emphasize employment [5], which does not involve the "old part-time economy" of digital technology, we call the part-time economy based on digital technology and emerging technology that is prevalent in society today the "part-time economy" of the Internet. The U.S. Congressional Research Service Center believes that the "odd job economy" is to match the needs of customers and resource providers through odd jobs to achieve on-demand business. In this mode, odd workers provide labor for the company's customers through network platforms or Internet-based mobile devices [6]; Baidu Encyclopedia believes that the "part-time job economy" is a modern economic model that is different from the traditional form of nine to five, and that freelancers use the Internet and emerging technologies to quickly match the supply and demand side; Yan Yihe and Yao Haibin believe that the "jobless economy" is an economic field composed of freelancers with small workload and fragmentation based on mobile internet technology [8]; Qiu Zeqi believes that "odd job economy" refers to an economic activity in which small groups or individuals cooperate, complete work content in a relatively short time, and are employed for a relatively short time [9]; Yao Jianhua believes that the "part-time job economy" is a new work mode based on the network platform, especially the subversion of the traditional employment mode by mobile terminal applications [10]. It can be seen that there are differences in the definitions of the part-time economy at home and abroad. This paper summarizes such a definition: "The part-time economy" refers to a new economic model that has changed the traditional working mode with fixed working hours and places. With the help of the Internet platform, it can gather those free, short-term and skilled workers, form a certain scale, and finally realize its own value.

### 2.2. Characteristics of the Part-Time Economy

By summarizing the definitions of the part-time job economy by researchers at home and abroad, we can see that the part-time job economy has the following characteristics:

First, work flexibility. The flexibility of work is the most prominent feature of the part-time economy, because part-time workers and employers can flexibly control their working hours and work tasks. Internet-based employers can also flexibly open part-time jobs. The party served also has more flexible choice space. Part-time workers have completely independent time and space, and they can be paid according to their work. Choose whether or not to accept the part-time job according to the time required for their work and the requirements of customers. Compared with the employment mode of the traditional economy, the "part-time job economy" mode shows higher freedom and flexibility in time and space. With the change of the current employment concept, people are also willing to choose a free and flexible form of employment.

Second, Internet technology. The rapid development of the "jobless economy" cannot be separated from the Internet technology. It is precisely because of the characteristics of the Internet, such as relying on digital coding to disseminate information, providing technical carriers with hardware functions and the continuous growth of modular programming capabilities [11], that the "jobless economy" has been rapidly generated and developed, which makes it possible for its convenience, efficiency and safety. For example, in order to protect the personal and property safety of customers on the online car appointment platform, people use Internet technology to develop an intelligent scheduling system, and use this system to judge the characteristics of customers' orders according to the customer's taxi time, travel location, order distance, gender and habits, as well as the driver's age, driving habits, favorable records and gender to dispatch orders quickly, safely and efficiently [12].

Third, timeliness of labor force. Compared with the continuous and fixed working hours of the traditional employment mode, the time of part-time work is idle and random, showing the characteristics of timely supply of labor. Timeliness is mainly reflected in the temporary, intermittent and temporary employment relationship between the labor supply and demand sides. For the current flexible employment personnel, the timeliness of labor force is the embodiment of the timely realization of wealth accumulation and personal value pursuit by using the spare time in life. It not only alleviates the pressure of social employment, but also satisfies people's multi-level and multifaceted personalized needs.

Fourth, the legal relationship is transient. Based on the Internet platform, workers participating in the part-time work economy will repeatedly choose to take one or two jobs according to their own resource conditions, such as takeout, online car rental and online work. Their working hours are uncertain, which makes them possible to take several part-time jobs at the same time, which shows that the legal relationship between workers and employers is transient.

Under the traditional employment mode, enterprises divide employees into different levels according to their abilities and characteristics to achieve their own values and organizational goals, such as senior executives, middle managers and grass-roots employees, which are also similar in the economic model of part-time jobs, such as high-level part-time jobs, low-level part-time jobs, etc. High-level part-time jobs have personal expertise and professional skills, which can better protect their rights and interests, Low-level part-time workers are mainly those who get paid for manual labor, such as online taxi drivers, outside boys and valet drivers [13]. This paper mainly studies low-skilled part-time workers. Because low-skilled part-time workers have low entry difficulty, large scale and low remuneration, they cannot well protect their rights and interests, and because online taxi drivers are a relatively typical group of part-time workers, which reflects the economic characteristics of China's part-time job market at this stage, and is suitable for studying the characteristics and relationship of the economic employment mode of part-time workers, Therefore, this paper will mainly study the protection of labor rights and interests of part-time workers under the Internet based on the employment mode of online taxi drivers.

### **3. An Analysis of the Current Situation of Workers in the Economy of Part-Time Work -- Taking Online Taxi Drivers as an Example**

Since its rise in 2010, from the "easy to use" launched at the beginning to the current various taxi software, such as Didi Travel, Meituan, Gaode taxi, etc., the market scale has been stable after more than 12 years of development. The emerging and development of the online taxi platform industry has provided a large number of jobs for China's basic workers, and timely relieved the current employment pressure. According to the data, as of December 2019, the number of drivers of online car rental has reached 38.09 million in China. Behind this data is the rapid development of the online car rental platform industry; According to the 2021 Didi Digital Platform and Women's Ecology Research Report [14], a total of 2.37 million Chinese female drivers will earn income from the Didi Platform in 2020, and about 265000 new female online ride-hailing drivers will be added annually, which can be expected to increase year by year. Although the online ride-hailing platform has actively promoted the employment of grass-roots workers in China, some problems inevitably arise, which deserve the attention of researchers.

#### **3.1. Online Taxi Drivers Work Long Hours and with High Intensity**

According to the Research Report on Travel Platforms in China's First-tier Cities in 2021 [15], the average working time of online taxi drivers is about 11.05 hours per day; Among them, the proportion of drivers who work 16 to 20 hours a day is about 4.37%, the proportion of drivers

who work 12 to 16 hours a day is about 27.38%, the proportion of drivers who work 8 to 12 hours a day is about 49.21%, the proportion of drivers who work 4 to 8 hours a day is 16.27%, and the proportion of drivers who work less than 4 hours a day is about 2.78%. The average working time of online taxi drivers is about 6.45 days per week; Among them, drivers who work seven days a week account for about 74.76%, and drivers who work less than five days a week account for less than 10%. This is enough to show that the group of online ride-hailing drivers has a heavy workload, a long time and a high intensity. Not only that, they are very tired and hard because of driving at night for a long time, and their bodies are seriously overdrawn.

### **3.2. The Monthly Income of Online Taxi Drivers is Low and Unstable**

Due to the outbreak of the epidemic, the operation of all walks of life in the country is sluggish, and the online car rental industry is no exception. According to the survey, the income of most online taxi drivers is not stable, with an average of about 200 to 300 yuan per day. And this is an industry that pays more for more work. If you want to earn more, you must work long hours and pay more labor. Even if the driver works hard every day, the actual income will not be more than 300 yuan. The first reason is that the platform has increased the percentage. Compared with the initial rise of the online car rental platform, the subsidy of the platform has gradually decreased, and the percentage has gradually increased. The platform has to take 20% of each profit as the service fee; The second reason is that the cost of maintaining a car is higher now, the loss of the car caused by driving for a long time is large, the number of repairs, car washing and maintenance is increasing, and the rising fuel cost and unexpected traffic accident penalty cost are also added. Therefore, after deducting these expenses, the driver's actual monthly income is less than 5000 yuan.

### **3.3. Online Taxi Drivers Bear High Occupational Risks**

Compared with the general driving behavior, the occupational risk coefficient of online car rental industry is much higher, which is mainly reflected in the following aspects: first, high-intensity labor is easy to cause accidents; Due to the long working hours and high intensity of online taxi drivers, they cannot absolutely guarantee safe travel, so traffic accidents occur frequently, and the traffic accident rate of online taxi is higher than that of private cars. Most of the accidents are mainly responsible for online taxi, which is the main occupational risk of online taxi drivers. Second, there is no systematic pre-job training for online taxi drivers; At present, the threshold of the online car rental platform is low. As long as the owner submits his personal information and applies, he can get the qualification of running online car rental. Then he can pick up the order and carry passengers on the road. He has not participated in any work training. Because there is no actual contact between the online car rental driver and the platform, the relationship between the online car rental driver and the platform is established through the online procedural operation, which causes the platform to know nothing about the working ability of the online car rental driver, I am not sure whether I am competent for this job. Therefore, during the process of receiving the order, the driver may have a traffic accident due to his personal technical level. The reason is that the online taxi driver lacks systematic safety pre-job training. Third, potential accidents; For example, during the working period of online taxi drivers, it is inevitable that customers will be in a hurry and may change the driving route and destination, which is easy to cause various phenomena such as running the red light, pressing the line and illegal parking, resulting in the deduction of points and fines for online taxi drivers, and the loss of income is also one of the occupational risks.

## 4. Problems in the Protection of Workers' Rights and Interests under the Part-Time Economy

### 4.1. The Labor Legal Relationship is not Clear

In China's current labor legal system, there are two categories to determine the legal relationship between workers and employers, namely labor relationship and labor relationship [16], that is, the relationship between the two is either recognized as labor relationship or recognized as labor relationship. In the existing similar cases, most evaluators identified the labor legal relationship of such part-time economy as labor relationship, while in other cases it was also identified as labor relationship, which caused the ambiguity and uncertainty of such labor legal relationship. Therefore, the "odd job economy" is not a single economic model, and the legal relationship between workers and employers cannot be measured qualitatively by labor relations or one of the labor relations. Such relations are complex and diverse, between labor and labor relations, and China's laws do not give a clear definition between the two, which is the fundamental reason why it is difficult for workers to protect their rights and interests under the "odd job economy".

### 4.2. The Workers Themselves have a Weak Sense of Labor Security

The study found that some online taxi drivers did not sign a contract with the platform, while among those who signed a contract, because most of them were low educated and had little legal awareness, they did not know the details of the contract, and most of the workers did not actively pay attention to the content of labor rights protection when their rights and interests were infringed, and did not know how to protect their own rights and interests, Subjectively, it increases the difficulty of safeguarding the rights and interests of workers, which is the manifestation of the weak labor security awareness of workers themselves in the part-time economy. In addition, the lack of social responsibility of the platform will also make workers' sense of security weak. At present, some platforms have ignored the social security of part-time workers to some extent, and have not written clear provisions in laws and regulations, and the punishment measures after infringement have not been involved, which objectively increases the difficulty of protecting workers' rights and interests. At the same time, the online car rental platform industry is complex and diverse, and the guarantee methods for online car rental drivers are also diverse, and the guarantee level is also different [5]. Some platforms purchase a certain amount of commercial insurance for online taxi drivers without authorization to replace industrial injury insurance, which makes online taxi drivers confused about the compensation mechanism of insurance, thus damaging their own rights and interests.

### 4.3. China's Social Security System is not Perfect

The Social Insurance Law promulgated in 2010 is an important system of China's social security system, focusing on improving people's livelihood. According to the system, China's security mode is a way in which individuals, enterprises and governments jointly undertake security funds, forming a mode of "combining social pooling and personal accounts" in line with China's national conditions [17]. This kind of mode is only applicable to traditional employment enterprises, not to workers in the part-time economy, because the employment mode of the part-time economy has no enterprise, only the government and individuals, which makes the proportion of part-time workers who pay social insurance without calculation basis, and cannot pay social insurance. It is not difficult to see that the "jobless economy" is an economic model beneficial to social development and progress, but its uncertain legal relationship and conflicts with the existing social security system need scholars to pay attention to and solve. If the social security "returns to zero" occurs, it will certainly have a negative impact on social harmony, and even cause damage to the most desirable benefits of the social security system [18].

## 5. Several Countermeasures to Improve the Protection of Workers' Rights and Interests under the Economy of Part-time Work

At present, the internet-based jobless economy is booming nationwide and is an important part of China's economy. According to data, the market size of China's jobless economy will grow rapidly in the next few years. However, due to the imperfection of the social security system for the economy of part-time workers and the lag of relevant laws and regulations, it will bring negative effects to this group, cause great hidden dangers, and greatly affect the harmony and stability of the grass-roots society. Therefore, how China's future social security system will cover the economic groups of part-time workers is an urgent problem to be solved. For this reason, this paper puts forward the following countermeasures.

### 5.1. Clarify the Labor Legal Relationship in the Part-Time Economy

It is understood that when solving the problem of labor security rights and interests of part-time workers, considering the interests of both parties, platform enterprises tend to solve problems through labor legal relations, while workers prefer to solve problems through labor legal relations, which is caused by the unclear labor legal relations in the part-time economy. How to identify the legal relationship of the economic groups of part-time workers is a difficult problem.

The labor relationship known to the society is a kind of power and obligation relationship built by both labor and capital in the process of realizing labor, and is the most basic social and economic relationship under the conditions of socialist market economy [19]; The characteristics of labor relations are that this kind of relationship only occurs in the process of labor, and the main body must be the worker and the employer, as well as the relationship between management and management between the two parties [20]; The characteristics of labor relations are specific services with agreed and quantified standards between workers and employers [21]; The difference between the two lies in different subjects, different relations, different treatment of labor subjects, different applicable laws and different forms of contracts stipulated by laws [22]. From the above definition of labor relations and the respective characteristics and differences between labor relations and labor relations, it can be seen that labor relations seem to be more suitable for the legal relationship of the current migrant workers.

On the other hand, the online taxi driver has no labor contract with the platform and has no affiliation. The driver can choose a random working time and place, and the driver can take other jobs during the working time. These characteristics meet the identification criteria for labor relations [23]. Therefore, this paper believes that the relationship between the labor groups in the "odd job economy" and the employment platform is more consistent with the current social and economic development trend, and the relevant legal departments should issue a clear notice to determine the legal relationship in the "odd job economy" as the legal relationship of labor.

### 5.2. Strengthen the Awareness of Safeguarding the Rights and Interests of Workers in the Part-Time Economy

The government departments have the responsibility to popularize knowledge and education for the practitioners of the part-time economy and strengthen the social security awareness of workers. At the same time, the employment platform should also strengthen its awareness of social responsibility, take into account the interests of both parties from the legal policies and the contracts reached with workers, strive to safeguard the legitimate rights and interests of workers, and further strengthen the awareness of safeguarding the rights and interests of workers in the part-time economy from the enterprise level, such as explaining the knowledge

of labor law to workers and popularizing publicity and education, so that every worker can understand the relevant provisions, It can also provide convenient and fast feedback channels to maximize the protection of their legitimate rights and interests. In addition, workers themselves should also take the initiative to learn relevant knowledge, understand the development of the labor rights and interests protection system, form a legitimate awareness of the protection of workers' rights and interests, and be responsible for themselves, society and the country.

### **5.3. Establish and Improve the Economic and Social Security System for Part-Time Workers**

While improving the public welfare system and the social security system for urban and rural residents, the government should also pay attention to the economic groups of part-time workers and understand their labor status and living needs. The social security and trade union departments should also conduct in-depth investigations to understand the security problems of the employment groups of part-time workers, and update and repair the existing labor laws and regulations in a timely manner to protect the economic rights and interests of workers. In addition, the government should first consider the personal interests of part-time workers in the formulation of social security, and set up a relatively flexible social security system that meets the actual needs, so that the rights and interests of workers can be well protected. For example, the online car rental platform can strengthen the handling methods for the social security and welfare of online car rental drivers, and force the platform to purchase industrial injury insurance and accident insurance for drivers, forming a full coverage of industrial injury and accident of online car rental drivers; It is also possible to establish a fair and fair trade union organization of the online car rental platform, specifically to solve labor disputes and establish a reasonable way to deal with them. The government can also set up a special social security account for the economic group of part-time workers through the Internet. The platform can allocate social security funds according to the workload of workers and a certain proportion and put them into this account, which can enable workers to directly participate in the social security system and provide certain convenience. This paper believes that only when the life of the people at the grass-roots level is guaranteed, can the society be harmonious, stable and develop for a long time. Therefore, the establishment and improvement of a universal social security system is an indispensable part of people's happy life, and also a link to be developed in the academic community.

## **6. Conclusion**

Today's "odd worker economy" is growing at a high speed, rapidly changing our lives, and has a positive effect on the country's economic development. Based on this, the state should adopt a positive and supportive attitude towards the economy of part-time workers, clarify the employment relationship of this emerging industry through legal means, play its own role in management and supervision, use the Internet to provide more comprehensive protection for workers, promote the comprehensive development of the economy of part-time workers, and continue to tap the potential of the economy of part-time workers, so that it can display its greater value and create more wealth for society and the country. Enterprises should further improve their awareness of social responsibility, actively respond to the call of the state, cooperate with the formulation, revision and implementation of relevant laws and regulations, and popularize relevant legal education knowledge for workers, so as to ensure the maximum protection of the rights and interests of part-time workers. Part-time workers should also take action, understand relevant laws and regulations, actively participate in insurance, establish a good sense of self-protection, and effectively safeguard their own rights and interests. The state, enterprises and workers should all contribute to the sustainable and healthy development of

the part-time economy, and jointly build and improve a universal system of workers' rights and interests' protection.

With the vigorous development of the Internet, the development of the part-time economy is changing from extensive to sophisticated, and its platform and workers are also changing to standardization. Strengthening the research on the protection of the rights and interests of workers in the part-time economy will become the core of the long-term development of this emerging industry.

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