The Current Status and Challenges of Labor Rights Protection for Flexible Employment among the Older Population: An Analysis Based on Typical Regions in China

Chang Guo *

School of Discipline Supervision and Inspection, University of Shandong, China

* Corresponding Author Email: 202200630043@mail.sdu.edu.cn

Abstract. In the context of rapid population aging and the informalization of the labor force, older flexible workers have become an essential part of the workforce structure, and their labor rights protection has become increasingly complex. This paper, based on a mixed-methods study of older flexible workers in typical regions of China, systematically analyzes their employment characteristics, rights status, and the institutional causes behind these issues. The study finds that this group is highly concentrated in low-skill, high-risk jobs such as sanitation, cleaning, and security, and commonly faces problems such as unclear labor relations, excessive working hours, unstable income, inadequate social security coverage, and accumulated occupational health risks. The current labor protection system, centered around standard labor relations, is insufficient to accommodate the unique life course, employment forms, and risk structures of this group, leading to institutional exclusion and a lack of rights protection. Using the framework of life course and labor market segmentation theory, this paper reveals the structural mismatch between demographic transitions and labor protection systems, providing empirical evidence for the construction of more inclusive labor and social policies in the context of aging.

Keywords: Older workers, social security, Aging, Life course, Employment rights.

1. Introduction

As the world ages even more profoundly, the population of individuals who are 65 years old and over around the world grows faster and faster so that it is projected to reach 831 million or 10.3 percent of the world population by 2024 [1]. The United Nations predicts that this category will increase to 1.6 billion by 2050 and its share in the world population will surge to 16.5 per cent [2]. Such pattern demonstrates that population aging is a global trend that cannot be stopped and it is a problem that requires resolution. In this regard, the return of retirees to the labor market has taken place in a stepwise manner, with the strain on the conventional retirement schemes and social security programs growing. Increasing numbers of elderly people are deciding to keep on working informally via temporary positions, part-time work, and self-employment (known as flexible employment). Not only does this change the nature of the workforce worldwide, but also creates brand-new issues to the current system of worker rights protection.

Addressing the population aging and flexible employment issues surrounding labor rights protection, several developed nations have started working on local initiatives and experiments. As an instance, Germany adopted the *Equal Treatment Act* in 2006, which outlaws both direct and indirect age discrimination in training and in recruitment. Enterprises with over 10 employees must allow the older workers to be protected first during layoffs [3]. The anti-discrimination law in France forbids firing people on the basis of their age and nullifies any provisions in the labor contract or the collective agreement defining the age-based termination; the fine to the national employment agency is imposed on an employer who terminates employees aged 50 or more [4]. The regulations in the UK on *Employment Equality (Age)* clearly prohibit age discrimination in recruitment and state that unless a job entails some sort of physical or age-related needs, individuals cannot be compelled to retire at 65 years of age [5]. The law on stabilizing the employment of older worker was adopted in the 1990 in Japan and it provides the mechanism of subsidizing companies implementing delayed retirement and continuing to employ employees [6]. Japan has updated the *Older Worker Employment*

Stability Law more recently, and companies are now requested to make an effort to create continued employment, transfer jobs or provide entrepreneurship opportunities to individuals aged 65- 70 who want to continue working. It also actively advances the creation of elderly human resources by creating a societal context that tends to accept various forms of flexible employment [7]. Those practices indicate the fact that the participation rates of older people in labor force are not the personal choice of individuals but need the collective assistance of policy arrangements and social values and these practices provide practical experience when solving the problems of this kind in other countries or regions.

With the status of the biggest developing nation and one of the world-fastest aging states, China experienced new and long-term demographic decline in 2022. The number of people who are employed in the workforce has been declining since 2013 [8]. As per *the World Population Prospects 2022* released by the United Nations, the elderly dependency ratio of China will increase to 78.02 by 2050 (up from 28.92) in 2022 [9]. In that context, the reemployment of older workers becomes even more pressing and challenging in China, whose practical experience and results can become an important point of reference to other developing countries. Developing countries, including China are experiencing disconnection between the flexible employment model and labor rights protection systems unlike developed countries. Current labor laws largely address traditional forms of employment relations, and it is not easy to effectively protect the rights of older flexible employees [10]. Recent studies have paid attention to such topics as age discrimination [11], workplace injury compensation of the workers [12], the use of protective legislation [13, 14], and the employment plans of older populations [15] in the developing countries. Nonetheless, there is still a considerable gap in the literature covering the crossroads of both concepts: aging plus flexible employment. Firstly, no comparative study based upon various types of regional development was conducted, which neglects the role played by regions in employment conditions and their rights protection. Secondly, the issue of systematic analysis of the structural risks and dilemmas in protection of rights posed to older flexible workers in the process of employment is underdeveloped, and most of them stay at the level of discussion of the policies at the macro level. Thirdly, the absence of policy-focused policy-making research makes it hard to present particular evidence to justify policy development.

In order to have a better grasp of the structural changes in the aging labor market in China as well as the present situation and trends of protecting the rights of the older flexible workers, and as an example to the other developing countries, this paper will try to answer these questions: (1) What are the features of work of the older flexible workers in the Chinese labor market? (2) What is the real condition of their labor rights protection? (3) Which are the common challenges that this group experiences concerning labor rights protection? (4) In what way should a labor rights protection system be designed to meet the demands and patterns of the working environment and life course rationale of this population?

2. Organization of the Text

2.1. Research on Labor Participation and Reemployment of the Aging Population

2.1.1. Sub heading

Labor force participation and employment of older people are key to overcoming the problem of population aging and reducing labor shortages across the world. The international academic literature is mostly devoted to the institutional design, theoretical basis, and policy predicaments which comprise a stratified and multi-level research structure.

Current cross-national literature focuses on the institutional protection and theoretical justification of elderly population labor involvement. To increase the labor supply of older individuals, European nations and other advanced economies including the US usually encourage reemployment of older adults through policies like increasing the statutory retirement age, optimizing the employment system, which they base their policies on long established theories to guarantee the quality of their

employment. The policy of delaying retirement is common in OECD member countries, supplemented by incentive schemes used by employers to hire more mature employees due to labor shortages [16]. In combination with the idea of decent work, Luke and McIlveen argue that the implementation of delayed retirement policies must be made to make work more beneficial to workers who are older since this would make them earn decent pay, a secure workplace, and social security, which eliminates any detrimental effects of work on well-being related to low quality employment [17]. According to the psychology of work theory (PWT) [18], Duffy et al. establish that the main moderating role between the concepts of decent work and occupational health in older people is fatigue [19]. Following the findings of 19 OECD countries, Heidenreich classifies systems of employment into inclusive and exclusive kinds, with institutional references applicable to future designs of aging employment policies. Inclusive systems maintain high labor participation rates among older populations, with flexible working conditions, and lifelong learning programs, whereas exclusive systems operate under the conventional labor relations with rigidity, making it possible to leave many older people outside the official workforce [20].

As one of the most aged-populational countries, Japan directs its research towards the cooperative actions of the elderly employment support systems. The *Older Worker Employment Stability Law* introduces an extended work model, whereby employees may choose to remain employed beyond age 65 on either a part-time or short-term basis [7]. To offer vocational training programs to the older workers the government is setting up the Older Worker Employment Support Centers and also gives subsidies too small to medium sized companies that employ older workers [21]. Moreover, Japan connects pension benefits to working age and economically incentivizes re-employment of elderly people [21]. It means that different countries institutional designs are balanced between organic cooperation and innovation which makes them good references on ageing employment studies.

Labour force participation among the aged the aging population labour force participation is mostly incorporated into China active aging policies and policy of progressive delayed retirement. Researchers sometimes examine both the present circumstances and institutional issues through the empirical and policy points of view. Related works indicate that the gradual delayed retirement implementation is caused by the deteriorating state of the populations aging, pension funds constraints, and the structure of the labor market changes [22]. Nevertheless, while implementing them, there occur issues like high industry disparity, low corporate interest, and weak institutional cooperation [23]. As a response, the comparative work of Man Xiaoe and Zhang Yijia indicates that the effectiveness of delayed retirement policies can be achieved through the concerted impact of flexible retirement ages, occupational health support, and pension incentives [24]. To achieve this, the current *Labor Law* and *Elderly Rights Protection Law* should be changed during this process to include participation of the elderly population in the labor sector legally [13].

2.2. Characteristics of Flexible Employment Groups and Research on Labor Rights Protection

The concept of labor protection to flexible employment groups is one of the main problems in a global labor market reform. Because of variation between institutional environments, it can be seen that there are high differences between rule-making and identity recognition in various states and regions, which impacts on the degree of labor rights protection of flexible employees.

The concept of flexicurity is accepted as a central paradigm in European nations where they attempt to create a balance between flexible working conditions and social welfare by way of institutional structures. [25] Manca et al. come up with four aspects of the concept termed as flexicurity namely flexible contracts, contemporary social security systems, labor market measures and life-long learning [26]. Ferent-Pipas has derived the "flexicurity index" using an analysis of 28 EU countries, and has combined it with the "flexible security matrix" proposed by Madsen, observing that in certain countries of the Nordics, there are countries where more than 80% of flexible employees enjoy social security because they have high flexibility with high levels of security [25, 27]. The *Dutch Flexibility and Security Act* cover temporary agency workers in the collective

agreement protection system of the Netherlands to ensure that their wages, professional training and additional pension benefits are protected [28].

As the platform economy has grown in popularity, researchers have increasingly turned into determining labor relationships and rights of platform based flexible workers. It is noted by Wu that European and American states utilize the control tests as a way of establishing the existence of labor relations and all workers subject to substantive control by platforms have the right to the minimum wage and workplace injury coverage. [29] Likewise, California`s AB5 Law also applies ABC test to determine the existence of labor relationships and obliges platforms to cover their employees with social security [30]. Moreover, according to Eager et al., to address the problem of elderly platform workers, it is necessary to implement flexible insurance and medical supervision policies because of the physical constraints (most people tend to choose short-distance, low-intensity jobs when working flexibly) [31].

In China, studies have been conducted to investigate labor relations identification of platform workers and innovations in the social security system. The research shows that in the background of delayed institutionalization, there is an ambiguity of identity, and platform workers can be described with three basic features, i.e., non-standard, dependent, and vulnerable. In particular, Shen Weiqing and Sun Guoping note that flexible employment is commonly characterized by incomplete labor relations, where platforms may utilize crowdsourcing models to escape their roles as employers [32]. Yin Jie, having investigated the gig worker phenomenon using case studies, has identified that although ride-hailing drivers and other gig workers are regarded as independent contractors and do not receive any employee benefit, their work activities are entirely manipulated by platform algorithms, which places these people into the category of the so-called dependent labor [33]. The rate of job-related injury protection of flexible workers is only below 30% and hence the possibility of uncontrolled injuries at work. There have been attempts to experiment with pilot schemes to cover occupational injury insurance and other flexible forms of employment protection measures, yet major constraints remain. As an example, the pilot scheme of occupational injury insurance was implemented in certain occupations and ages in Guangdong and Jiangsu provinces, and the cost will be paid by platforms per service order. [34] With regard to labor relations identification, Chinese Labour Law remains based on conventional labor relations, and does not make any explicit rules on how to identify the labor relations of certain non-standard workers. In the judicial sphere, these relationships are usually viewed as service contracts, and they have no access to such benefits as occupational injury protection or economic compensation [35, 36]. To counter those deficiencies, other researchers have suggested the new social security initiatives of novel employment groups, promoting the creation of flexible social security accounts, enabling flexible employees to decide on the level of contributions they wish to make based on their incomes and receive relevant advantages after retiring, depending on the number of contribution years [37].

European and North American states have more explicit rules regarding safeguarding flexible employment groups to ensure a complete and well-rounded institutionalized guarantee of rights, as they provide clear directives as well as judicial criteria that delineate the status of their labor relations [25, 29, 31], which cannot be said about China that has problems of so-called undefined identity with regard to institutional coordination, social insurance coverage, as well as occupational injury protection [32, 34 - 36]. This is especially true since the problem of high-risk and low-protection, which confronts the older flexible employees, needs an urgent systematic response [10].

2.3. Research on Older Flexible Employment Groups

The older flexible employment groups represent a section of both elderly labor force representation and flexible work. Although similar studies have focused on the group, there is still fragmentation in literature and lack of sufficient depth, which can be addressed by integrating theories and practices.

The employment motivations, work features, and safety requirements of elderly workers are the main subjects of international research. According to Luke and McIlveen, in line with the psychology theory of working (PWT) older adults may prefer flexible employment after retiring because they

have three reasons to do so, which are economic, psychological, and social. Of these, economic motivation is the most significant among the older individuals with less education [17]. The research by Eager et al. revealed that many of the older flexible workers tend to take low-intensity, short-term and very flexible jobs as a way to balance between their incomes and health levels [31]. In the international academia the policy that should be introduced has a balance approach to flexibility and security, and the practical steps are: the setting up of the flexible social security systems, the supply of occupational health services, and the absence of age discrimination [20] [25] [38].

The work in the field of China is mainly dedicated to addressing practical problems like the identification of labor relations, payment of workers, and the social security support of the older employees. Other studies have indicated that, the fact that elderly security guards tend to be refused compensation following work related injuries, can be attributed to the status of being considered as labour service providers even when legal remedies are available but are highly restricted [12]. As a survey indicates, the injury rate of the older workers is 1.5 times higher than that of the younger workers among delivery riders, but because there is no official relationship between them and work, work-related injuries are often not compensated [39]. To address this issue, other scholars have given their recommendations on policy formulation: (1) The revision of the *Elderly Rights Protection Ac*t and the *Social Security Act* to provide fundamental rights including workers compensation and pension benefits [36]; (2) The introduction of the idea of quasi employees in the identification of labor relations that would be supported by advocating the recognition of specific employee rights depending on the extent of control exercised [35]; (3) The proposal of incorporating older flexible workers into pilot schemes on occupational injury insurance and the availability of financial assistance to cover the cost of the premium [10, 34].

2.4. Review of Research and Positioning

On the whole, the available research has gathered a considerable amount of literature, but still suffers under a number of deficiencies. Firstly, the study approach is piecemeal and tends to focus on one aspect only (e.g., employment among the elderly or flexible work) without looking at the mechanisms underlying the employment patterns of older people who are employed on a flexible basis systematically. It especially does not explain the fundamental interactions between the current employment options and the earlier experiences in career, family structures, and social resources, and thus it is challenging to develop overall perception. Secondly, the findings of the study can be generally extrapolated. The international studies are mostly devoted to developed countries whose findings do not fit into the conditions of developing countries, including China, which restricts their use in terms of local practices guidance. Thirdly, the international comparative studies are inadequate since they have not considered the macro context of the aging population globally and the change in the labour markets worldwide. There has been no integration of institutional adaptation and policy innovation on the paramount point of how to build a rights protection system and governance model that would match the employment features and life course principles of older flexible employment groups.

In light of these findings, the present paper will be based on the theoretical accomplishments of the international scholarly community and the realities of China, and address four major challenges including: (1) what are the employment features of the older flexible workers in China? (2) what is the real situation of protecting the labor rights of this group of people, along practical issues like signing the labor contract, working hours and rest, salary level, social insurance, and risks of occupational health? (3) institutional exclusion, market discrimination, and the shortcomings in service provision: which cause the complexities in labor rights protection experienced by older flexible Chinese workers? (4) What would it take to develop a rights protection scheme that would be compatible with the employment characteristics and life course logic? Using these conditions, the research has been designed to develop the analysis framework on the protection of older flexible employment rights with the involvement of an international outlook, incorporating particularities of China practice. The present research intends to offer fresh practical implications on how to optimize

the corresponding policy in China, as well as in other developing countries, based on empirical study and assessment of the effectiveness of the policy.

3. Research Methods

3.1. Research Design

The paper mainly uses quantitative approaches to research, including descriptive statistics, cross-analysis and is supplemented with qualitative analysis, which includes a literature review, analysis of policy documents and semi-structured interviews with respondents. The analysis is done on the basis of the current situation with regards to the protection of labor rights among the older flexible workers, factors that affect them, and ways in which the institutions can be improved. The problem of labor rights protection of older flexible workers is also considered in the macro- and micro-perspectives, with empirical data and policy recommendations regarding the governance of flexible employment in the framework of an aging population in China.

The objective of the present study is to explore the province of Shandong that has a huge population and a significant amount of aging, so it could be considered as an average populous province in China. According to the data presented in 2024, the population over the age of 65 in Shandong was 17.73, much greater than the average of whole country (15.6%) [40, 41]. The province also features more than 18 million flexible workers, with the old group being about 12 percent involving both traditional employments like sanitation, cleaning and more modern industries. Pilot work under the concept of Silver Employment has also been carried out in Shandong at the policy level [42] which makes it a representative area to conduct studies.

Six cities were chosen as sample areas that are, Jinan, Qingdao, Yantai, Weihai, Linyi, and Weifang. These cities show considerable variation based on economic status, industrial organization, demographic profiles, and flexible working arrangements: Jinan and Qingdao are economically engaged, with a high presence in the service sector, and hold strong positions in sanitation and security; Yantai and Weihai show obvious aging profiles and employ a greater number of elderly flexible workers; Linyi and Weifang, which has a vast agricultural population and industry transformation features, has an even greater proportion of elderly flexible workers who come from rural families. The six cities include the Jiaodong Economic Circle, the Provincial Capital Economic Circle, and the Lunan Urban Agglomeration offering a sound background to the regional comparative analysis and representing the employment trends of various types of cities of Shandong.

The study design concerns people in flexible employment, particularly those who are working under flexible formats. In all, there were 205 usable samples which included various age groups, gender, type of household registration, and industry categories, which covered people aged over 50 years making sure that such a structure of sample is both wide-ranging and diverse.

3.2. Data Collection and Sampling Strategy

3.2.1. Sampling Design

The survey focuses on two categories of people: (1) those still utilizing flexible employment in retirement, that is, individuals who have also legally retired and are earning money based on flexibility of work through flexible employment, and (2) older persons who participate in flexible employment upon attaining the statutory retirement age (55 years old in women and 60 years old in men). They were either farming or self-employed before they retired, and they never had a certain retirement age. They do not have a defined labor contract with an employer and their method of earning an income is flexible such as a casual worker or self-employed services.

With such small proportion of older flexible workers occupying a small proportion of the labor market, their presence in space is dispersed and with high mobility, their participation in the labor market can be challenging to sample using probability sampling, therefore, the research will use a

mixture of judgment sampling and snowball sampling to maximize the representativeness of the sample and the effectiveness of the survey.

In the first place, judgement sampling. In accordance with the initial literature review and background studies, the research identifies the range of research subjects and trains the surveyors in a similar manner to achieve scientific rigour and uniformity. These initial samples were subsequently selected using judgmental sampling in areas where there was a concentration of elderly flexible workers including labour markets, shopping malls, neighbourhoods, community centre and transport hubs within the six cities in Shandong province.

Second, parallel assessment and snowball sampling. Adding to the previous stage, respondents introduce additional qualified old-age flexible workers, building upon the recommendations given by previous respondents to grow the size of their sample and create a richer sample network system. The strategy is particularly effective in overcoming trust issues within elderly populations and enhancing the cooperation between samples and the credibility of collected data.

And thirdly, a snowball sampling supplement. Depending on an initial sample size and its structural distribution identified at the first two steps, additional sampling is carried out in areas or industries where there is underrepresentation so as to achieve a balanced sample coverage and a reasonable structure. There is a dynamic adjustment in the approach to sampling to make the scientific integrity and completeness of the data collected in the survey.

3.2.2. Questionnaire Data Collection

The research gathers general demographic data, which include age, sex, type of housing registration, and the family structure using questionnaires but also performs an in-depth exploration of critical issues using semi-structured interviews. The observation techniques are applied during the interviews, whereby they evaluate the credibility of what participants provide in their responses, thus improving the reliability and validity of the data. In contrast with self-filled questionnaires, this method is associated with a much stronger rate of response and control of the data, particularly when using it with an older population.

3.3. Analysis Methods

When it comes to quantitative analysis, the descriptive statistics and cross-analysis methods are applied to uncover structural characteristics and the differentiation of risks when protecting labor rights of elderly flexible workers, which forms the basis of the further qualitative analysis.

In qualitative analysis, considering the results of semi-structured interviews, the text is ordered within the two axes of "occupation" and "regionality". An interview extract database is created and open and axial coding techniques are applied to identify the key themes that emerge, which can be used to determine the deep-rooted reasons why labor rights violations occur among older flexible workers. Also, the present study examines the possible avenues of policy integration and institution innovation grounded on the international experience, offering both pragmatic and theoretical implications in the optimization of the policies that are relevant to developing nations, and China being one example.

4. Research Results

On the whole, the participants aged 65 and above in the present study are strongly embedded in a so-called structural vulnerability which was caused by a joint impact of economic, institutional, and social factors. This phenomenon of unprotected labor rights within this group is not accidental but an inevitable consequence of the vast disparity between the established framework of institutions and the evolving dynamics of the labor market system. In all, these people are characterized by the significant features of being low skilled, poorly paid, poorly protected, and highly risky and their lifestyle and the state of protection of their rights need urgent multidisciplinary consideration.

4.1. Basic Structure and Employment Forms of Older Flexible Workers

Table 1 presents the fundamental structural features of older flexible workers in the current research. In this case, this particular group is mainly made up of young old people, who have large numbers of rural house registration and heavy financial pressure in the family. Survey sample is mostly men (65.37%) and age structure falls under the 61–70-year category with 65.85%, which also confirms that the stage of younger old has become one of the vital stages of life with the capacity to contribute financially on a consistent basis. According to the division of household registration between urban and rural areas, 73.53 percent of the respondents had a rural household registration. Formerly, the majority of them were working in poorly protected jobs like agriculture and construction, which has led to very low pension levels. There is difficulty in using the next generation (children) as economic support even with stable family structures and most of the children are within the age bracket of 31-40, who are currently at the start of the establishment of their core families. The use of phrases like, the pension rate is too low and cannot be used to support the elderly, and I am unable to make my children pay me money clearly indicates that economic need is the leading driving factor of this group of individuals re-entering the labor market, which gives the group a high survival factor in terms of labor involvement. Nonetheless, because of physical circumstances of ageing and the possibility of adapting to unusual living conditions, more than half of them operate in local terms in flexible employment, which is much higher compared to those elsewhere.

Table 1. The basic structure and family background characteristics of older flexible employment groups

Characteristic Dimension	Specific Category	Frequency	Percentage (%)
Age Group	50-55 years	21	10.24
	56-60 years	32	15.61
	61-70 years	135	65.85
	Above 70 years	17	8.30
Gender Distribution	Male	134	65.37
	Female	71	34.63
Family Structure	Has spouse	98	93.66
	Has children	203	99.02
	Children aged 31-40	106	52.22
	Children aged 40+	55	27.09
Household Registration	Rural household	151	73.53
	Urban household	54	26.46
Employment Location	Local employment	118	57.65
	Employment in other regions	87	42.35
Total	205		100.00

The extremely inflexible employment structure of the older workers closely correlates with the above-mentioned demographic features. Older flexible workers are found to be highly clustered by industry in the low-threshold physically demanding basic service industries such as sanitation, security, and landscaping, which alone contribute to more than 74% (see Figure 1). Such a high concentration in the distribution not only denotes the negative impact on elderly workforce in the labor market as regards to age, physical capacity, and human capital constraints but it also indicates the present phenomenon where the employees see them as inexpensive, docile, and low-maintenance.

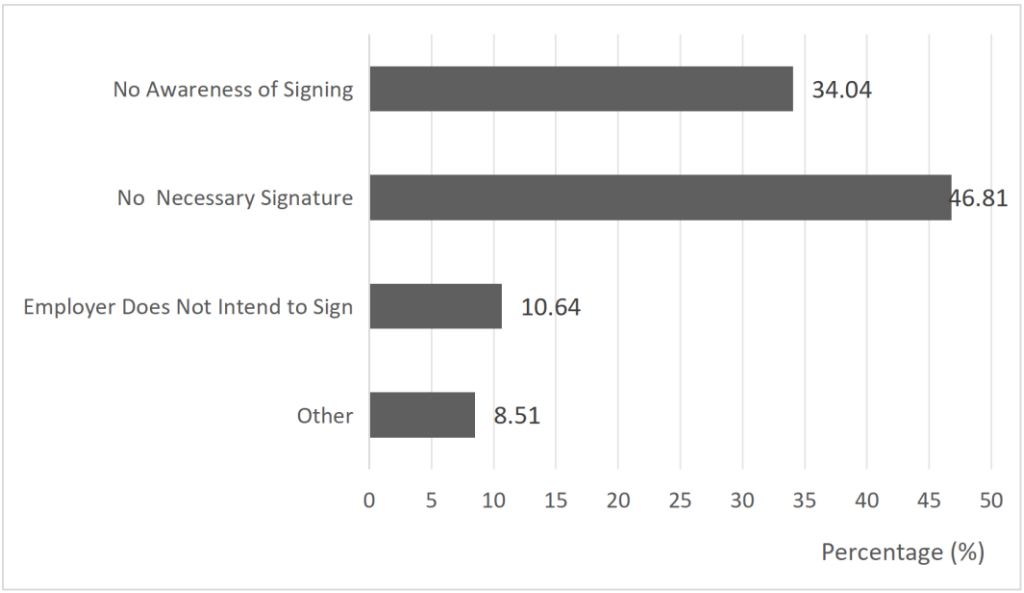


Figure 1. Distribution of Employment Types for Older Flexible Employment Groups (%)

This employment system shows that old flexible workers have employment motivation and patterns which are economically driven. More than 80 percent of the respondents indicated that they had opted to be reemployed due to the economic needs. Such requirements do not include merely the costs of personal life support but also cover the costs of supporting their families and meeting financial needs associated with medical treatment. Respectively, their work patterns demonstrate a forced flexibilization, which is defined as both a combination of short-term and part-time and informal work. Such type of flexibility is not motivated by the wish to have a free working pattern but an action taken by necessity to maintain their living condition.

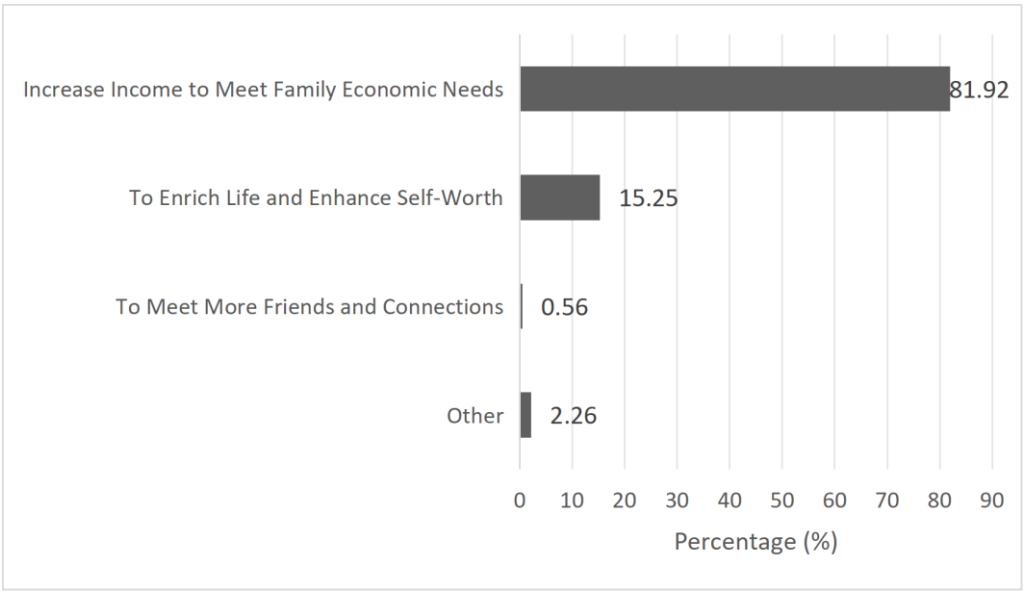


Figure 2. Distribution of Reemployment Motivations for Older Flexible Employment Groups (%)

4.2. The Reality of Labor Rights Protection

According to the mentioned employment scheme, the labor rights protection position of elderly flexible employees is worrying because it is quite a serious case of institutional failure and institutional black holes. The main problem was absence of labor contracts and unclearness of the legal relations. The existing legislation usually does not consider older people who are already at the statutory retirement age to be part of so-called labor relations but rather part of the so-called service relations that preclude them from having all the benefits that the *Labor Law of the Peoples Republic*

of China would provide. [43] Next on the list is overly long hours at work and no right to rest. According to the survey findings, 55 percent of respondents work eight or fewer hours a day, but according to the regulation, they should work no more than eight hours a day and 20 percent are working ten or more hours per day. In addition, 47.32 percent are working seven days a week, and 31.71 percent are working all year round without any holidays (see Table 2). The intensity of work is far too poorly synchronized with the physiological features of the elderlies.

Table 2. Statistics on Working Hours and Rest Conditions for Older Flexible Employment Groups

Indicator	Specific Category	Frequency	Percentage (%)
Daily Working Hours	≤4 hours	5	2.44
	4-8 hours(inclusive)	104	50.93
	8-10 hours	69	33.66
	>10 hours	23	11.22
	Irregular/Unknown	4	1.75
Weekly Working Days	5 days or fewer	24	11.79
	6 days	75	36.59
	7 days	97	47.32
	Irregular/Unknown	9	4.30
	No rest all year	65	31.71
Monthly Rest Days	1-2 days' rest per month	91	44.39
	3-4 days rest per month	24	11.71
	5 or more days rest per month	9	4.36
	Irregular/Unknown	16	7.83
Total	205		100.00

Regarding the amount of money earned, the wages of elderly flexible employees tend to be small as well as unpredictable. More than 37.57% of the participants state that their monthly income is less than the local minimum wage level [44], and the so-called "equal work, unequal pay" is also common in the industry, due to the influence of age and gender disparity. The biggest challenge here is the gap between social insurance coverage where a typical trend is described as quot; mainly medical insurance but having significant gaps in the occupational injury and pension insurance quot; (refer to Figure 4). In specific cases regarding the occupational injury insurance, 81.68 percent of the respondents lack it, making them vulnerable to the extreme risk of occupational injuries. Even though this system has tried to resolve the situation, including the Measured Participation of Particular Workers, including Older Workers and Interns, into the *Occupational Injury Insurance (Trial)* announced by Shandong Province in 2024, which covers more people, the corresponding rules have not been adopted yet. Consequently, protection against occupational injuries among older flexible employees can be considered as an area of systemic loophole [45], and the most burning shortcoming of the existing system is also not eliminated.

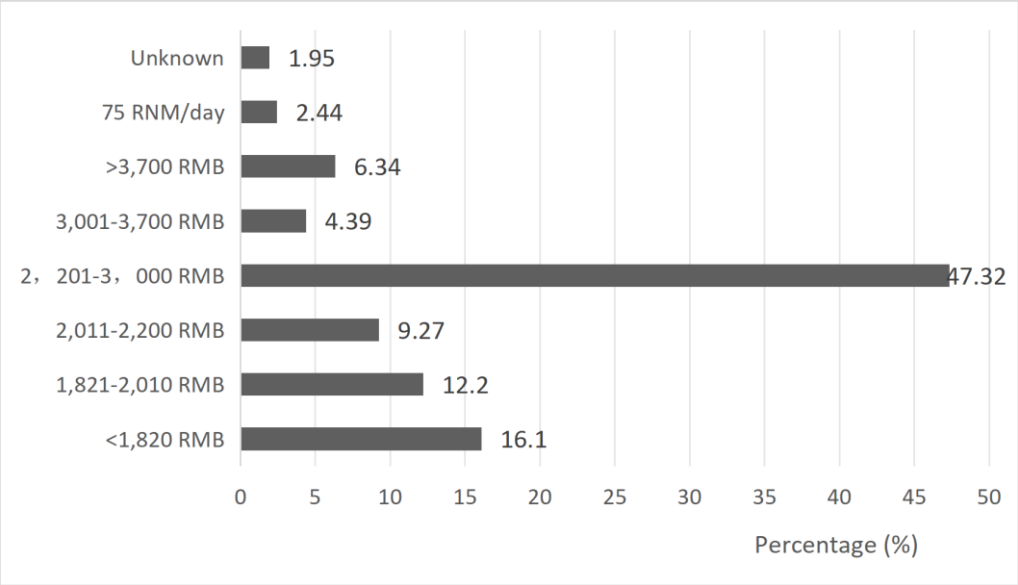


Figure 3. Distribution of Average Monthly Wages among Older Flexible Employment Groups (%)

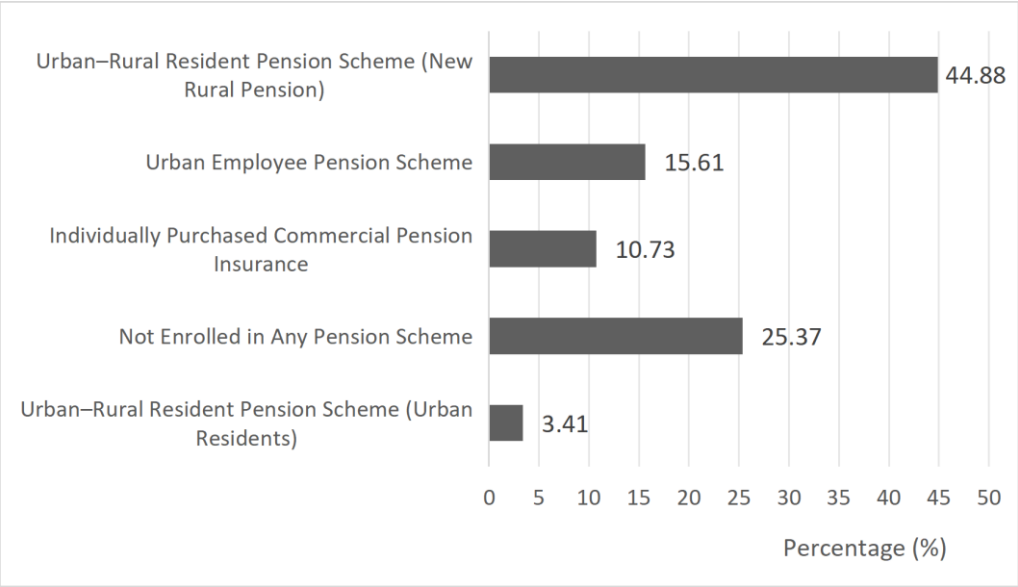


Figure 4. Distribution of Social Insurance Participation among Older Flexible Employment Groups (%)

4.3. Structural Risks in Occupational Health and Labor Safety

The risks related to occupational health and labor safety also are among the severe issues of the given target audience, and the present occupational safety and health (OSH) system has not managed to address them properly as effective protection measures. Over 60 percent of the respondents are involved in outdoor working, and more than 74.40 percent have worked in extreme weather conditions, but only 32.46 percent have been offered the required protective gear (refer to figure 5), which indicates an extremely risky environment to be exposed to extreme weather conditions and road accidents. Meanwhile, health management at the place of employment is not even remotely sufficient yet: 27.32% of those surveyed have never had their physical health checked and current community-oriented health checkup does not have occupational-risk specificities (refer to figure 6).

In the step of identification of injuries, the general existence of age-attribution bias prevents work-related damage to health being recognized and categorized into the category of occupational injury.

This consequently leads to the invisible accumulation of health threats associated with working older people over time without any visible responsibility or accountability.

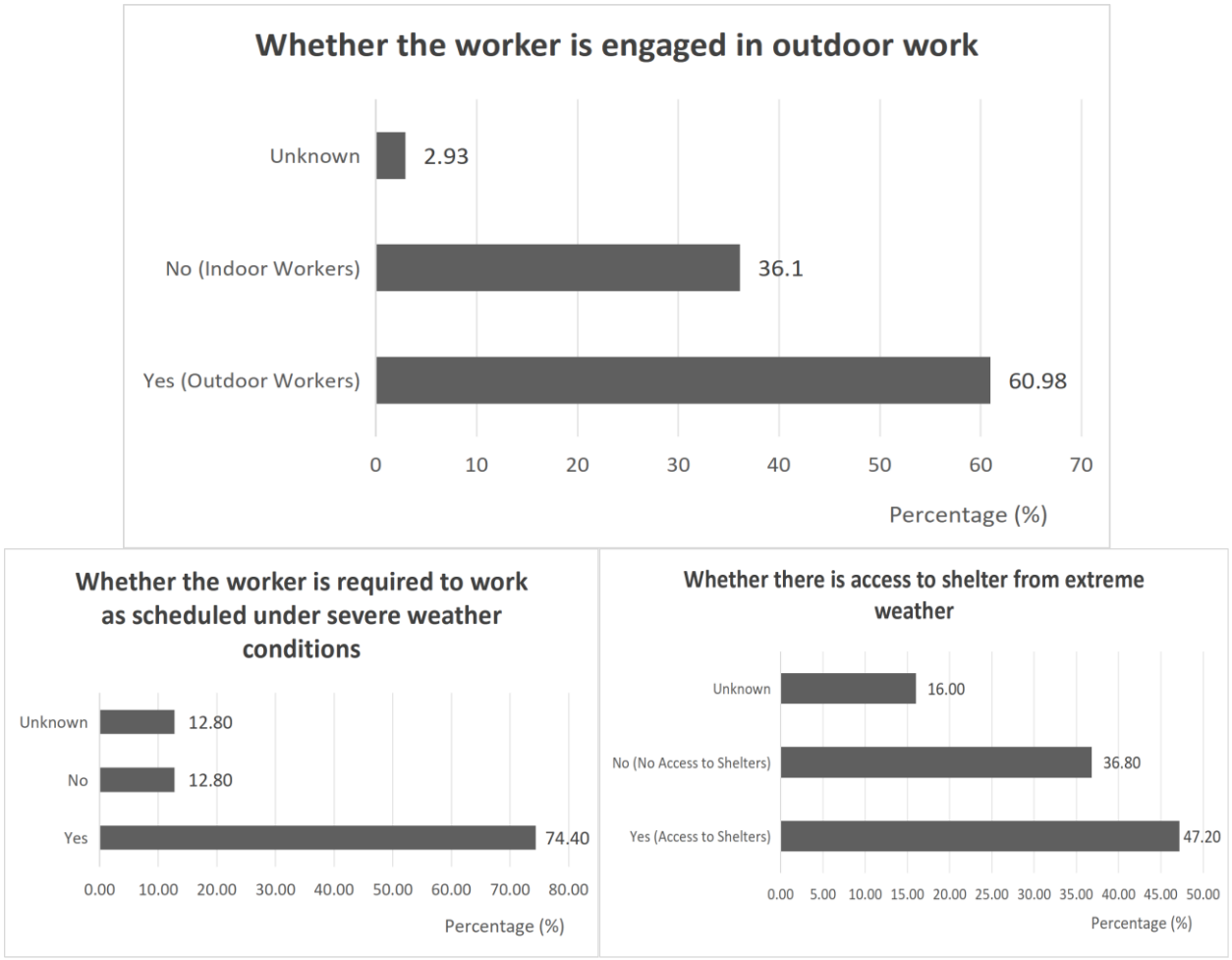


Figure 5. Distribution of Outdoor Work and Climate Exposure Risks among Older Workers (%)

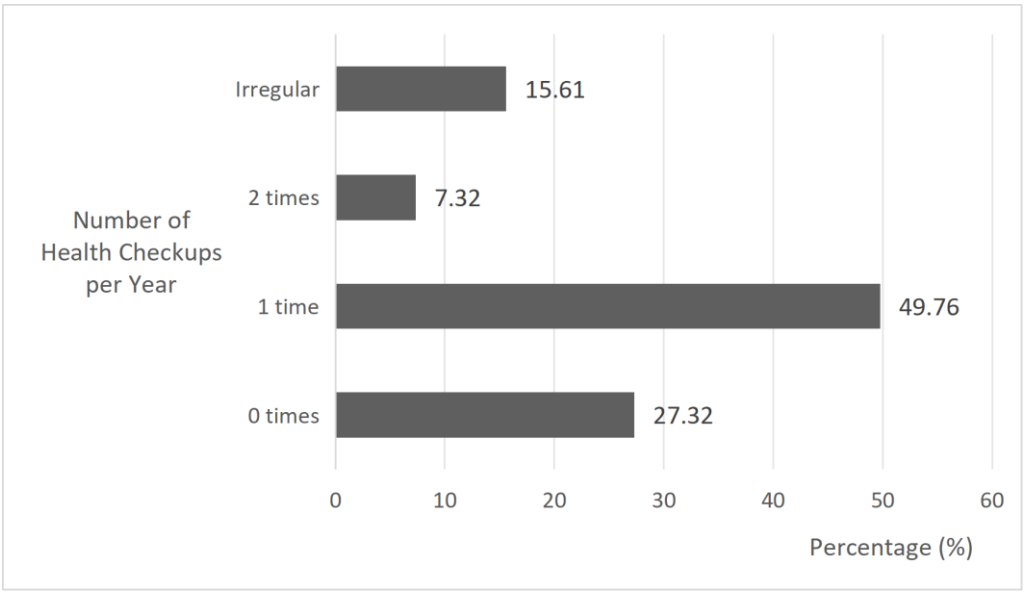


Figure 6. Occupational Health Management and Monitoring among Older Workers (%)

4.4. Institutional Exclusion: Inequality in Employment Access and Training Opportunities

At the core of the challenges of aged flexible labourers are underlying roots of institutional exclusion. It is worth noting that the rate at which the respondents report experiencing the age discrimination explicitly is relatively small (0.59 percent), but the ubiquity of age-related restrictions and pay discrimination in job advertisements means that age discrimination has been heavily institutionalized (refer to Figure 7). Furthermore, the lack of express anti-age-discrimination measures under other laws, including the Labor Law of the People s Republic of China, allows keeping this type of system exclusion mostly uncontrolled.

This is accompanied by the fragmentation of the skills training system. Up to 52.71 percent of respondents have never undergone any vocational training. The current inclusive training policies supported by the state are usually restricted to people who fall under the category of the so-called statutory working-age, which makes it hard to give elderly people the chance to train universally and consequently traps them into the lower end section of the labor market (see Figure 8).

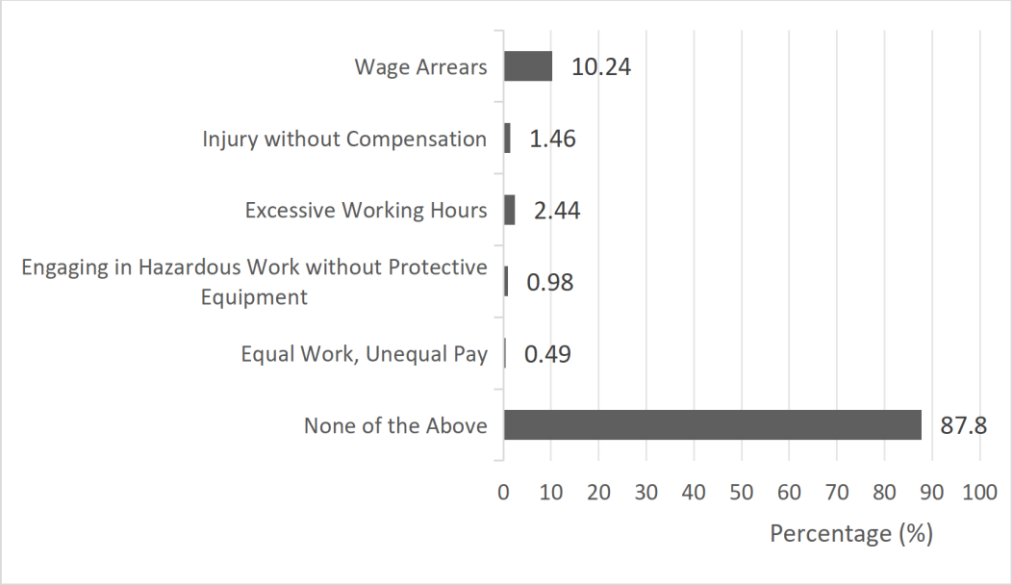


Figure 7. Distribution of Labor Rights Infringements among Older Workers (%)

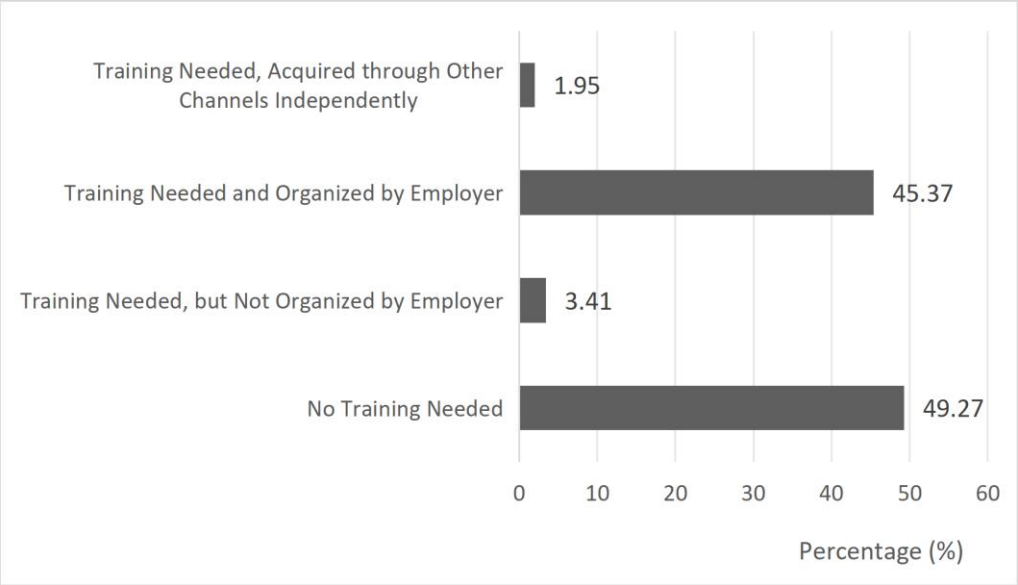


Figure 8. Participation in Vocational Skills Training among Older Workers

Also, government job agencies also lack strong age sensitive designs. There were only 10.36% of respondents who received employment through official channels. Employment information systems are also challenging to browse, do not have filters to search through age relevant positions, and show a significant inconsistency between how it is supposed to serve people and what they really need (please refer to Figure 9). These numerous layers of institutional exclusion all trap older workers into the secondary labor market where they have little room to better their situation on their own accord.

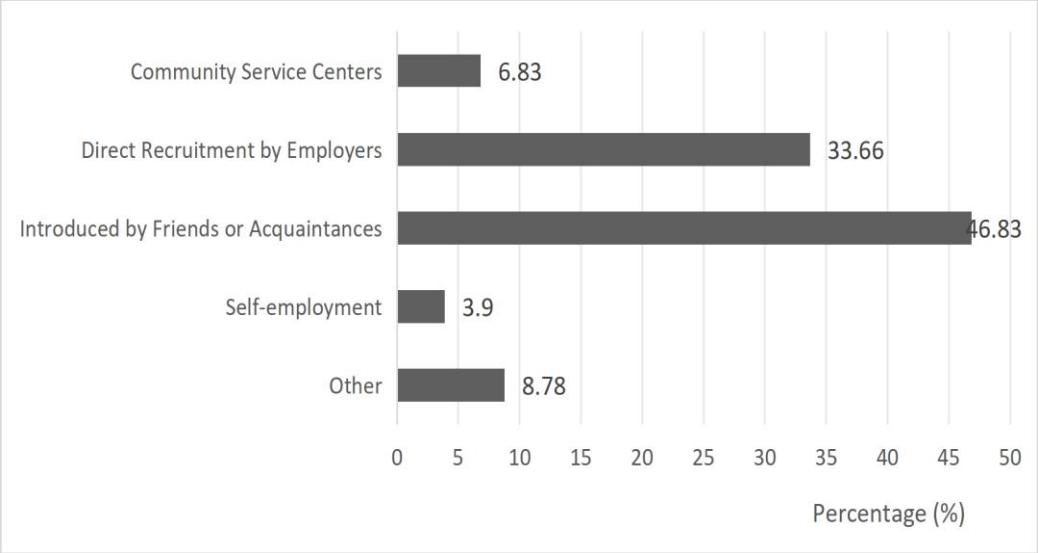


Figure 9. Participation in Vocational Skills Training among Older Workers (%)

4.5. Institutional Exclusion: Inequality in Employment Access and Training Opportunities

4.5.1. Weak Rights Awareness and a Preference for Informal Resolution

Older flexible workers face a significant challenge on their quest to obtain remedies when their labor rights are violated, which is a twofold dilemma of poor knowledge about rights and unsuitable remedial systems due to age. Only 16.1 % of those who replied said that, in case there should be labor disputes, they would choose the formal ones that include labor arbitration, litigation, or seeking help with the relevant authorities. Informal methods were opted by more than 60% and they included private negotiation or mediation by relatives and friends, whereas 21.95% noted that they had no idea how to assert their rights and remained silent about the matter (Figure 11).

The low level of awareness of rights can be explained by several overlapping causes. To start with, legal literacy is poor, 27.65 percent of the respondents had entered into writings with the employments, yet they did not know what was contained in them. Secondly, there was little awareness of the preservation of evidence; most of those who have not signed labor contracts or agreements thought that it did not require any signing or even considered it informal (80.85%). Finally, traditional cultural values have a say. Under the impact of other values, including the belief that harmony should prevail over everything and the fear of litigation, some of the respondents regarded legal proceedings as a burden, and took the stand of not causing any problems and instead chose to resolve the disputes through compromise and acquiescence.

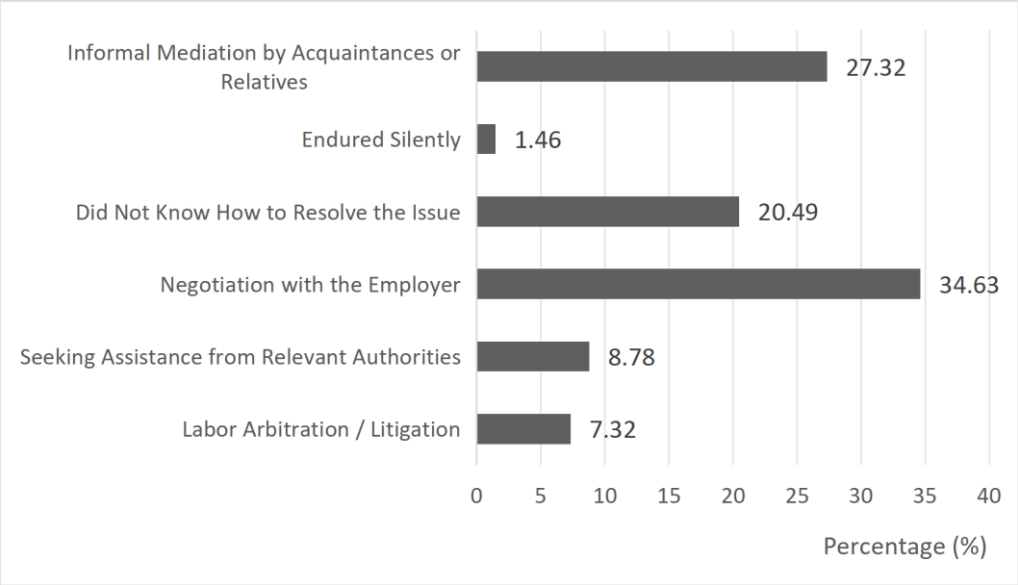


Figure 10. Resolution Methods Chosen by Older Workers When Labor Rights Are Infringed (%)

4.5.2. Insufficient Age-Friendliness of Mediation and Judicial Mechanisms

The current methods that are put in place to resolve labor disputes do not have an age-friendly design. They are complicated and time taking arbitration and judicial processes, and community mediation facilities are also insufficient to address the rights-protection requirements of older employees. There are various manifestations of this deficiency. To begin with, the procedural formats overlook the physical traits of elderly people: arbitration and litigation involve written documentation and repeated in-court presence, which is challenging to people with poor vision or poor movement abilities. Secondly, there is no specific age friendly service like large print instructions materials, door to door support or remote service channels. Third, the principles of adjudication are not uniform. Identification of labor relations and damages paid to the employees in relation to the accidents during performance of work and other aspects related to the older employees are assessed by various institutions differently, creating ambiguity in the results of rights protection.

Moreover, the legal aid coverage is not enough. The legal aid provision tends to focus on urban centers hence it will not be easy to reach out to older employees in the rural areas because most of them do not have any form of local employment.

4.5.3. Absence of a Comprehensive Social Support System

There is a critical weakness in the current social system of support offered to the older flexible workers. Specialized legal support and psychological assistance, as well as organized multilateral efforts with communities and businesses and governmental bodies, have also not been put into place. On the other hand, the potential of social organizations continues to go untapped. No organizations offer legal help, psychological advice or job skills training specific to older flexible workers. Available welfare programs are usually aimed at the elders in general and cannot cater to the unique demands of older employees. As an illustration, legal aid centers usually work with problems of family relationships and inheritance of possessions, but specialized assistance concerning labor rights is not enough. Psychological support services are almost nonexistent, even though the number of work-related stress and health concerns in older workers is increasing over time.

Alternatively, the nonexistence of a multi-stakeholder coordination makes this even worse. Communities, enterprises and governmental departments act in isolation, where there is little sharing of information and collaboration. Employers labor needs are often not known to the communities; government policy communication does not successfully connect the older workers using the community channels and employers labor violation is not jointly monitored by the communities and government agencies. The existence of this fragmented (or siloed) governance structure inhibits the creation of a well-functioning social-support-network that could serve older flexible workers.

Overall, the results of this work indicate a distinct logical progression.

The above conclusions show the inadequacies of the labor rights protection system regarding the older flexible employees are not a one-sided phenomenon of a policy vacuum; it is instead caused by the interaction of institutional, market, and social structures. That internal logic may be seen as such: within the context of an aging population and a non-equal distribution between cities and the countryside, there is a major demographic of young elderly people originating in rural settings who will have little support in regards to social protection, coming into the labor economy because of economic need. Constrained by small human capital and institutional exclusion of ages, they are forced into the informal area of flexible employment. The service-oriented employment relations created in these circumstances also deprive them of being covered by the official labor legislation and the social insurance systems. Finally, informal employment and institutional gaps interact to lead to a massive violation of fundamental rights to work, including long or irregular working hours and meager salaries and poor health insurance, and at the same time, increase the dangers of occupational safety and health.

Such mechanism chain clearly points to a significant mismatch between the existing China labor protection system and the challenges of population ageing. One of the main avenues of prolonging the involvement of people in the labor market at an advanced age is represented by the older flexible employment, which is one of the critical practical manifestations of the active aging strategy. Lack of sufficient rights protection in this sphere does not just hurt the dignity and the quality of life of older workers, but it also directly limits the ability to effectively utilize the older human resources and develop social equity and justice.

This structural discrepancy highlights the necessity of the next phase of analysis to derive upon the stated logical sequence and discover the avenues of improving the protection of the rights of labour among older flexible employees.

5. Conclusion and Discussion

Based on the results of a survey conducted with 205 older flexible workers in six cities of the Shandong province of China, this paper provides a systematic analysis of the employment arrangements of older workers, their institution, and labor rights protection issues within the context of overlapping aging of the population and informalization of the labor market. The results reveal that the older flexible employment is not only an economic decision but the result of the cumulative influence of demographic change, labor market division, and institutional organization. The older work force is found to be predominantly employed in menial jobs demanding little skill, access thresholds and easily replaceable work, including sanitation, cleaning, and security, with a strong duality of instability and protection. The given organizational setup implies that older workers are placed into the informal sector of the labor market whose employment is more involuntary than being a product of free choice and it is affected by institutional marginalization, discrimination in the labor market and scarce resources of individuals.

Concerning protection of labor rights, the low rate of labor contract registration, unclearness in acknowledging the existence of an employment relationship, lack of a work-related injury insurance, and increased susceptibility to occupational health hazard are all considered as systemic risks imposed on older workers. It is important to note that these risks are not isolated examples but rather indicative of a trend of structural accumulation. On the one hand, institutional regulations, including retirement programs and guidelines on how to recognize labor relations, serve as entry barriers that make it difficult for older workers to get into formal labor markets and formal employment relationships. On the contrary, market mechanisms also support this exclusion via discrimination based on age and the outward push of risk, which puts older workers in more risky jobs. Simultaneously, the disadvantages relating to skills and health lower the bargaining capabilities of older workers as well as the ability to take advantage of institutional resources, thus leaving them incapable of resisting both institutional constraints and market pressures. Combined, these dynamics create a tri-layered structure of

institutional exclusion, market exclusion, and personal vulnerability, which increases the problem of system-related labor rights protection inadequacy.

In a more theoretical sense, the situation of older flexible workers can be perceived as a result of the failure of standard worker paradigm. In China, the system of labor protection has historically been based on a non-formal notion of the standard laborer - the so-called prime-age, formally employed worker. Nonetheless, there is a drastic shift in the risk profiles, employment patterns, and modes of labor relations associated with the new cohorts of workers, the so-called older workers and the platform-based flexible workers, under an accelerated rate at which demographic change and structural change of the labor market takes place. Institutional adjustment has also not kept up with the changes in population structure and labor activity dynamics that have occurred over time, with significant temporal gaps between the institutional logic, demographic changes and labor activities. The various labor rights protection paradoxes defined in this research are typical examples of this mismatch.

Moreover, the results may be seen in terms of the analysis developed by the labor market segmentation theory and the life course theory. The labor market segmentation theory suggests that there is a structural separation of a primary sector with a secondary sector, which has low wages, low skills, high risks and poor protection. Elderly flexible workers are mostly kept out of the primary sector and confined to the secondary, informal part, where path dependence continues to reinforce their precariousness. At the same time, life course theory states that people are confronted with different capabilities and risks structures during various phases of life. Old employees undergo age specific issues including decreased physical fitness, increased threats to their health, and limited possibilities of renewing their abilities, which means that labor institutions ought to be more stage specific adaptable. However, existing institutional models still use the assumption that labor forces are homogeneous, overlooking the life course attributes of older workers, and thus enhancing their marginality in institutional structures.

According to the analysis in the passage presented above, the research posits that the development of better protection of elderly flexible workers labor rights cannot be achieved through fragmented changes in institutions but through a restructuring of the labor protection system. First, legally, the legal position of older workers must be reworked by changing the conditions defining labor relations as an age-based criterion rather than a work-fact-based one. Special legal labor contracts could bring back older workers who have not yet started collecting their pensions into the protective structure of the labor law. Second, the concept of uniform labor standards should give way to the idea of differentiated labor standards that take into account the life course differences among older workers: optimized working-hour regimes, enhanced guarantees of right to rest, restrictions on labor intensity, and higher standards of medical care in relation to high-risk jobs performed by workers outside (including in rural areas). Third, as a part of the social security system, the work-related injury insurance and medical insurance should transfer to a model of risk-based coverage by reducing the threshold of participation, allowing single-insurance registration, offering financial subsidies, and enhancing the coordination between urban and rural medical insurance plans to increase their institutional accessibility. Fourth, in the context of labor governance, there has to be a move away the model of an administratively-dominated governance towards the model of a community-embedded governance. Community-based platforms will offer older workers organizational support and resource access to the workforce such as job-matching, vocational training, health monitoring, and mediation of disputes hence helping them to meet their limited individual resource constraints.

This research has wider theoretical implications to other developing nations as well. Since aging populations are an increasing trend on a global scale and informal employment continues to gain more prominence worldwide, senior employees face secondary placement and institutional invisibility in the labor market with a shared transnational identity. The Chinese experience indicates that institutionalisation in developing countries needs to follow three important principles, namely: firstly, encouraging a shift towards the institutional frameworks of inclusivity and multi-type workers instead of standard worker-centered institutional designs; secondly, reducing the costs of institutional access

by using communities-based governance to expand the ability of vulnerable workers to use formal institutions; and thirdly, not adopting the one-size-fits-all policy solutions by thoroughly considering the urban-rural disparities, household registration, and life course variations to ensure a closer match between institutional provision and workers risk profile.

Although this paper has some weaknesses. Because it is based on cross-sectional data, it does not reflect the dynamic changes in employment pathways and rights protection of older flexible workers thus it does not identify causal relationships. Also, there is inadequate consideration of the moderator roles played by gender, household registration and skill level, which hinder a finer differentiated analysis of the data. The subsequent studies might use longitudinal data to investigate time-varying policy interventions and bring in life course theory and labor market segmentation theory in sub-group analysis models to come up with better explanatory models. Specific groups like the elderly women workers and interregional migrant elderly workers should also receive special consideration to uncover a heterogeneous structure of rights defined by the multidimensional interaction between institutions, markets, and person-specific attributes, which offer further theoretical justification to the policy transformations that are more targeted.

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