



# EII principles and challenges for the coverage of platform workers 平台从业人员的工伤保障原则和挑战

Research Seminar on Employment Injury Insurance (EII) for  
Workers in Local Platform Economy

## 平台经济从业人员的工伤保障研讨会

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# 1. Protection toward employment injuries and occupational diseases 工伤和职业病保障

- Two different approaches: 两种方法
  - Labour law: Employer's direct compensation including purchase of private insurance  
劳动法：雇主直接补偿，包括购买商业保险
  - Social insurance law: employment injury insurance or workers compensation scheme  
社会保障法律：工伤保险或工人补偿计划

## 2. Basic principle of EII 工伤保险的基本原则

- **No-fault (non-adversarial schemes) 无过失（非对抗性计划）**

Workers are paid benefits regardless of how the injury occurred. The worker and employer waive the right to sue. There is no argument over responsibility or liability for an injury. 无论工伤是怎样发生的，工人都能得到工伤保险待遇。工人和雇主放弃起诉权。对于伤害的责任不做争论。

- **Collective sharing of cost (risk pool) 成本分担（风险分担）**

The total cost of the compensation system is **shared** by all employers. All employers contribute to a common fund. 补偿系统的总成本由所有雇主分担。所有雇主都向共同基金缴费。

- **Neutral governance (No direct dispute) 中立治理（无直接争议）**

Right to benefit established outside contractual relationship worker / employer. 获得工伤保障的权利建立于劳资双方的合同关系之外

# 3. Employment Injury Insurance (EII) scheme 工伤保险计划

**National EII Scheme**  
国家工伤保险计划

**Periodical benefits to injured and families**

为伤者及其家属  
定期发放待遇



**Workers**  
工人

**Regular contributions**  
常规缴费



**Employers**  
雇主

**Labour Law**  
劳动法



**Court**

**No court cases against employers in case of accidents**  
发生事故时，没有针对雇主的讼案

# Workers compensations in Asia 亚洲的工人补偿

Country 国家	Type of scheme 计划类型
Bangladesh 孟加拉国	Employer liability, with voluntary private insurance; 雇主责任，有自愿性商业保险 A dedicated fund for 100% export-oriented Ready-Made-Garment sector (Central Fund) 专为100%出口导向的成衣业设立的专用基金（中央基金）
China 中国	Social Insurance scheme 社保
Fiji 斐济	Employer liability with voluntary private insurance 雇主责任，有自愿性商业保险
India 印度	Social insurance scheme, as a part of sickness and unemployment social security scheme, contributions in total of 1% of wages 社保，作为疾病和失业社会保障计划一部分，缴费总额为工资的1%
Indonesia 印度尼西亚	Social insurance scheme, mainly lumps sum payments 社保，主要为一次性支付
Iran 伊朗	Social insurance scheme 社保
Iraq 伊拉克	Social insurance scheme 社保
Japan 日本	Social insurance scheme 社保
Korea, Republic of 韩国	Social insurance scheme 社保
Lao PDR 老挝	Social insurance scheme 社保
Malaysia 马来西亚	Social insurance scheme 社保
Maldives 马尔代夫	Employer liability 雇主责任
Mongolia 蒙古	Social insurance scheme 社保
Myanmar 缅甸	Social insurance scheme, benefits not for life 社保，但待遇不是终身的
Pakistan 巴基斯坦	Social insurance scheme 社保
Sri Lanka 斯里兰卡	Employer liability with voluntary private insurance 雇主责任，有自愿性商业保险
Thailand 泰国	Social Insurance scheme 社保
Viet Nam 越南	Social Insurance scheme 社保

# Effective coverage of EII 工伤保险的有效覆盖 (2015 or latest year available) (2015年或数据可获得的最近一年)

劳动力百分比



## 5. EII benefits 工伤保险待遇

From **day 1** of the work, workers are covered for employment injuries and occupational diseases. 从工作第一天起，工人就享有工伤和职业病保障。

In case of employment injuries and occupational diseases, workers will be provided with: 一旦发生工伤或职业病，工人享有：

1. Medical care and hospital treatments, including rehabilitation services 医疗救治，包括康复性治疗
2. Temporary disability benefits for temporary incapacity for work (max. 3 days waiting period) 暂时丧失工作能力的临时伤残津贴（等待期最多3天）
3. Permanent disability cash benefits (**periodical payments with adjustments**) for permanent total or partial loss of earning capacity (**income replacement, as certain percentage of wage**) until recovery / death 永久性伤残现金津贴（**定期调整**），用于补偿永久性丧失全部或部分获取收入的能力（**按工资一定百分比的收入替代**），直至康复或死亡
4. Survivors' cash benefits (**periodical payments with adjustments**) for dependents of the deceased workers, including funeral grant (**income replacement, as certain percentage of wage**) until remarriage (widow(er)), attainment certain (graduation) age (e.g. 21) or death 为死者供养家属提供遗属现金津贴（**定期调整**），包括丧葬补助金（**按工资一定百分比的收入替代**），直至（**鳏寡**）再婚，达到一定的（**毕业**）年龄（例如**21岁**）或死亡



# Income replacement benefits 收入替代待遇

## Cash benefits for income protection 收入保障的现金待遇

- ❑ Periodical payments (e.g. monthly) 定期支付（如按月）
- ❑ % of the wage of each worker 按照工人工资的一定百分比
- ❑ Adjustment of benefits in line with the improvements of living standards 根据生活水平的改善进行调整
- ❑ Temporary disability benefits 临时性伤残津贴
  - For a short duration before recovery or before the disability situation stabilises. 在康复或伤残情况稳定之前的短期津贴
- ❑ Permanent disability benefits and survivors' benefits 永久性伤残津贴和遗属津贴
  - As long as there is a need (e.g. until death, remarriage of widow(er), school graduation of orphans, etc.) 只要需求在，就持续提供（如直到死亡、鳏寡配偶再婚、孤儿学校毕业等）

# ILO Conventions: periodical payments for standard beneficiaries (married, with 2 children)

国际劳工组织公约：定期向标准受益人（已婚，有两个孩子）支付

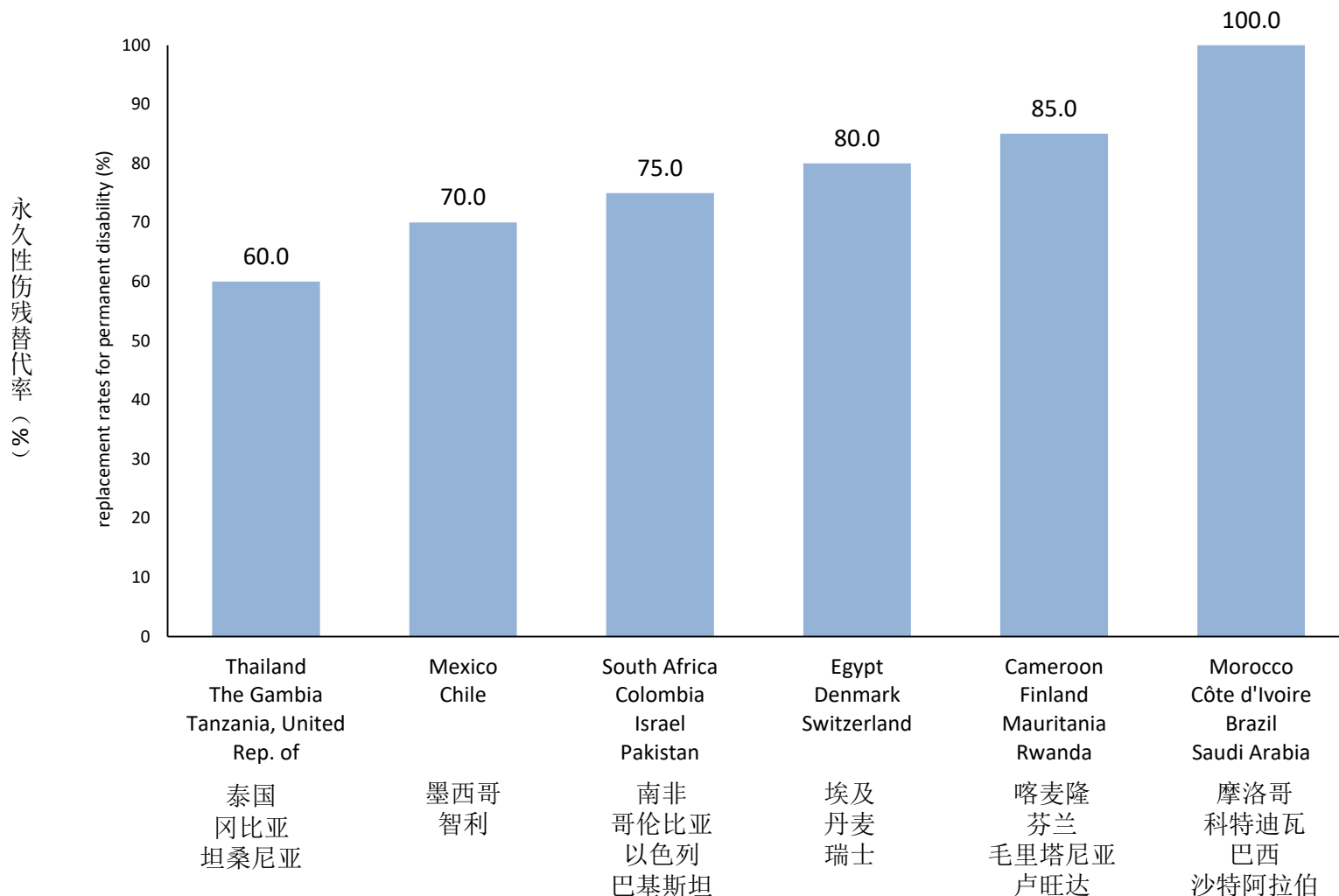
(As a % of previous earnings) 占之前收入的百分比

	<b>C.102</b> Minimum Standards 102号公约 最低标准	<b>C.121</b> (cf. C.128: old-age, invalidity, survivorship) 121号公约（参看128号公约：残疾、老年和遗属津贴）	<b>R.121</b> (cf. R.131: old-age, invalidity, survivorship) 121号建议书（参看131号建议书：残疾、老年和遗属津贴）
El: Temporary incapacity for work 工伤：暂时性丧失工作能力	50	60	66.7
El: Total loss of earning capacity 工伤：完全丧失获取收入的能力	50	60	66.7
El: Survivorship 工伤：遗属	40	50	66.7
Cf. Sickness 参看：疾病	45	60	66.7
Cf. general Invalidity 参看：一般性伤残	40	50	60
Cf. general survivorship 参看：一般性遗属	40	45	55

Conventions 102 (59 ratifications) and 121 (24 ratifications) are ratified only by Japan in Asia.

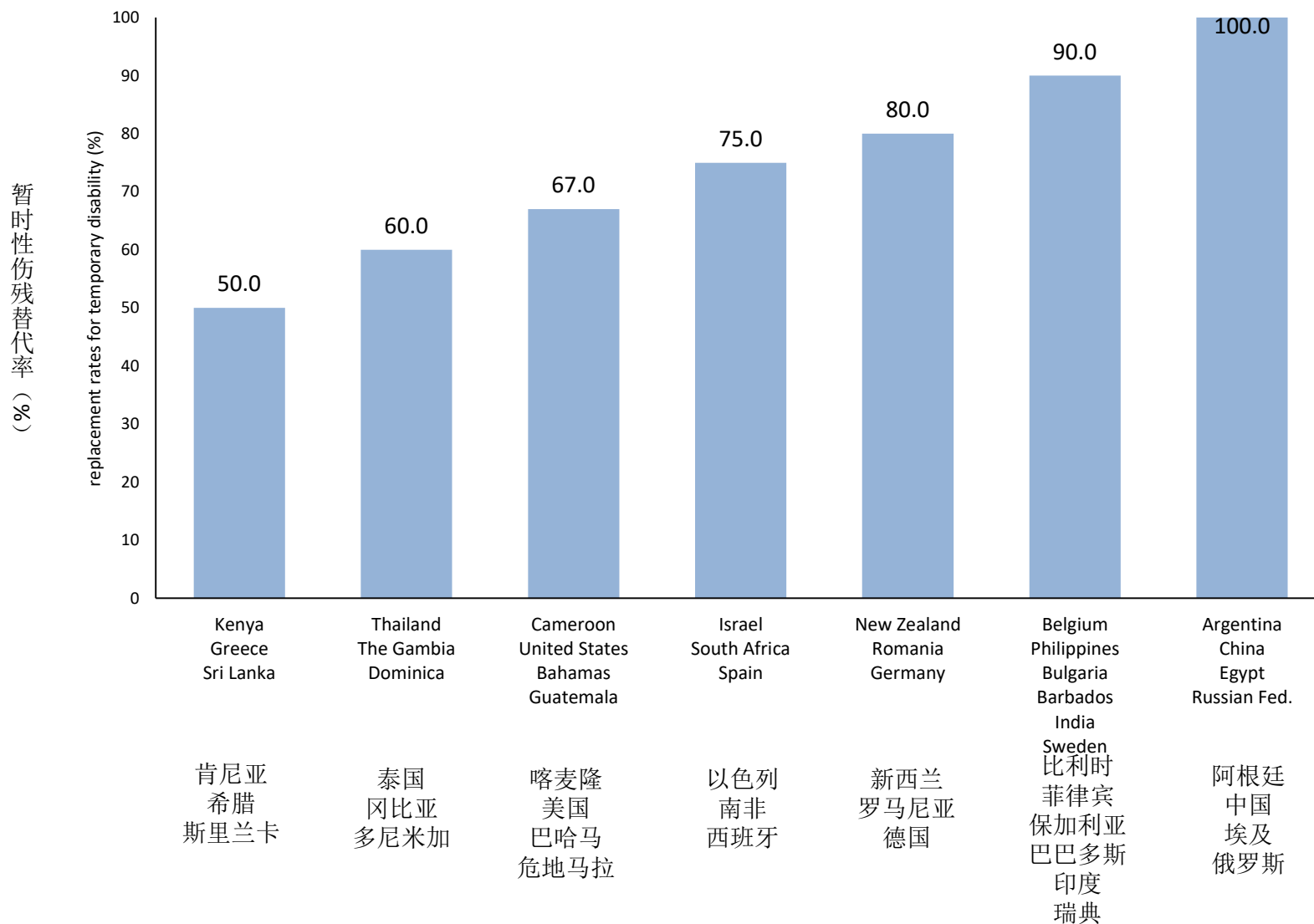
在亚洲国家中，只有日本批准了第102号公约（59个批约国）和第121号公约(24个批约国）。

# Replacement rates (permanent disability) 替代率（永久性伤残）



# Replacement rates (temporary disability)

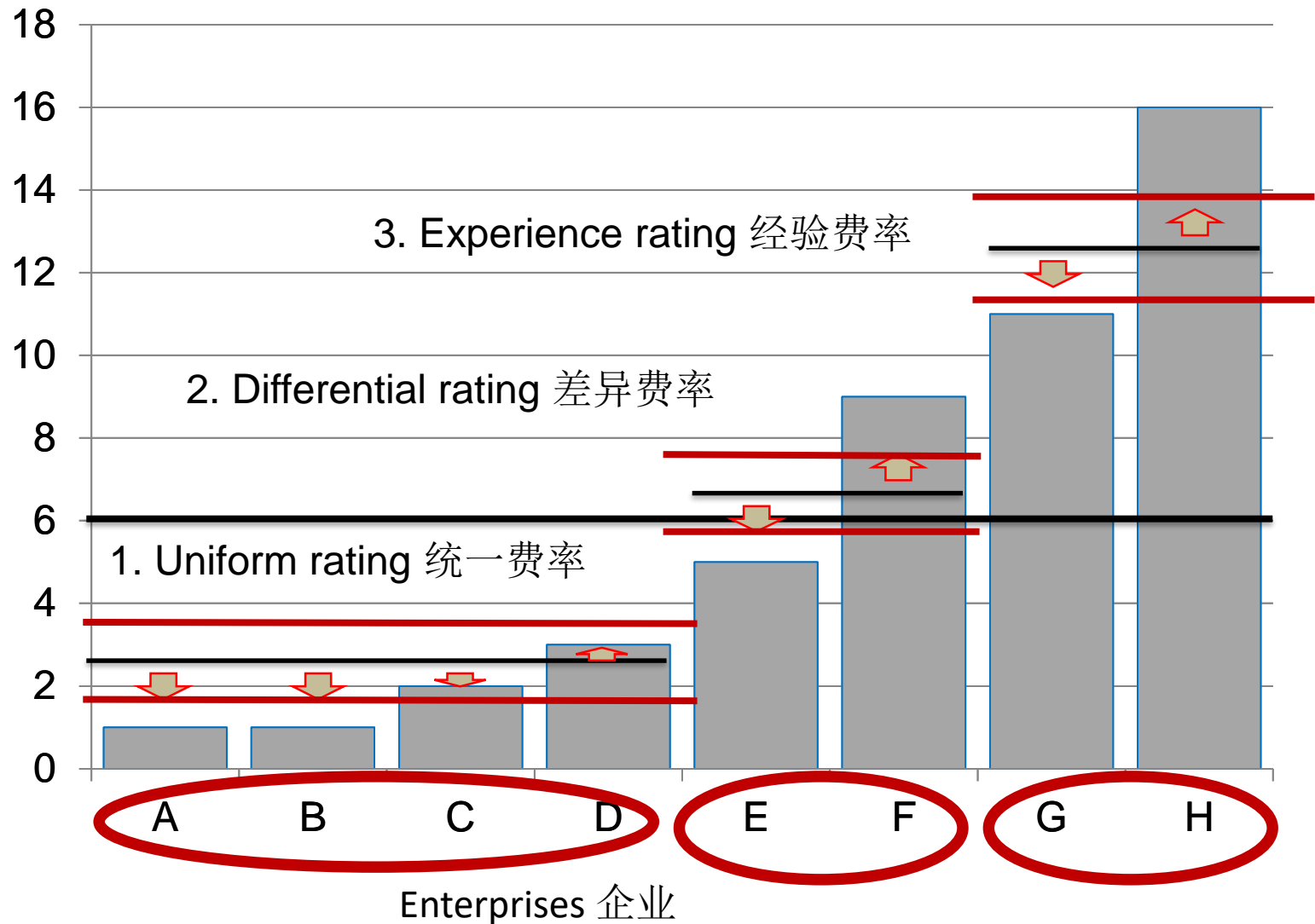
## 替代率（暂时性伤残）



## 6. Finance of the EII 工伤保险的筹资

- ❑ Contributions only by employers as employers' collective responsibility 仅依赖雇主缴费，作为雇主的共同责任
- ❑ Shifting from individual employer's liabilities to all employers' collective liabilities through contributions 通过缴费，雇主责任从单个雇主责任转向集体雇主责任
- ❑ Contribution rate as % of insurable wages 缴费费率体现为缴费占缴费工资的百分比
- ❑ Contribution rates can be set as uniform, industry-wise uniform or merit rate for each company 缴费费率可以是统一费率，行业费率或者针对每个企业的实绩费率
- ❑ Periodic revision of contribution rate once (upward or downward adjustments) based on actuarial valuations 根据精算评估定期对缴费率进行调整（向上或向下调整）

# Uniform, industry and merit rate (experience rating) 统一、行业和实绩费率（经验费率）



# Asia: EII contribution rates paid only by employers

## 亚洲：仅由雇主缴纳的工伤保险费率

Country 国家	Average contribution rate (% of wages) 平均缴费费率（工资百分比）	Contribution rates 缴费费率 (Uniform for all employers / Industry-based / Merit-based for good records) 适用于所有雇主的统一费率 / 行业费率 / 基于良好记录的实绩费率
China 中国	0.75% (average 平均)	Industry-wise + Merit rate 行业+实绩
Indonesia 印尼	0.24 to 1.74 %	Rates for five industrial groups 五个行业的费率
Republic of Korea 韩国	1.78% (average 平均)	Industry-wise + Merit rate 行业+实绩
Lao PDR 老挝	0.50%	Uniform rate 统一费率
Malaysia 马来西亚	1.25%	Uniform rate 统一费率
Mongolia 蒙古	1.0% to 3.0%	Industry rate mostly 大多为行业费率
Thailand 泰国	0.2 to 1.0%	Industry-wise + Merit rate 行业+实绩
Viet Nam 越南	0.5%	Uniform rate 统一费率

## 7. Different modalities of employment injury protection

### 工伤保障的不同模式

	Individual employer's liabilities 个体雇主责任		Social insurance 社会保险
	Employer's direct compensations 雇主直接补偿	Purchase of private insurance 购买商业保险	
Liabilities 责任	Individual employer 个体雇主		No fault 无过失
Permanent disability / survivors' benefits 永久性伤残/遗属津贴	Lump sum / limited duration 一次性/有期限		Periodical payment with indexation 指数化定期支付
Medical care 医疗救治	Limited duration 有期限		As long as needed 基于需求
Rehabilitation 康复	Not available 不支持		Available 支持
Benefit delivery 待遇发 放	Not guaranteed 没有保障	Guaranteed / fast 有保障/快速	
Prevention 预防	Finance not available 没有资金		Finance available 有资金
Finance 筹资	Individual 个体	Collective 集体	
Risk share 风险分担	No 没有	Limited 有限	More 更多
Employer's insolvency 雇主破产	Often 经常	No 没有	
Effective coverage 有效覆盖	Poor 差	Limited to low- risk industries 限于低风险行 业	Extensive 广泛覆盖



## 8. An advantage of having an autonomous national EII scheme 拥有独立的国家工伤保险计划的优势

- ❑ **Workers** are better and promptly protected 工人得到更好、更及时的保障
  - If a worker becomes disabled, s/he receives: 一旦工人伤残，她/他将获得
    - Health care 医疗救治
    - Periodical payments replacing lost wages 替代损失工资的定期收入保障
    - Rehabilitation support to reintegrate work 康复治疗以重返工作岗位
  - If a worker dies from an employment injury, his/her dependants receive: 一旦工人因工伤死亡，其供养家属将获得：
    - Periodical payments replacing lost wages 替代损失工资的定期收入保障
- ❑ **Employers** are worry free under a no-fault EII: 在无过失工伤保险制度下，雇主没有后顾之忧：
  - No catastrophic financial risk in case of an accident 发生事故后不会造成灾难性的财务风险
  - No time-consuming, complicated expensive court cases 不牵涉费时、复杂、费用高昂的诉讼案件
  - Workers appreciate less industrial disputes 劳资争议减少
  - Relatively non-expensive (less than 1% to 2% of wages) 相对低廉（低于工资的1%-2%）
- ❑ **OSH** prevention and labour inspection reinforced. 强化职业安全预防和劳动监察

# 9. Challenges of the coverage of self-employed workers 将自雇人员纳入工伤保障面临的挑战

- **Different modes of the self-employed 自雇的不同模式**

Some workers are 'real' self-employed: Food stall peddler / hawker 有些是“真正的”自雇：食品小贩

Some are more 'dependent': taxi driver of Uber / Didi? 有些更具有“依赖性”：Uber/滴滴司机？

What kind of labour relations are we applying to different 'self-employed' workers? 哪种劳动关系适用于多种不同的“自雇”人员？

- **Stringent control possible for the self-employed? 对于自雇人员可能采取严格的控制措施吗？**

Self-employed workers are at the same time both employers and employees. 自雇人员本身既是雇主又是雇员

Based on collective 'employers' liabilities', stringent measures are compulsorily imposed on employers, for example, 基于雇主的集体责任，对雇主强制实行严格措施，例如

- Payments of contributions 缴费
- Recording and reporting of accidents 事故记录和报告
- Promoting preventive and rehabilitation measures 促进预防和康复措施

Will the coverage of self-employed workers be stringent and compulsory, or will it end up with the 'voluntary' coverage with limited coverage? 是将自雇人员严格管控并强制纳入社保，还是最终“自愿”参保，并有限覆盖？

- **Decision on work-related and non work-related 判定与工作相关还是不相关**

Can accidents or diseases be properly classified as work-related and non work-related? If this is too complicated, is there a way to utilise general invalidity and survivors' benefits (without temporary disability benefits, with limited entitlement for disability benefits and lower benefit levels)?

是否可以将事故或疾病适当地归为与工作有关和与工作无关？如果太复杂，是否有办法利用一般性的伤残和遗属津贴（不提供暂时性伤残津贴，给予有限的伤残津贴，给予待遇水平较低的津贴）？

## 10. Challenges of the coverage of self-employed workers (contd.) 将自雇人员纳入工伤保障面临的挑战（续）

### • Administration 管理

- Self-employed workers are not equipped with human resource management staff to deal with social insurance contributions, recording and reporting of accidents etc. (bit similar to the situation of small and medium enterprises.).  
自雇人员没有人力资源管理人员来处理社会保险缴费、事故的记录和报告等（与中小型企业的情况类似）。

- Without any additional measures, social insurance administration, already suffering from heavy and complicated administrative burdens, e.g. complaints and disputes on the disability assessments, will suffer more to deal with the registration, contribution collections and benefit handing of self-employed workers. 社会保险管理部门目前已然面对复杂沉重的行政负担，例如有关伤残鉴定的投诉和争议，如果没有其他措施，自雇人员的参保、缴费和待遇计发等事项将使得社保经办部门不堪重负

⇒ Is there any way to utilise some types of business associations / cooperatives to handle the administration of self-employed workers?

可以利用某些类型的商业协会/合作社来处理自雇人员的社保经办事项吗？