



EU-CHINA Project “Improving China’s Institutional Capacity towards Universal Social Protection”

Call for expressions of interest

Research on “Assessing China’s social security coverage of non-standard workers, with focus on platform workers, migrants and women and measures to close gaps and improve portability of social security benefits”

The ILO Country Office for China and Mongolia is seeking expressions of interest from qualified national and international individuals or institutions to carry out a research on “Assessing China’s social security coverage of non-standard workers, with focus on platform workers, migrants and women and measures to close gaps and improve portability of social security benefits”. The assignment is part of the EU-China Project “Improving China’s Institutional Capacity towards Universal Social Protection (CHN/18/01/EUR)”.

For further details about the assignment, please see the **Terms of Reference** below.

Candidates interested in whole or part of the research are invited to submit a technical proposal in English or Chinese and a detailed financial proposal as per the following details:

1. **Technical proposal** in English or Chinese not exceeding 10 pages:
 - 1) CV of the person(s) who will undertake the study
 - 2) Presentation of the different tasks to be undertaken and timeframe
 - 3) Suggested methodology
 - 4) At least one copy of a similar study developed under a previous contract should be included as annex (this will not be counted within the 10 pages limit).
2. A detailed **financial proposal** specifying number of days, daily fee rate and other relevant expenditures.

The technical and financial proposals must be placed in two separate emails, and submitted to frotal@ilo.org. The submission must be marked: “China EU Social Protection Project: Assessment of Universal Coverage – Technical Proposal” and “China EU Social Protection Project: Assessment of Universal Coverage – Financial Proposal.”

Submissions should be sent no later than 1st April 2020. Work should start no later than 20th April 2020.

Terms of Reference

National and international consultants to carry out a research on
“Assessing China’s social security coverage of non-standard
workers, with focus on platform workers, migrants and women
and measures to close gaps and improve portability of social
security benefits”
April to December 2020

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1. Background and motivation

1.1. Employment situation

Although representing only 9.7% of the labour force, platform economy stands at a world high 75 million people in China¹. Contrary to other countries, the predominant form are low end labour intensive service work that is online mediated (instead of crowd work), mostly full time workers. Although the wage levels of platform workers tend to be above the ones of workers in similar occupations, platform work is characterized by excessive working hours, inadequate social insurance, job insecurity as well as poor career development opportunities. In addition, a majority of them lack a collective voice.

This development needs to be set against the backdrop of increased overall employment vulnerability. According to the "*Market Research on Flexible Employment in China 2018*", 68.85% of enterprises surveyed admitted that they preferred the form of flexible employment for entry-level jobs, especially for sales jobs and customer services.² Thus, owing to various new occupations and forms of employment, employment in China is increasingly flexible. This is by no means a phenomenon unique to China. Non-standard forms of employment (hereinafter "non-standard employment", or "NSE") have become a contemporary feature of labour markets around the world. Their overall importance has increased over the past few decades in both industrialized and developing countries, as their use has become more widespread across economic sectors and occupations.³

As countries seek ways of protecting workers in new forms of employment and in particular digital platform workers, lessons can be learned from experiences in protecting the broader flexible workforce both in and outside China. Further, the responses to China's booming platform economy are likely to be felt beyond China, making their analysis and understanding of utmost importance to the global community.

1.2. Social security coverage

The 13th Five-Year Plan on Human Resources and Social Development sets national objectives of full coverage of all who should be covered by compulsory social insurance by 2020. Target indicators of coverage expansion are as follows: old age pension coverage reaches 90%; unemployment insurance covers 180 million people; and, employment injury insurance covers 220 million people.

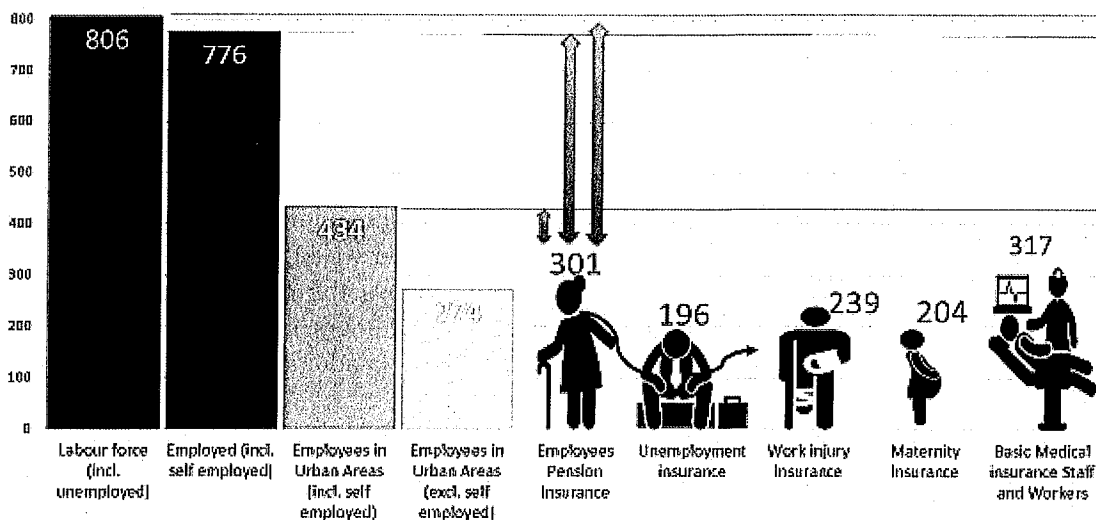
China already overcame those targets. Old age pension coverage exceeded the goal of 90% coverage with 943 million people in 2018; unemployment insurance had over 196 million people covered and employment injury 239 million people insured.

However, despite near universal coverage of the working population, which is due to the fast expansion of urban and rural residence scheme, the overall participation of rural migrant workers, platform workers and other workers in new and flexible employment to employees' social insurance schemes remains low.

¹ The 2019 report of the Chinese Sharing Economy Center indicated that there were 75 million service providers and 5.98 million employees in 2018.¹

² Source: 《2018 年中国灵活用工市场调研》，人瑞集团、《中外管理》，2018 年 10 月。

³ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_534497.pdf



Source: China 2019 Statistical Yearbook

Figure 1: Population covered by employees' social insurance schemes, thousands

The number of people affiliated in different schemes differs (see graph above) and in most cases their number is well below the total number of employees (including self-employed) in China. Indeed, coverage of part time workers and self-employed is only voluntary. Also, most migrant workers fail to be covered in urban employees' social security schemes in many localities due to regulatory or administrative reasons. The rates of rural migrant workers' participation in urban employees' pension scheme, employment injury insurance and unemployment insurance are around 22%, 27% and 17% respectively in 2018.⁴

To address this situation, the recent Guiding Opinions of the General Office of the State Council on Promoting the Healthy Development of the Platform Economy Guobanfa [2019] No. 38 recommended the Government to: "Promptly study to improve the social security policies for employees in the platform enterprises and people with flexible employment...and actively promote the plan for the full coverage of insurance, and guide more employees of the platforms to get insured."

The Government of China, the EU and the ILO embarked on a project titled "Improving China's Institutional Capacity towards Universal Social Protection". The project is funded by the European Union under the EU's Partnership Instrument "EU-China Cooperation on Employment, Social Affairs and Inclusion." It is aimed at strengthening China's institutional capacity to improve its social protection system, in support of the realisation of international standards and the EU 2020 Strategy. One of the specific objectives is to contribute to the extension of the coverage of social security to workers in non-standard forms of employment, with a special attention to migrant workers and women

At request of MOHRSS (Ministry of Human Resources and Social Security), the CHINA EU Project "Improving China's institutional capacity towards universal social protection" implemented by the ILO will undertake a research on the expansion of coverage of social security to workers in non-standard forms of employment, with a special attention to platform workers, urban rural migrant workers and women. It is expected that the research contributes to the **formulation of national and provincial policy initiatives to expand social security coverage to workers in traditional and new non-standard forms of employment.**

⁴ Calculated based on MOHRSS data of 2018 Human Resources and Social Security Development Statistical Bulletin

2. Objectives

The present assignment aims at producing four studies at national level and in four participating provinces (see below section 5. Study Blocks A to D.)

The final objective is to provide inputs for MOHRSS to improve national measures to extend social insurance coverage to working population in non-standard forms of employment. The studies will focus notably in workers in new forms of employment (NSFE), including digital platforms, urban and rural migrants and women.

Consultants may propose the realization of the whole or parts of the assignment (see below section 5. Study Blocks A to D.)

3. Analysis of the problem and initial attempts by ILO to contribute to policy dialogue

3.1. Evasion of contributions

The low enrolment rate in employees' schemes can be explained to a certain extent by the fact that a majority of rural migrant workers do not have a labour contract. According to the national bureau of statistics, in 2016, only 35.1% of rural migrant workers had signed labour contracts with their employers.⁵ Likewise, most workers in new forms of employment have no formal employment relations. Specifically, platform workers often do not have employment contracts with the platforms and for that reason fail to access pensions and other social insurance entitlements (employment injury, health, and maternity and unemployment benefits).

It is important to note that the terminology used in the Chinese labour law on labour relations is different from the term of employment relationship used in the common law or civil law system in other jurisdictions. In China, labour relations or labour relationship, as opposed to employment relationship, is a precondition for the application of the labour and social security statutes. It is similar to employment relationship used in other legal systems in the sense that "subordination" is a key criteria for determination of the existence of such relationship. But the important difference is that under the Chinese labour law, there is another key criteria to meet for the determination of a labour relationship, that is the "principle legal qualifications" (主体资格) for both the work unit and the worker, e.g. the work unit has to be appropriately registered and the worker is not a retiree. The boundary of the labour relationship thus defined compared with other jurisdictions can be limiting. To be in an employment relationship is not to be in a labour relationship therefore not to be governed by labour and social security law.

China has implemented several initiatives to address the problem of evasion of social security contributions:

- Decrease contribution rates to increase ability to pay
- Simplify registration and payment of contributions
- Integrate tax and social insurance collection agencies
- Increase inspection services
- Increase enforcement of regulations and penalties

⁵ NBS. 2016 年农民工监测调查报告

International experiences (Uruguay, Singapore for example) have also focused on using big data, internet based data interoperability to collect taxes and contributions from workers in new forms of work and in particular through digital platforms on behalf of workers.

The present study will consider regulatory and operational measures undertaken in recent past in order to incentivize or enforce the payment of contributions in China and innovations across the world and will recommend ways to strengthen those efforts in China.

In addition, platform workers face specific regulatory and operational obstacles in practice to access social insurance in at least the two following ways.

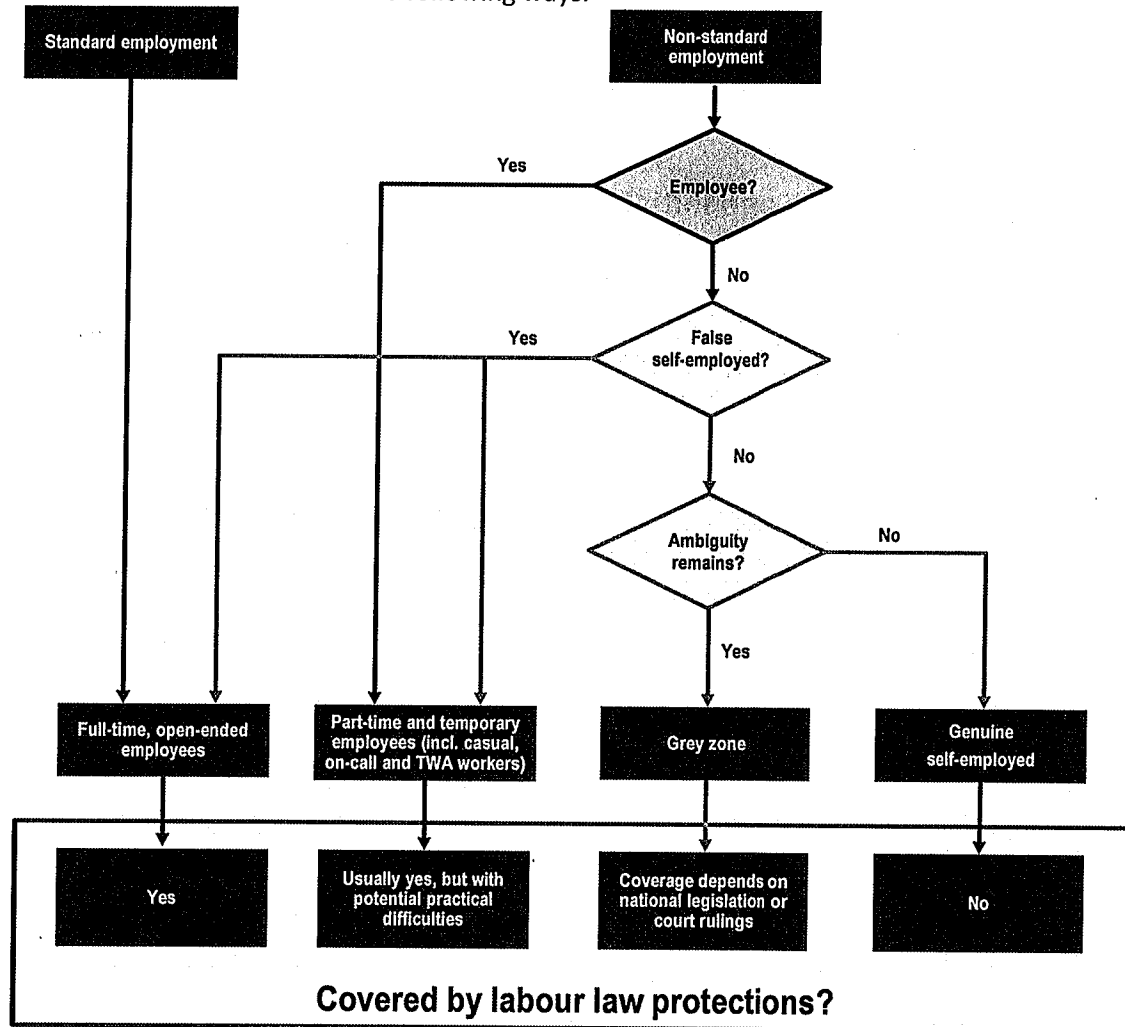


Figure 2: Classification of non-standard forms of work and their protection under labour law

Source: [OECD Employment outlook 2019](#)

The above picture represents OECD classification on non-standard forms of work. For the ILO, non-standard forms of employment include all forms of work which are not full time and open-ended, Non-standards forms of employment include for example temporary **employment**; part-time and on-call **work**; temporary agency **work** and other multiparty **employment** relationships; as well as disguised **employment** and dependent self-employment.

Non-standard employment features prominently in crowdwork and the gig economy

Workers working through platforms can fall in the following categories:

- 1) they have an employment contract with the platform. This employment contract can be full time or part time, or it can be open ended or temporary
- 2) workers have an employment contract with the client – In this case the platform is just an intermediary. Here again the contract can be standard or non-standard
- 3) workers are contracted by an agency to work for a platform. In this case the workers have an employment relationship with the agency – In most cases the relationship is short term in nature.
- 4) workers are genuine self-employed and use the platform to get clients – In this case workers have no contract, nor with the platform nor with an agency nor with the client. The work being performed and the way it is performed are defined as self-employment by national laws and regulations.
- 5) workers are in a disguised employment relationship. In this case, the workers have no employment contract with any entity but according to national laws and regulations, the work being performed and the way it perform correspond to dependent work – Criteria could include for example, the level of supervision the platform uses on the workers.
- 6) the workers' status is unclear according to national laws and definition. The workers have no employment contract but national laws and regulations do not provide sufficient elements to determine the existence of an employment relation or self-employment. This could be the grey zone.

3.2. Independent work (self-employment).

Social insurance law (2010) and other temporary regulations concerning social insurance contributions establish mandatory coverage exclusively in respect to the existence of a labour relationship. Social insurance coverage of self-employed workers is provided voluntarily. This opens room for adverse selection and results in under-coverage of a significant part of the working population⁶. The misclassification of dependent workers as self-employed is often used to circumvent regulations associated with the status of employee. ILO has issued Recommendations and guidelines to protect against disguised self-employment that can guide social security regulations.

- **Social Security Convention (Minimum Standards) No 102** guides the development of comprehensive social security systems to cope with labour market transformations[第 102 号公约为发展全面的社会保障体系以应对劳动力市场转型提供了指引] establishes a comprehensive set of social security benefits, minimum replacement rates for categories of benefits, monitoring and reviewing pension adequacy, non discrimination of workers notably on basis of age or gender or origin.
- **Social protection floors Recommendation No 202** expresses the commitment of Member States to move towards building comprehensive social security systems and extending social security coverage by prioritizing the establishment of national floors of social protection
- **Employment Relationship Recommendation No. 198** [年关于雇佣关系的建议书 (第 198 号)]Member States to guarantee effective protection for workers who perform work in the context of an employment relationship.
- **Recommendation No. 198** [第 198 号建议书] institutes the principle of the “primacy of facts”: determination of the existence of **an employment relationship should be guided by the facts relating to the actual performance of work** and not on the basis of how the parties

⁶ There were 160 million self-employed in urban areas only, according to 2019 China Statistical Yearbook.

describe the relationship. It also provides useful criteria to help determine the existence of an employment relationship

- **Recommendation No 204 Transitioning from the Informal to the Formal Economy** [第 204 号关于从非正规经济向正规经济转型建议] provides useful guidance to prevent informalization and encourages formalization through integrated /inter sector approaches.

In China, labour courts have taken different views regarding the determination of the existence of an employment relationship based on the specificity of each case. **In the absence of clear criteria to legally define the existence of an employment relationship, no uniform position has been elaborated so far.** Policy makers have expressed concerns that considering platform workers as part employee might cause undue burden on enterprises. Some of them have indicated their preference for developing specific labour protection laws and regulations to cover platform workers (the so-called third category between self-employment and employees). The aim is to strike a balance between protection of work and healthy development of the platform economy.

CEC – China Enterprise Confederation and China Directors association published a study “Labor Relations in Enterprises in New Forms of Business under Internet Plus Initiative” (2018) that considers the advent of platform work. In a context like China, platform economy is a provider of new job opportunities for an increasing number of people. It produces different forms of relationships between platform companies and workers including standard labor relationships and other working relationships. It is rooted in increased flexibility in business (due to changes in industrial organization, including Business to Business modes of production) as well as personal workers’ aspirations for working time and autonomy, as well as meeting consumer preferences (online demand spurred by the convenience offered by the spread of mobile payment systems and mobile internet).

MOHRSS has been piloting work and occupational injury security for workers in flexible employment. The experiments on work injury insurance in flexible employment are taking place in Shangdong (Weifang), Jiangsu (Nantong, Taichang, Wujiang). For reference local government documents referring to these: Weifang: 《关于灵活就业人员参加工伤保险的通知》 (2009; Nantong: 《灵活就业人员工作伤害保险暂行办法》 (2015) ; Taichang: 《灵活就业人员职业伤害保险暂行办法》 (2014) ; Wujiang: 《灵活就业人员职业伤害保险办法 (试行) 》 (2018) .The design under consideration respects the principles of public social insurance such as providing long term invalidity insurance.⁷ The pilots aim to test the design and determine the best modalities for the management of benefits.

ILO Beijing produced a study mapping existing national labour and social insurance regulations and their appropriateness to take into account the circumstances of digital platform workers. The study has been finalized and planned to be launched during the month of March 2020 (outside the scope of this project, author: Irene Zhou, ILO labour law specialist).

The present study will consider the recommendations from ILO study and will make additional contributions for increased legal certainty regarding the characterisation of workers in new forms of employment including digital platform workers vis a vis social insurance law.

3.3. Flexible work

⁷ Presentation by M. Weng Renmu, researcher on work injury insurance at Chinese academy of labour and social security, e mail wrmab@163.com

In China, flexible work comprises work covered by labour law, subordinate employment contract work, and work under contracts for services.

Indeed, there are three categories of work relationship:

1. Labour contract (regulated by labour statutes)
2. Employment contract (subordination is evident but not qualify for a labour relationship, representing a huge regulatory gap)
3. Contract for services (regulated by contract law)

Under the first group, there are four kinds of individual labour contract in accordance with the law:

1. An ongoing contract, without limit as to terms
2. A fixed term contract made directly with the user firm
3. A fixed term contract made with a labour dispatch firm
4. A casual contract

While the fixed term can be viewed as a non-standard form of employment, in China, workers on fixed term contracts are entitled to the same benefits as ongoing staff, including leave and social security payments. The study covers workers under the groups 2, 3 and 4.

Categories of workers that fall under employment contract group include:

1. Workers in the gig economy (those who do not have labour contracts)
2. Workers engaged by most individuals in rural areas
3. Domestic workers
4. Workers engaged by unregistered private practitioners such as doctors, lawyers and coaches
5. Many workers who work at home or other non-traditional workplaces on a flexible hours basis
6. Many workers at the end of sub-contracting chains (e.g. construction)
7. Apprentices and assistants engaged by individual craftspeople
8. Students undertaking work in their spare time
9. Retirees

While subordination is evident for workers above, they may not qualify for a labour relationship due to the limited nature of labour relationship in law/policy and jurisprudence, representing a huge regulatory gap.

ILO has issued recommendations for constituents to adapt social insurance to fit their working circumstances. This may include eliminating or lowering thresholds on minimum hours, earnings or duration of employment so that workers in non standard forms of employment are not excluded, or making systems more flexible with regard to contributions required to qualify for benefits, allowing for interruptions in contributions, and enhancing the portability of benefits between different social security systems and employment statuses.

The ILO collaborated with China Association of Social Security (CAoSS) on a study to map the social protection gaps of workers in flexible work, which will provide baseline information. In August and September 2018, a questionnaire was distributed in three representative Chinese cities, i.e. Beijing, Hangzhou and Chengdu to 350 persons with responses received from 322 people (100 in Beijing, 100 in Chengdu, and 122 in Hangzhou, (a return rate of 92%). A seminar was held in October 2018 to collect ideas and suggestions for drafting the report.

The present study builds on these findings and will make recommendations for improvements in national and provincial regulations and operations with a view to increasing the number of flexible workers affiliated to social insurance schemes.

3.4. Preferences and affordability of social insurance packages

CEC (China Employers Confederation) requested ILO to analyse the impact of current social security parameters (especially the level of contributions) on the capacity of non-standard workers to

The present study will gauge the preferences, needs and affordability issues of non-standard workers and compare the costs of different bundles of social insurance benefits through surveys, comparative research and financial analysis.

contribute to existing schemes. The inflexibility of schemes' regulations may be a deterrent to increase further participation; on the other hand, how to balance these concerns with the need to ensure fair competition among all economic actors whether based on traditional or digital business models.

3.5. Portability of benefits

China's internal migrant population - rural migrant workers in particular - faces challenges in transferring their social security rights when they move from one province to another. The reasons of such challenges are various and include the following.

The study "Labor Relations in Enterprises in New Forms of Business under Internet Plus Initiative" (2018) noted that: "the social security provided to self-employed in the cities is only accessible to local residents which constrains the rights and interests of workers under Internet Plus initiative" (pp 18-19). Indeed platform economy is delocalized but social security remains localized.

First, the low pooling level of social security funds explains to a large extent the difficulties for migrant workers to transfer their social security rights and benefits. Second, the capacity of the social insurance administration agencies would need to be strengthened to enable them to transfer large amount of records and benefits between provinces. Third, existing household registration restrictions prevent migrant workers from joining the social security schemes for non-salaried urban and rural residents at the place of employment. Lastly, the fragmentation of social security information systems in the different regions further constrains the transfer of rights and benefits.

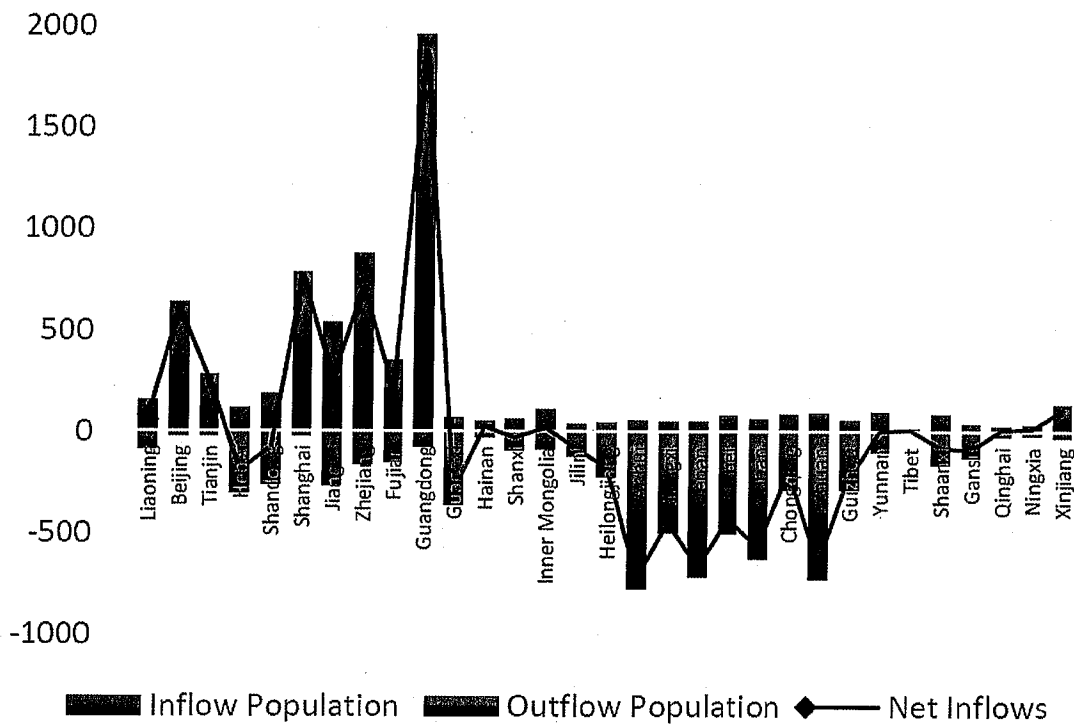


Figure 3: Inflow and outflows of migrants per province in China ('000, latest figures, 2018)

Source: ILO (2019) Social protection and migrant work in China

In April 2019, the *National Development and Reform Commission Decision to relax the hukou rule* (i.e., household registration), allowed rural migrant workers in small and medium-sized cities to enroll in the urban residents' social insurance schemes. It recommended eliminating all hukou restrictions in cities with populations under 3 million, relaxing hukou restrictions in those with populations between 3 and 5 million people, and improving hukou registration processes in mega-cities. It suggests the establishment of a unified urban-rural medical insurance scheme and to expand pensions and basic public services for rural poor living in cities in stable employment.

The ILO collaborated in 2019 with Chinese Academy of Social Sciences, associate researcher Zhang Yinghua to make recommendations for portability of benefits in China based on EU experience with coordination. The findings of a field research in Jiangxi Province conducted for this report confirmed the above-mentioned limitations to social insurance coordination. The report suggested to: 1) enhance the centralized management of social security funds at the national level; 2) eliminate household registration restrictions to allow migrant workers to register in the social security schemes for urban and rural residents at the place of employment; 3) upgrade the social security information system; and, 4) improve the efficiency of the transfer of social security records and benefits between provinces.

The present study will consider the above mentioned policy developments and context, existing diagnostics and will apply them to the provinces under study.

4. Scope

4.1. Geographical scope.

The provinces of Beijing, Sichuan, Zhejiang and Guangdong will participate in the study. The province of Zhejiang issued a comprehensive police guidance on platform economy including new regulations for social security coverage of platform workers in November 2019 after public consultation.⁸ Guangdong is one of the top destination provinces in China for migrant work (see graph 3). Sichuan, is one of the three provinces (with Shanxi and Jilin) to adopt an open policy, and allow all workers in flexible employment to participate in social insurance schemes on a voluntary basis regardless of their Hukou.

4.2. Thematic scope.

The research will focus on pensions and employment injury insurance benefits.

It will also consider the portability of acquired social security rights across different forms of non-standard forms of employment and between different provinces due to the particular importance of portability to work interruptions amongst flexible workers. Gender vulnerabilities will also be considered specifically.

The studies will focus on the different forms of non-standard work. This typically covers all temporary, part-time, agency work and self-employment arrangements, i.e. everything deviating from the “standard” of full-time, open-ended employment with a single employer. It includes “traditional” part time and temporary work and “new and digitally based forms” of work.

By the latter we refer to **platform work** (i.e. transactions mediated by an app or a website which matches customers with workers who provide services; in China it includes different forms of digital economy work relying on the internet platforms including Didi drivers and food delivery riders, but also those relatively higher-skilled like e-commerce anchors, online teachers, and crowd work); **temporary contracts** of very short duration; contracts with no guaranteed and/or unpredictable working hours (on-call); and **own-account work** more generally (i.e. self-employed workers with no employees) that includes work for single or multiple clients notably through new labour market intermediation services (labour agencies).

The study will propose improvements for all flexible workers regardless if they work on platforms or traditional work.

4.3. International benchmarks.

The European Social Insurance Partners platform conducted in early 2019 a survey of its members to assess the extent to which European social security systems were adapted to new forms of work created by digital platforms. It noted that national responses across the European Union are divided, with some member states deciding in favour of the existence of an employment relationship while others support the idea of platform workers as independent contractors. One or other determination have significant different implications for social security coverage.

⁸ http://www.zj.gov.cn/art/2019/11/8/art_1553216_30003.html

The European Union Council Recommendation COM/2018/0132 final - 2018/059 on “access to social protection for workers and the self-employed”, a non-binding legal instrument on Member States was adopted on 8 November 2019. In its introduction, the recommendation notes that in its case law the Court of Justice of the European Union established criteria for determining the status of a worker. It emphasized that digitalisation has increased the pace of change in the transformation of the labour market and the emergence of new forms of employment and contracts, such as on-demand work, voucher-based work, and intermittent work which pose challenges to the social security systems.⁹ The Recommendation provides interesting pointers to strengthening social protection for new forms of work including on rules governing coverage, benefits and contributions and transferability of rights.

The international social security association ISSA produced several studies for its last World Social Security Forum held in Brussels, Belgium, 2019. The Handbook on the extension of social security coverage to migrant workers published by the ISSA in 2014 identifies key barriers to extending and improving social security coverage to migrant workers, and presents practical measures to address them. OECD Employment report 2019 also produced new information regarding social insurance coverage of workers in new forms of employment.

5. Content / outline

The studies will comprise following sections (to be reviewed at inception report):

A. Literature review

(i) Literature review and specific value added of the research in the policy context

A review of studies already done in China, detailing methods and results of previous researches, indicate their contributions and limitations and justify the need for the current research for practical policy advice.

B. Review of SP coverage and relevant policies

(ii) Review of national and provincial indicators and data of coverage to monitor the extension of coverage to non-standard forms of work (see definitions and typologies according to ILO and Chinese Law), particularly for platform workers and recommendations for improvement; and production of a baseline of relevant indicators based on existing up to date data.

It will consider age, origin (Hukou) and gender-disaggregated indicators.

C. National and provincial regulations, design of benefits, their affordability and portability

(iii) Review of national and provincial regulations in participating provinces, aimed at covering non-standard forms of work with particular reference to platform workers.

⁹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52018DC0132>

The study will overview the different options to close legal uncertainty and their disparate treatment by companies and provinces, and will compare regulations of non standard workers with standard workers.

(iv) **Implementation of a questionnaire to workers and public officers**

The questionnaire will assess the needs, obstacles for affiliation and affordability of benefits. The questionnaire survey will also investigate particularly the stability of this group of workers – assess their risks of unemployment, income variations and need for income protection.

(v) **Formulation of proposals for social security benefits package (design)**

The issue of the adequacy or generosity of benefits proposed to workers in non-standard employment and their equitable treatment with workers in traditional forms of work has gained particular importance and should be considered specifically in the study. In particular, the design should contemplate measures to reduce the impact on benefits levels of intermittent careers, irregular work and low pay as well as other characteristics of workers in non standard forms of employment. The design should fully consider implications of equal treatment on the social insurance funding and portability of benefits for non-standard workers

(vi) **Acceptability and affordability of options for coverage of non-standard workers and portability.**

D. Administrative bottleneck analysis

(vii) **Review of international (including at minimum 2 EU) good practices** in particular experiences in the European Union, which can inform the improvement of China's regulations and administrative procedures

(viii) **Assessment of specific regulatory and operational obstacles** for the effective coverage of non-standard forms of work nationally and in the four provinces

(ix) **Propose recommendations to close the gaps** through appropriate design of benefit packages, improved regulation and operational procedures with regard to the situation in each Province, and with the view to extend successful and improved experiences nationwide.

6. Methodology

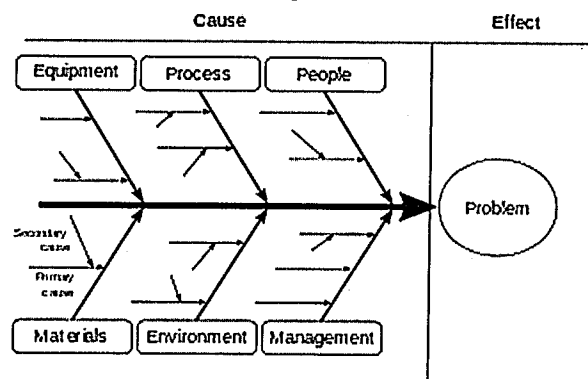
6.1. Approach

The study will realize:

- A review of policies, **indicators and relevant data** regarding social insurance coverage of workers in non-standard employment nationally and in the four provinces. It will review the statistics available in labour market information systems, administrative and survey data sources, and the templates and processes that the national and provincial administration uses for monitoring; and will make recommendations to improve these. Gender disaggregated data should be collected, reviewed and analysed; including by use of questionnaire. There is no consensus in China on the statistical definition of platform workers in NSFE This section will contribute to formulated recommendations in this regard in accordance to international standards and practice in China.

- **A Gap Analysis of Legislative and Regulatory Frameworks** pertaining nationally and their practice in the four provinces against international standards and practice. The aim is to identify the specific problematic issues for each category (whether temporary, short term, platform etc.) while recognizing the overlap between them (platform workers can fall under the several categories of self-employed, disguised self-employed, temporary, short-term, agency workers etc.). Recommendations to cover regulatory gaps cover not only platform but also other categories of flexible workers.
- **A Bottleneck Analysis¹⁰** of Regulatory/Administrative/Operational constraints for access to social insurance by workers in new forms of employment including digital platforms, in the four provinces¹¹ under study. The analysis maps and reviews stakeholders' roles and responsibilities in the social insurance administrative flow from registration to claiming of a benefit, including ancillary functions of inspection, control, collection and compliance.

Example of fishbone diagram for bottleneck analysis



- **Consideration for workers' preferences and affordability** of social insurance benefit packages and their appropriateness for the reality of Chinese economy and labour market. This will be assessed by way of literature review and implementation of a questionnaire in the provinces and financial estimation of costs of different packages. With regard to the latter consideration will be given to international practices regarding appropriateness of bundling of benefits and differentiating contribution rates for nonstandard workers compared to standard workers.
- **Due consideration will be given to the fact that coverage of certain workers in non-standard forms of employment covered by labour law is not mandatory by law in China.** Consideration will be given to improvement of regulations and practices under a voluntary environment and to comparing and discussing the **suitability of introducing gradually mandatory coverage**, in line with international good practice.
- **A review of laws and regulations and practice regarding portability of benefits** and suggestions for improvement of portability; consideration will be given to strengthening national regulations and data communication systems between funds.

¹⁰ A bottleneck analysis is a "detailed process where researchers gather as much information about the flow of a particular product or process". Specifically, data is gathered about the step or steps in the process where work is bottlenecking. It can be depicted for example through fish bone or problem trees.

¹¹ This may also require a characterisation of reforms needed at national level. For example, the envisaged merger of the social insurance collection system with tax authorities could contribute to simplification of contributions of non standard workers.

6.2. Research methods

To assist the above processes, the researchers will undertake the following methods of research:

Literature review on studies and recommendations so far

The research will undertake a meta-review of existing studies and list their recommendations regarding social security for platform workers in China. It will further take into account four specific studies already mentioned: Legal framework for protection of platform workers, 2020, Irene Zhou; Analysis of working conditions of platform workers, 2020, Uma Rani; Social security of flexible workers, 2019, Hua Ying; Portability of benefits in China, 2019, Zhang Yinghua.

Empirical study

The empirical component will include:

1. *Questionnaires specifically focusing on social security needs of workers in NSFE and digital economy workers and their diverse risk mitigation measures and further needs*
 - a. *Consider workers relying on the internet platforms including Didi drivers and food delivery riders, but also those relatively higher-skilled like e-commerce anchors, online teachers, and crowd work. The latter group could be workers or entrepreneurs or both*
 - b. *Investigate use of forms of mutual assistance and cooperative insurance, commercial insurance and other alternative risk management measures.*
 - c. *Follow up interviews with beneficiaries and non-beneficiaries for reasons of affiliation and non-affiliation to social insurance or their appreciation of other forms of risk mitigation.*
2. *Collaboration with platform companies,*
 - a. *Sharing of their administrative data and their analysis.*
 - b. *Interviews with platform companies and SMEs to understand their business needs and use of workers in NSFE and their use of other forms of risk mitigation and motivations for it.*
3. *Semi structured interviews with local stakeholders, including officers in social security funds and MOHRSS local bureaux to assess administrative capacity and bottlenecks*

Documentary evidence

The researchers will review:

- National and provincial statistical sources, indicators available in existing M&E frameworks and documents.
- Existing laws regulations and operational procedures on registration and claiming of benefits and their suitability for non-standard workers and platform workers in particular.

International case studies

International cases, of which at least two cases from the European Union, will be produced, which will answer following questions with explanation of the reasons for the options taken with regard to:

1. Does the status of dependent worker exist?
2. If yes, is the applicable social insurance legislation same as for workers.
3. How successful has this approach been?
4. In case self-employed status is used, is coverage mandatory or voluntary?

5. How do benefit rules and contributions differ between self-employed and employees? Are they more favourable or not? What incentives does it create for self-employment in theory and in practice?
6. In either case mandatory or voluntary, does it apply automatically to all branches or to some branches only? Which branches?
7. In some branch, are benefits identical between standard and non-standard workers or can the benefit packages differ?
8. In some branches, can contributions differ? In what sense?
9. Forms of organizing and supervising benefits for platform workers compared to benefits to employees

Only a limited number of cases most relevant for China will be produced, with preference for in-depth explanation of the motivations and implications of the options taken.

The two EU cases will be further investigated by a delegation of experts and officials from China, through a study visit to Europe during the course of this research.

Three (3) Evidence-based policy dialogues

Two policy dialogues will take place involving the participating provinces during the course of the research: after the first mission to the provinces for the discussion of elements of the inception report, and after the second mission for discussion of preliminary findings. The final papers (Provincial cases and synthetic study) will be presented at the end of the year at an International Conference.

Gender-related considerations should be integrated in all the research methods. For example the statistical profile will present the participation of women in non-standard forms of employment, their participation to social security schemes.

Expert peer review group

The project will work in close collaboration with following departments and offices of the ILO:

- Anne Drouin, ILO Global employment injury programme
- Christina Behrendt and Quynh An Nguyen, ILO Social policy unit, SOC PRO
- Uma Rani, ILO Research Department
- Nuno Cunha, ILO Bangkok

Experts designated by MOHRSS to participate in the steering group of this research
 Prof. Zheng Gongcheng, Chinese Association of Social Security (CAoSS)
 Chinese Academy of Labour and Social Security (CALSS)
 Other experts designated by MOHRSS and its Social Insurance Administration

7. Deliverables

For each section of the study, the block Lead expert (see below) will be responsible to produce:

Deliverable 1. An Inception report and its presentation at first policy dialogue

For each section: (1) literature review, (2) review of SP coverage M&E, (3) regulations and benefit design and (4) administrative bottleneck analysis, it includes

- Initial literature review
- proposed methodology

- Proposal for data collection instruments
- Presentation PPT material and delivery at policy dialogue

Deliverable 2. Preliminary report

For each section: (1) literature review, (2) review of SP coverage M&E, (3) regulations and benefit design and (4) administrative bottleneck analysis
Sent to ILO Beijing for review and internal discussions

Deliverable 3. Draft analytical report and its presentation at second policy dialogue

For each section: (1) literature review, (2) review of SP coverage M&E, (3) regulations and benefit design and (4) administrative bottleneck analysis
With preliminary recommendations

Deliverable 4 Draft final report

For each section: (1) literature review, (2) review of SP coverage M&E, (3) regulations and benefit design and (4) administrative bottleneck analysis
With policy recommendations for peer review

Deliverable 5 Final report

It incorporates comments and observations from peer reviewers

Deliverable 6 presentation of report to international conference

8. Budget

In their offer, the contractor will present a budget integrating the following elements:

Items	Budget description
Consultants fees	Maximum total 300 days expertise divided by one or several consultants
Development and implementation of surveys	Other costs excluding expert fees above
Three (3) missions to Beijing and three provinces	International and domestic flights Number of days of accommodation Other costs associated with stay
Participation of consultants at international conference in China (in one province to be designated outside Beijing)	Flights Number of days of accommodation Other costs associated with stay

9. Chronogram

The research will be conducted for a total period of nine months starting in April 2020.

Activity	Sub activities	Chronogram
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		Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Production of studies in four provinces (Beijing, Sichuan, Zhejiang and Guangdong)	Development of TORs	■											
	Contracting and work of consultants		■	■	■	■	■	■	■				
	Missions to Beijing and three provinces				■		■						
	Production of Inception report after first mission and first policy dialogue					■							
	Production of final draft after second mission and second policy dialogue							■					
	Review of draft and production of final report								■	■	■		
	Printing of documents										■		
Organization of two policy dialogues on the results of the studies and presentation at international conference						■		■				■	

10. Expertise, application and selection of candidates

The research will be conducted by a team of international and national experts from different fields (economists, legal experts and social security specialists) under the supervision of one Lead expert under each component.

One Lead expert will be designated for each block of studies as below:

Section	Theme	Lead expert and experts	Doc (total)	Days (total)
Lead expert: ..				
1. Literature review	Meta review of existing studies on new forms of employment and digital platform workers and social protection coverage in China		10 pages	20 days
2. Review of SP coverage	Review of national and provincial statistical		10 pages	20 days

monitoring frameworks	instruments for M&E and exploration of existing administrative databases			
Lead expert: ..				
3. National and provincial regulations, design of benefits and their affordability	Employment, labour market situation and social insurance regulations in the provinces		40 pages	40 days
	Regulatory gap assessment of four provinces, analysis and recommendations for design, portability and affordability of schemes (Employment injury)		30 pages	50 days
	Regulatory gap assessment of four provinces, analysis and recommendations for design, portability and affordability of schemes (Pensions)		30 pages	50 days
Lead expert: ..				
4. Administrative bottleneck analysis	International cases of SP design and administration for platform workers		15 pages	20 days
	Administrative Bottleneck analysis in the provinces		20 pages	50 days
	Questionnaire design implementation and report drafting		20 pages	30 days
	Final report on administrative bottleneck analysis		10 pages	20 days
<i>Note: National experts shall draft and submit documents in Chinese and international experts in English.</i>				

Eligibility

Eligible candidates for this call for proposals may be qualified individuals, institutions, or non-governmental organizations registered as not-for-profit organizations in China or in an EU country. Qualified candidates (individuals or institutions) must be able to demonstrate having the following qualifications:

Qualifications, experience and competencies

- Advanced degree in economics, law or other social sciences, specialization in social security policy or administration preferred
- Experience in undertaking national comparative studies in social security policy and administration
- Experience in developing and applying empirical methods including survey questionnaires and conducting semi structured interviews
- Ability to analyse a variety of subject matters with an understanding of the interrelationships between the subject(s) under review and the existing legislation and practice.
- Demonstrated experience of work in the field in China;
- Proven track record of drafting clearly and concisely;
- Command of English preferred

Evaluation criteria

- Selection of experts will be based on the following criteria:
 - Technical capacity including specific areas of technical expertise, contextual knowledge and level of relevance of technical experience in China and internationally
 - Clarity and soundness of proposed research methodologies and approaches for organizing the research (readiness of taking assignment including timeline)
 - Language: national experts' proficiency in English would be a value added.
 - Cost proposal
- Weighting: Technical Proposal 70% and Financial Proposal 30%



Funded by the European Union

(中译稿为简本，仅供参考，具体内容请以英文全本为准)

中欧“提升中国社保经办服务能力，实现全民社会保障”项目

“以平台工作者、农民工和妇女为侧重，评估中国非标就业人员社会保障覆盖面以及缩小覆盖差距、提高社会保障待遇可携性”研究

1. 研究背景和动因

1.1 就业形势

平台经济从业人员虽然仅占劳动力的 9.7%，但在世界范围内，中国已达到 7500 万人。与其他国家相反，中国平台就业主要形式为在线中介的低端劳动密集型服务工作（而非众包工作），主要是全职员工。平台工作的特点是工作条件差（例如工作时间、工作量）、缺少社会保险和工作保障、职业发展机会差。

这种现象的发展背景使总体就业形势逐步严峻脆弱，各种新职业产生，中国的就业形态变得越来越灵活。中国平台经济快速发展，中国在这方面的解决方案将改变全球劳动力的困境和未来的工作形态，为其他国家提供借鉴。

1.2 社会保障覆盖面

《人力资源和社会保障事业发展“十三五”规划纲要》确立了实施全民参保计划，到 2020 年基本实现法定人员全覆盖的国家目标。“十三五”时期社保护面的主要指标包括：基本养老保险参保率达到 90%，失业保险参保人数达到 1.8 亿人，工伤保险参保人数达到 2.2 亿人。

中国已经完成上述目标：截至 2018 年，养老保险参保人数达到 9.43 亿人，失业保险参保人数达到 1.96 亿人，工伤保险参保人数达到 2.39 亿人。

然而，尽管劳动人口已基本实现了全民覆盖，由于城乡居民户籍制度的快速扩张，农民工、平台就业人员等新型灵活就业人员参加职工社会保险的比例仍然较低。

实际上，兼职和个体经营者只是自愿参加社会保险。另外，由于监管或行政因素，多数地方的大部分农民工都没有纳入城镇职工社保体系。2018 年，农民工参加城镇职工养老保险、工伤保险和失业保险的比例分别约为 22%，27% 和 17%。¹²

¹²根据人社部 2018 年人力资源和社会保障发展统计公报数据计算。

为解决此类情况，国务院办公厅关于促进平台经济规范健康发展的指导意见（国办发〔2019〕38号）向政府提出如下建议：“抓紧完善平台企业用工和灵活就业等从业人员社保政策……积极推进全民参保计划，引导更多平台从业人员参保。”

“提升中国社保经办服务能力，实现全民社会保障”项目由中国政府、欧盟和国际劳工组织（ILO）共同启动，由欧盟伙伴关系项目提供资金支持。项目旨在提升中国社保经办机构的服务能力，支持国际标准和欧盟 2020 战略的实现，具体目标之一是将社会保障覆盖面扩大到非标准就业形式的工人，特别关注农民工和女工。

项目将开展一项研究，以扩大社会保障对非标就业人员的覆盖，特别关注平台就业人员、农民工和女工。预期该研究将助力国家和省级政策的出台，扩大社会保障覆盖面以覆盖传统和新形态的非标就业人员。

2. 研究目标

本任务旨在国家层面和四个参与省份开展四项研究（见下文第 5 部分，研究 A-D）。

最终目标是为人社部提供研究结果，以改进国家政策措施，将非标就业人员纳入社保体系。研究将特别聚焦新就业形态人员，包括数字平台人员、城乡农民工及妇女。

项目顾问可以针对承担研究项目的全部或部分内容（见下文第 5 部分，研究 A-D）提交意向书。

3. 问题分析以及 ILO 为促进政策对话所做出的前期工作

3.1 逃费

大多数农民工未签订劳动合同，一定程度上造成职工参保率较低。根据国家统计局数据，2016 年仅有 35.1% 的农民工与雇主签订了劳动合同。¹³ 同样，大多数新就业形态从业人员也未建立正式的劳动关系。具体而言，平台就业人员通常没有与平台签订劳动合同，因此无法获得养老和其他社保待遇（工伤、医疗、生育和失业保险待遇）。

中国已采取一系列措施解决社保缴费逃费问题：

- 降低费率以提高支付能力
- 简化参保登记和缴费流程
- 整合税收和社保征收机构
- 提高监测水平
- 加大法律法规处罚力度

国际经验（例如乌拉圭和新加坡）也侧重于利用大数据、互联网互操作性，以新方式向劳动者征收税费，特别是通过与就业人员相关的数字平台进行征收。

本研究将重点关注近期出台的与激励或强化缴费相关的监管和操作措施，并建议加大相关工作力度。

¹³ NBS. 2016 年农民工监测调查报告

3.2 个体工作人员（无雇员的自雇人员）

尽管工作通常受到平台的监督和管理，或者与客户之间具有依存关系，但非标就业人员通常被认为是自雇人员。

《社会保险法（2010年）》和其他有关缴费的现行政策主要依据是否建立劳动关系规定强制性参保范围。自雇人员自愿参保，这为逆向选择开辟了空间，并导致大部分自雇人员未被社保覆盖¹⁴。此类人员经常被错误地归类为自雇人员，以规避为职工设立的相关政策。国际劳工组织发布了建议书和指南用以指导相关社会保险法律法规，保障此类人员权益。

- 社会保障（最低标准）公约（第 102 号）为发展全面的社会保障体系以应对劳动力市场转型提供了指引，制定了一套全面的社会保障待遇，不同类别待遇的最低替代率，监测和审查养老金充足性，不得以年龄、性别或出身歧视劳动者。
- 关于国家社会保护底线的建议书（第 202 号）指出会员国承诺通过优先建立国家社会保护底线，努力建立全面的社会保障体系并扩大社会保障覆盖面。
- 关于雇佣关系的建议书（第 198 号）指出成员国应有效保障雇佣关系中从事工作的劳动者。
- 第 198 号建议书确立了“事实至上”的原则：确定雇佣关系是否存在应以与实际工作表现相关的事实为依据，而不是基于各方如何描述这种关系。
- 关于从非正规经济向正规经济转型建议（第 204 号）为防止正规经济工作岗位的非正规化提供了指导，并鼓励通过整合各部门或跨部门的方式促进工人和经济单位从非正规经济向正规经济转型。

迄今为止，中国劳动仲裁对劳动者与平台是否存在劳动关系的界定存在不同观点。中国的政策制定者对将平台工人视为劳动关系的主体表示担忧，认为这将给企业造成不必要的负担。目前，他们倾向于为这些不同于传统劳动关系的就业形式制定劳动保护法律法规，目的是在保护工作与平台经济健康发展之间取得平衡。

人社部正在探索灵活就业人员职业伤害保险，在山东（潍坊）和江苏（南通、太仓、吴江）四个城市开展试点工作。制度设计遵循公共社会保险设计原则，例如提供长期伤残保险。¹⁵该试点工作旨在测试设计并确定待遇管理的最佳方式。

国际劳工组织北京局正在进行一项研究，根据数字平台从业人员情况，阐述了现行国家劳动和社会保险法律法规及其适用性。该项研究已经完成，并将在 2020 年 3 月发布（非本项目内容，作者为国际劳工组织劳动法专家周畅）。

本研究将借鉴国际劳工组织研究建议，提高法律确定性，针对在劳动和社会保险方面，新就业形势包括数字平台就业人员的特征。

3.3 灵活就业人员

在中国，政策法规仅通过自愿签订劳动合同来保护临时和兼职工作人员。在实践中，社会保险法经常无法确定这些劳动者的从属关系。另外，许多灵活就业人员在同一时期没有可认定的雇主或多个雇主。如果合同工时短，那么合规性则很低。

¹⁴ 根据 2019 年中国统计年鉴，仅城镇地区就有 1.6 亿名自雇人员。

¹⁵ 翁仁木，中国劳动和社会保障科学研究院研究员，工伤保险方向，电子邮箱：wrmab@163.com。

在这种情况下，国际劳工组织通常建议调整社会保险制度以适应其工作环境，可能包括取消或降低最低工时、收入或工作期限的门槛，以便将非标就业人员纳入社保体系，使社保体系在享受待遇缴费年限等方面更加灵活，允许中断缴费，提高不同社会保险制度和就业状态之间待遇的转移接续能力。

国际劳工组织与中国社会保障学会于 2018 年合作进行了一项研究，以绘制灵活就业人员的社会保护差距，为本研究提供基础信息。

本研究将以这些研究结果为基础，为改进国家及省级法律法规和操作提出建设性意见。

3.4 社保方案偏好和可负担能力

中国企业联合会要求国际劳工组织分析当前社保参数（特别是缴费水平）对非标就业人员向现有社保缴费能力的影响。一方面，社保体系法规是否具有灵活性将会进一步影响上述人员参保；另一方面，如何为不同劳动者创造建立差异化规定以及为所有企业创造公平竞争之间取得平衡，仍然是一个值得关注的问题。

本研究将评估非标就业人员的特点、需求和负担能力，通过调查、比较研究和财务分析，比较不同社保计划待遇的成本。

3.5 待遇可携性

中国内部的流动人口，特别是农民工在从一个省转移到另一个省的时候，其社会保险转移支付面临挑战。造成这些挑战的原因多种多样，包括以下几点：

首先，社保基金的统筹水平低，在很大程度上造成了农民工转续其社会保障权益和待遇的困难。第二，需要加强社会保险机构的管理能力，保障其能够处理在各省之间转移的大量记录和权益。第三，现行的户籍政策限制了农民工在就业地参加无薪城乡居民社保。最后，各地未统一、碎片化的社会保障信息系统进一步限制了权益和待遇的转续。

国际劳工组织于 2019 年与中国社会科学院副研究员张盈华合作，根据欧盟社保协调机制经验，提出了中国社会保险待遇转移接续的相关建议。该报告对江西省进行了实地研究，其结果证实了上述社会保险协调的局限性。该报告建议：1) 推动实现城镇职工基本养老保险基金的全国统筹；2) 取消社会保障参保的户籍限制；3) 完善社会保障信息管理系统；（4）提高省际之间社会保障记录和待遇的转移效率。

本研究将考虑上述政策发展和背景及现有方案，并将其应用于研究参与省份。

4. 研究范围

4.1 地理范围

北京、四川、浙江和广东等省份将参与研究。经过公开征求意见，浙江省于 2019 年 11 月出台了关于平台经济的综合指导意见，其中包括有关平台就业人员社会保障覆盖的新规定。¹⁶ 广东是中国流动人口流入的主要目的地省份之一。四川省是实行户籍开放政策的三个省份之一（还有山西和吉林），允许所有灵活就业人员自愿参加社会保险计划，不受户籍限制。

4.2 主题范围

此次研究将侧重养老和工伤保险待遇。

由于转移接续对于灵活就业人员工作中的中断至关重要，因此此次研究还将讨论社保权益在不同的非标准就业形式之间以及在不同省份之间的转移接续，此外也将特别考虑性别因素。

研究将侧重于非标准工作的不同形式，通常涵盖所有临时、兼职和自雇工作，即所有偏离单一雇主的、全职的、大众化的“标准”就业，包括“传统的”兼职、临时工作以及“新形式”的工作。

此次研究将涉及传统的兼职和临时性工作及其社保覆盖面的情况，并将其与“新的基于数字化”的工作形式的社会保障覆盖面情况进行比较。

后者指的是平台工作（即由将客户与提供服务的员工匹配通过应用或网站进行的交易）；期限较短临时合同；没有保障和/或不可预测工作时间的合同（随时待命）；以及较为普通的自有账户工作（即无雇员的自雇人员），包括为一个或多个客户工作，尤其是通过新的劳动力市场中介服务（劳动中介）。

4.3 国际标准

欧洲社会保险合作伙伴平台于 2019 年初对其成员进行了一项调查，以评估欧洲社会保障体系适应数字平台新形式工作的程度。调查指出，欧盟国家反应各不相同，有些成员国赞成建立雇佣关系，而另一些成员国则支持将平台工人作为个体经营者的想法。不论是哪个决定都对社会保障覆盖面有重大不同的影响

欧盟理事会关于“劳动者和自雇人员获得社会保护的权利”的 COM / 2018/0132-2018/059 最终建议，于 2019 年 11 月 8 日通过，成为成员国的非约束性法律文书。在其导言中，该建议指出，欧盟法院在其判例法中规定了确定劳动者工作状态的标准。建议强调，数字化加快了劳动力市场转变的步伐，并出现了新的就业形式和合同形式，例如按需工作、基于凭证的工作以及对社会保障构成挑战的间歇性工作系统。¹⁷该建议书为加强对新工作形式的社会保护提供了有益指导，包括关于覆盖范围、待遇和缴费以及转移接续权益等方面。

国际社会保障协会（ISSA）于 2019 年在比利时布鲁塞尔举行的上届全球社会保障论坛中发表了多项研究报告。其在 2014 年出版的《关于将社会保障覆盖面扩展至移民工人的手册》指出阻碍扩大和改善移民工人社会保障的主要障碍，并提出解决措施。OECD《2019 年就业报告》还提供了有关新就业形式的工人社会保险覆盖率的新信息。

5. 研究内容 / 大纲

¹⁶ http://www.zj.gov.cn/art/2019/11/8/art_1553216_30003.html

¹⁷ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52018DC0132>

研究将包括以下几个部分（将在初步报告中进行审查）：

E. 文献综述

- (x) 在政策背景下的文献综述和研究的具体增值
对中国已经进行的研究进行回顾，详细介绍先前研究的方法和结果，指出它们的贡献和局限性，并证明对当前研究具有实用性的政策建议。

F. 评估社保覆盖率及相关政策

- (xi) 评估国家和省级相关参保指标及参保数据，以监测将覆盖面扩大到非标准工作形式，特别是平台工人的工作形式和改进建议；并根据现有的最新数据生成相关指标基准。

将考虑年龄、户口和性别分类指标。

G. 国家和省级法规、待遇设计、负担能力及可携带性

- (xii) 评估国家和参与省份与非标就业形式尤其是平台工人相关法规。
该研究将综述解决法律不确定性的不同选择，相关企业和各省份不同的处理方式，并将比较非标就业人员和标准就业人员相关政策法规。
- (xiii) 向劳动者和公务人员发放调查问卷
问卷将评估社保需求、参保障碍以及负担能力。问卷还将调查非标就业人员就业的稳定性，评估他们的失业风险，以及他们需要的失业期间保障。
- (xiv) 拟定社会保障福利一揽子计划（设计方案）
非标就业人员相关的待遇充分性问题以及与传统就业人员平等对待问题已变得尤为重要，在研究中应予以特别考虑。该设计应尤其考虑采取相关措施，以减少对间歇性职业、非正规工作、低薪以及其他非标就业工人待遇水平的影响。充分考虑该群体平等待遇下对社保基金的影响。充分考虑这部分群体社保待遇的可携带性。
- (xv) 非标就业人员参保方案的可接受性、可负担性及可携带性

H. 行政管理瓶颈分析

- (xvi) 回顾借鉴国际良好做法，尤其是欧盟经验（至少 2 个欧盟国家），为中国政策和行政程序的完善提供参考
- (xvii) 评估在国家和四个省份中非标就业人员有效参保覆盖工作的具体监管和业务障碍
- (xviii) 提出缩小覆盖差距的建议，通过设计合理的一揽子待遇计划，针对各省情况改进监管和操作流程，并在全国范围内推广成功和改进经验

6. 研究方法

6.1 路径

研究将实现以下内容：

- 评估有关全国和四个省份非标就业人员社保覆盖率的参保政策、参保指标及相关数据。审查劳动力市场信息系统中可用的统计数据、行政和调查数据源，以及国家和省级行政部门用于监视的模板和过程；并提出改进建议。应当按性别分类收集、审查和分析数据。关于非标准就业中平台从业人员的界定和统计数据，目前中国尚未对此形成统一认识。因此本部分内容将有助于依据相关国际标准和中国的实践在这方面提出建议。
- 立法和监管框架差距分析：国家和四个省份实践情况及其与国际标准和实践之间的差距，确定不同类别的劳动者（临时工、短期工、平台从业人员等）所面临的具体问题以及交叉问题。研究所提出的建议不限于平台从业人员，应包括所有灵活就业人员。
- 瓶颈分析：在所研究的四个省份中，对新就业形势（包括数字平台）从业人员获得社会保险的监管/行政/操作限制的瓶颈进行分析，绘制并审查利益相关者在社会保险管理流程（从登记到领取待遇）中的角色和职责，包括监察、控制、征收、合规性等辅助职能。
- 考虑劳动者偏好和承受能力。应考虑劳动者的偏好、社保待遇计划的可负担性、以及其是否适应中国经济和劳动力市场实际情况。这将通过文献综述、在各省进行问卷调查、以及对不同计划成本进行财务估算等方式进行评估。关于后一种情况，将参考国际惯例，即与标准就业人员相比，非标就业人员的待遇和费率是否合适。
- 将适当考虑以下事实：中国法律不强制要求非标就业人员参保。将考虑在自愿情况下完善法规和实践，并比较、讨论根据国际良好实践逐步引入强制性保障的适用性。
- 综述有关待遇转移接续法律法规、操作以及提高待遇转移支付的建议；将考虑改善国家社保基金相关法规和数据通信系统。

6.2 研究方法

为实现上述流程，研究人员将采取以下研究方法：

对目前研究和建议进行文献综述

本研究将对现有研究进行元分析（meta-review），列出研究中有关中国平台就业人员社会保障相关建议，将进一步参考上述提及的四项具体研究：保护平台就业人员法律框架，2020年，周畅；平台就业人员工作条件分析，2020年，Uma Rani；灵活就业人员社会保障，2019年，华颖；完善中国流动人口参保机制，2019年，张盈华。

实证研究

实证部分将包括：

- 1- 问卷将特别关注新业态和数字经济工作者的社会保障需求，以及他们所采用的不同风险控制手段
 - a. 鉴于依托互联网平台的从业人员，除了滴滴司机、外卖骑手等非正规就业人员，还包括淘宝电商主播、抖音B站娱乐主播、新东方直播老师、猪八戒项目分包等相对高端的非正规就业人员。问卷应当涵盖这些群体，他们既可能是劳动者，也可能是创业者，甚至兼顾两者。
 - b. 调查对互助合作型保险和商业保险等替代性风险管理手段的使用情况。

- c. 调查将包括对依附关系和非依附关系的待遇领取人和非待遇领取人的后续访谈。
- 2- 与平台公司合作
 - a. 共享数据和分析
 - b. 访谈平台企业和中小企业，了解他们的企业需求，非标用工情况以及风险管理手段。
- 3- 与地方利益相关者的半结构化访谈。

书面论证

研究人员将评估审查：

- 国家和省级统计资源、现有监测和评估框架及文件中的指标。
- 关于参保登记和待遇领取先行法律法规和操作流程，及其对非标就业人员，特别是平台工人的适用性。

国际案例研究

选择与中国最相关的国外案例，包括至少两个欧盟国家的案例研究，深入分析该国所采用方案的动机和影响。

在研究过程中，来自中国的专家和官员代表团将通过在欧洲的研究访问，进一步调研这两个欧盟国家案例。

三场基于实证的政策对话

在研究过程中，将与参与省份进行两场政策对话：第一场在第一次访问各省之后讨论初始报告，第二场在第二次访问各省之后讨论初步结论。最后的研究（省级案例和综合研究）将在 2020 年底的国际会议上进行汇报。

与性别有关的考虑因素应纳入所有研究方法。例如，统计资料将显示妇女参加非标就业情况，以及她们的参保情况。

专家评审小组

本项目将与国际劳工组织多个部门密切合作。同时，人社部将指定专家参与项目研究指导小组。

7. 产出

对于研究的每个部分，首席专家（见下）将负责以下产出：

产出 1： 初始报告及在第一场政策对话中的演示

对于每个部分：(1)文献综述 (2) 社会保障覆盖面监测与评价 (3) 法规和待遇设计 (4) 行政管理瓶颈分析，包括

- 初步文献综述
- 拟采用方法
- 拟采用数据收集工具
- 在政策对话中 PPT 介绍材料和展示

产出 2： 初步报告

对于每个部分：(1)文献综述 (2) 社会保障覆盖面监测与评价 (3) 法规和待遇设计 (4) 行政管理瓶颈分析
提交至国际劳工组织北京局进行审阅和内部讨论

产出 3：分析报告草案及其在第二场政策对话中的演示
对于每个部分：(1)文献综述 (2) 社会保障覆盖面监测与评价 (3) 法规和待遇设计 (4) 行政管理瓶颈分析
提供初步建议

产出 4：最终报告草案
对于每个部分：(1)文献综述 (2) 社会保障覆盖面监测与评价 (3) 法规和待遇设计 (4) 行政管理瓶颈分析
提供政策建议供专家组评审

产出 5：最终报告
采纳专家组评论和建议

产出 6：在国际会议上进行成果汇报

8. 预算

在报价中，承接项目者应提出预算，包括以下内容：

项目	预算描述
专家费	最多 300 个人日，由一位或多位专家承担
开发和实施调查问卷	上述专家费以外的费用
赴北京及其他三个省份出差调研	国际、国内交通费 出差补助天数 其他相关费用
参加国际会议（拟在参与省份召开）	交通费 出差补助天数 其他相关费用

9. 工作时间进度表

自 2020 年 4 月开始，研究将持续 9 个月时间。

活动	子活动	时间表（月）											
		2	3	4	5	6	7	8	9	10	11	12	
四个省市 研究报告 (北京、 四川、浙 江、广 东)	制定任务大纲												
	与专家签署委托协议，进行合作												
	赴北京及其他三省出差调研												

活动	子活动	时间表 (月)											
		2	3	4	5	6	7	8	9	10	11	12	
	第一次调研后编写初始报告, 并组织第一场政策对话												
	第二次调研后编写报告草案, 并组织第二场政策对话												
	审阅报告草案并编写最终报告												
	印刷报告												
就研究结果组织两场政策对话, 并在国际会议上汇报成果													

10、申请及遴选

本项目将由来自不同领域的国际和国内专家团队（经济学家，法律专家和社会保障专家）进行研究，每个组成部分由一名首席专家进行监督。

每个研究部分将指定一名首席专家，如下表所示：

研究部分	主题	首席专家及专家	文件量 (总数)	天数 (总数)
首席专家: ..				
5. 文献综述	对中国现有与新就业形态及数字平台就业人员相关研究进行元分析		10 页	20 天
6. 评估社保覆盖率监测框架	审查国家和省级监测框架数据收集工具，探索现有行政管理数据库		10 页	20 天

首席专家: ..				
7. 国家和省级法规、待遇设计以及负担能力	各省就业、劳动力市场情况及社会保险法规		40 页	40 天
	评估四个省市政策差距, 进行设计分析并提出建议, 社保计划转移接续能力和可负担能力(工伤)		30 页	50 天
	评估四个省市政策差距, 进行设计分析并提出建议, 社保计划转移接续能力和可负担能力(养老)		30 页	50 天
首席专家: ..				
8. 行政管理瓶颈分析	社会保障设计和平台就业人员管理相关国际案例		15 页	20 天
	各省行政管理瓶颈分析		20 页	50 天
	设计发放调查问卷, 编写报告		20 页	30 天
	行政管理瓶颈分析最终报告		10 页	20 天
注: 国内专家将用中文草拟和提交文件, 国际专家用英语草拟和提交文件。				

申请流程

对本研究课题全部或部分内容有意向的申请人, 请提交技术方案(不超过 10 页), 包含以下内容:

1. 参与课题的研究人员的简历;
2. 申请参与的课题内容及时间表;
3. 建议采用的研究方法;
4. 一份具体的财务方案;
5. 附上至少一份主题类似的研究成果(不在 10 页限制范围内)。

技术和财务方案应分别发送给国际劳工组织, 并在邮件标题中明确注明。

申请应提交至 frotal@ilo.org, 并标注“中欧社保项目: 社保覆盖面研究——技术方案”及“中欧社保项目: 社保覆盖面研究——财务方案”。申请提交应不晚于 2020 年 4 月 1 日。研究工作启动不晚于 2020 年 4 月 20 日。

资质及选择标准

申请人可以为具备资质的个人、机构或在中国或欧盟注册的非政府组织。

对申请人的评估将基于以下标准:

- 技术能力, 包括国内和国际特定领域的技术专长、背景知识和技术经验的相关程度。
- 拟提出的研究方法和组织研究方法的清晰性和完整性(是否可以立即开展工作以及时间安排)。

- 语言：如国内专家精通英语将优先考虑。
- 费用建议。

权重：技术方案 70%，财务方案 30%。



本项目由欧盟资助