An international perspective on closing the gaps for universal social security
关于弥合全民社会保障差距的国际视角

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- The world of work in which the original Social Security schemes were designed is changing at a very fast pace
  就业形态正在以极快的速度发生改变，最初设计的社保制度
- Instead of dealing with 不再只针对
    - **Single**
    - **Stable**
    - **Full time Employment relations**
    - **Employer and employee clearly defined**
    单一、稳定、对雇主和雇员界定清晰的全职雇佣关系

- Social Security Systems are increasingly required to deal with non-standard form of work
  社保制度日益需要针对非标准就业形态的设计
    - Including **platform-workers** 包括平台从业人员

The new reality 新现状

- Different employment relations (not always clearly defined) 不同的雇佣关系（出现界定不清的情况）
  - Self-employed? Dependent work?
    自雇就业？从属性工作?
  - Disguised self-employment 变相自雇就业?
  - Multiple jobs – multiple employers
    多职业——多雇主

- **Countries are all struggling to adjust**
  各国都在想尽办法调整
  - **some innovations but most of the countries are still searching for solutions**
    部分国家进行了创新，但大多数国家仍在寻求解决办法
  - **Exploring solutions mostly to deal with specific sectors**
    研究针对特定部门的解决办法

SUCCESS IN FINDING SOLUTIONS FOR THESE WORKERS IS ESSENTIAL TO REACH **UNIVERSAL SOCIAL SECURITY** COVERAGE

成功找到针对这些工人的解决办法是实现社保全覆盖的关键

&

REDUCE THE GREY ZONES IN OUR LABOUR MARKET/ECONOMY (THE INFORMAL ECONOMY)

减少劳动力市场/经济（非正规经济）中的灰色地带

SOME IMPORTANT MESSAGES 重要信息

COMPLEX PROBLEMS REQUIRE A COMBINATION OF SOLUTIONS
复杂问题需要综合全面的解决方案

- Situation is not homogeneous, 就业情况不一

- Workers in platform/flexible workers assume very different characteristics

- 平台/灵活就业人员表现出的特征差异悬殊

- Success depend on the capacity to put in place different strategies

- 成功与否取决于能否恰当运用不同策略

Administrative adaptations　对经办调整
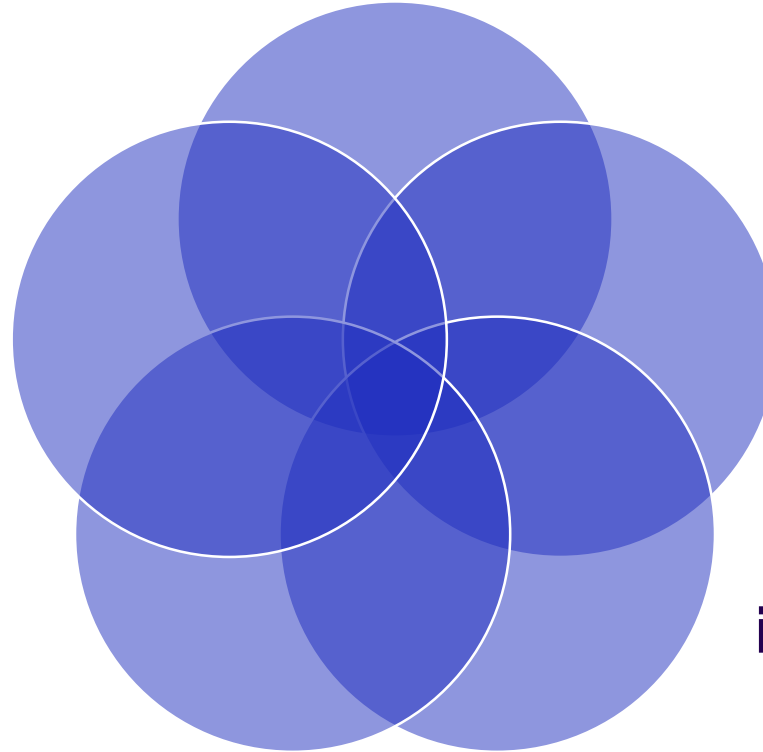
其他与劳
动相关的
立法修订
（例如对
雇佣关系
的定义）

Revision of other labour related legislation (for instance the definition of employment relations)

研发更加适应
劳动力特征的
新型工具

Development of new tools more adapted to the characteristic of the work force

社会保障
法修订

Revision of social security legislation

Exchange of information to better define employment relation & income level

通过信息交换更
好定义雇佣关系
及收入水平

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EXAMPLES OF ADDITIONAL IDEAS FOR REFLECTION

对其他观点的思考

NOT AN EXHAUSTIVE REVIEW 非详尽评论

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Improve the accuracy of employment relation classification/detection (I)
更加精准地界定/确定雇佣关系（I）

Some workers are *misclassified* as self-employed

部分工人被误认定为自雇人员

Situation in which employers explore the concept of self-employment but in practice there is a employer relation disguised (for instance, delivery man that work only for a restaurant but are presented as self-employed)

雇主在探讨自雇就业的概念时出现此类情况，但实际上双方存在变相的雇佣关系（例如将仅为一家餐厅工作的外卖送餐员界定为自雇人员）

Coordinate across government (for example with Tax authorities) to check how those workers are categorised elsewhere in administration

政府间协调（例如与税务部门配合），核查其他地方在经办过程中如何对这些工人进行划分。

Develop tools for inspection services to check existing labour relations (including needed regulations, standard questionnaires, digital inspection services to track different companies a single individual may be working or not and the use of big data) 研发监察服务工具，核查现行劳动关系（包括所需法规、标准问卷、用以追踪个人可能服务的不同公司（或仅服务一家）的数字检查服务，以及对大数据的使用）。

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Improve the accuracy of employment relation classification/detection (II) 更加精准地界定/确定雇佣关系（II）

Some workers are *misclassified* as self-employed 部分工人被误认定为自雇人员

Disseminate knowledge and dissemination of information about examples of such cases across social security system and its ecosystem 在社会保障体系及其生态系统中传播相关知识和关于此类案例的信息

Develop training so that social security inspection recognises practical situations

组织培训，以在社保检查中了解实际情况。

Develop campaigns to ensure right reporting of incomes and contributions at real income levels

开展相关活动，确保根据实际收入水平准确报告收入和缴费情况

Encourage them to register as employees in urban pension schemes for employees, individually even if this means less reliance on the employer for administrative purposes

鼓励他们参加城镇职工基本养老保险，即使从经办考虑，这意味着减少对雇主的依赖。

Strengthening regulations
For those who can be classified as employees (I)
加强对可以被认定为雇员的非标就业人员的法律规制 (I)

For example, Portugal and Spain and UK have classified personal transport e-drivers legally as employees and reverse the burden of proof to companies.

例如，葡萄牙、西班牙和英国已从法律上将平台运输司机认定为雇员，并将举证责任倒推给平台公司。

VERY IMPORTANT – BE MORE PRO ACTIVE TO ESTABLISH CRITERIA TO DETERMINE DE FACTO LABOUR RELATION BEYOND THE EXISTING CONTRACTUAL RELATIONS

极为重要的一点是——更加积极主动地设立标准，确定除现有合同关系之外的实际劳动关系

Use international standards (such as R . 198), international and national comparative case and legal studies

使用国际标准（例第198号上《建议书》，借鉴国际和国内比较案例以及法律研究。

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SS can grant temporary equivalence of registration to pensions for workers who are de facto employees even if they are not under labour law so they **enjoy the same benefits as employees when they de facto work as employees anyway**

尽管存在事实劳动关系的雇员未受劳动法保护，社会保障机构仍可以为其提供临时等效的养老保险登记，从而确保他们在从事实际雇员工作的情况下获得与雇员相同的待遇。

Encourage them to register as employees in urban pension schemes for employees, individually even if this means less reliance on the employer for administrative purposes

鼓励他们参加城镇职工基本养老保险，即使从经办考虑，这意味着减少对雇主的依赖。

Train courts, judges and social security on the application of these criteria

对法院、法官和社会保障机构进行关于标准应用方面的培训

Develop **innovative mechanisms** and **campaigns** to ensure right reporting of incomes and contributions at real income levels

创新机制并开展相关**活动**，确保根据实际收入水平准确报告收入和缴费情况

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THESE SOLUTIONS WILL NOT WORK FOR ALL PLATFORM WORKERS
这些解决方案将无法适用于所有的平台从业人员

Example: Workers providing services online for different customers in an hourly basis (ex. Tutors)

例如：为不同用户提供在线服务、按时计薪的工作者（例如辅导教师）

- Assessing the feasibility of making enrolment compulsory or opening voluntary

- 评估令其强制参保或自愿参保的可能

- In some countries self-employed "service providers" are obliged to register and pay social security contributions – some other countries its voluntary

- 在部分国家，自雇就业的"服务提供者"强制参保并支付缴费，在其他国家则为自愿参保。

- Importance of being able to check (cross) information with other services (for instance tax declaration)

- 能够与其他服务部门（例如税务部门）核对（交换）信息的重要性

INNOVATION 创新

USE OF DIFFERENT METHODS TO COLLECT CONTRIBUTIONS
使用不同方式征收缴费

Good examples of working injury for construction workers in China where contracts pay a levy from the contract price (same in India, Indonesia)… artists in Germany
范例如中国对建筑行业工人的工伤保险规定——从合同总造价中取一定金额用于缴税（印度、印度尼西亚的方式相同）...德国对艺术家的做法。

CREATE INCENTIVES 创造激励措施

In Malaysia getting a license to operate individual transport services depends on being enrolled on social security
在马来西亚，能否获得个人开展运输的执照取决于是否参加社会保险。

IMPORTANT OF SOCIAL DIALOGUE 社会对话的重要性

New solutions are more easy to be developed and welcomed if developed by those who are directly involved
由当事方直接参与制定解决方案将降低制定难度且作出的方案将更受欢迎。

Technology accelerates transformation of forms (making more difficult to measure income/define employment relations)

技术加速形态转换（加重了收入测量/雇佣关系认定的难度）

TECHNOLOGY can also be an enabler to increase system accessibility and efficiency

技术也可以作为提高制度可及性和有效性的助推器

Institutions are adverse to risk but IA can reduce risks; digital services can increase productivy
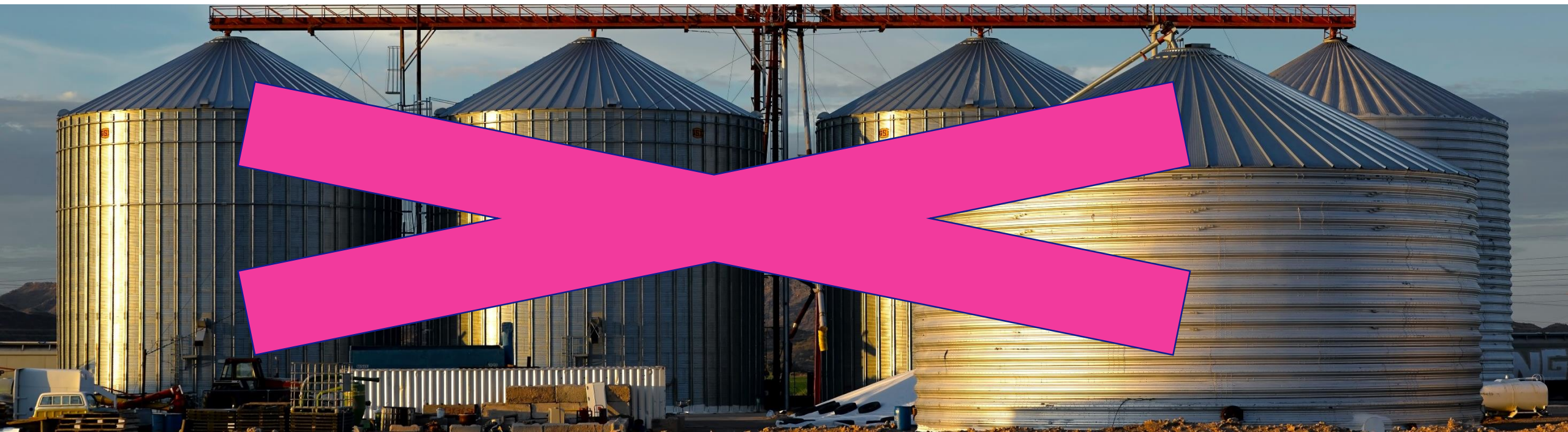
机构不可冒风险，但信息架构可以降低风险；数字化服务可以提高生产效率

Anticipation: Use of big data and predictive analysis of workflow and service needs in different localities 预期：使用对不同地区的工作流程及服务需要作出的大数据分析和预测分析

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AS MUCH AS POSSIBLE AVOID CREATING SEPARATE/DIFFERENT SOLUTIONS
尽可能避免出现独立/不同的解决方案

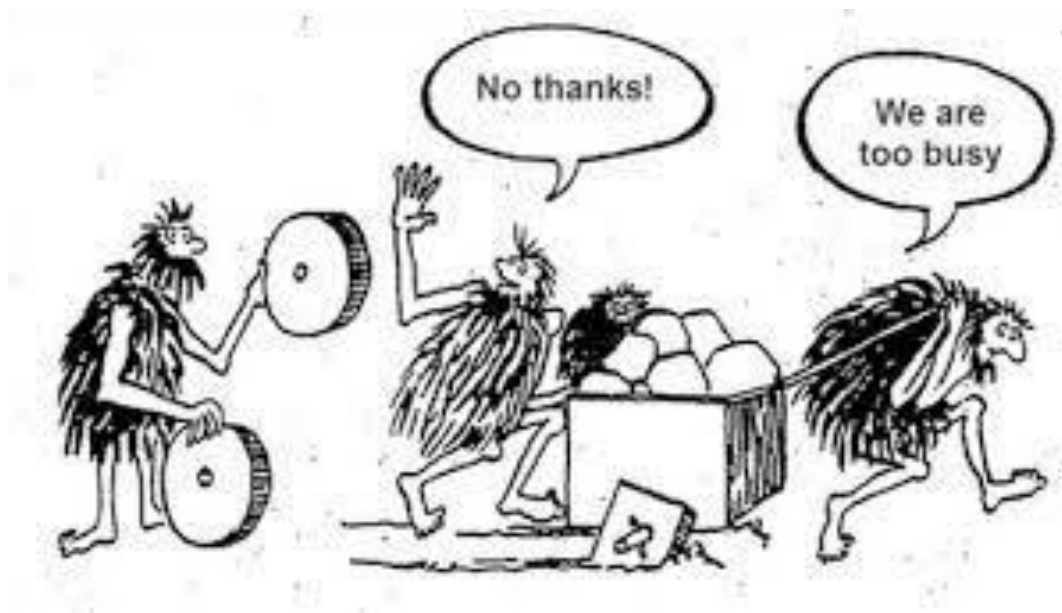**Rights should not depend on the type of employment relation 权利不应以雇佣关系类型为依据**

From a practical perspective and considering existing labour mobility the silo approach has several challenges

从实操角度和现行的劳动者流动性方面考虑，孤岛模式面临多种挑战。

A NEW SOCIAL INSURANCE
新型社会保险

International Labour Organization

No thanks!

We are too busy

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THANK YOU

感谢您的观看

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