

The Influence of Labor Contract Law Based on Big Data on Labor Relations

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Abstract: A labor contract refers to a written agreement between a worker and an employer to establish a labor relationship and define the rights and obligations of both parties. Employers in China should sign written labor contracts with workers when recruiting workers. Although labor relations and labor contract relations have certain unity, it does not mean that they can replace each other. In the fourth industrial revolution led by industrial intelligence, with intelligent manufacturing as the core, it will surely lead to the change of labor relations again. The new labor relations evolved from atypical labor are naturally more diversified and complicated, which brings challenges to how to identify the new labor relations in China. Although the current labor contract law of our country may not identify the new type of labor relations in flexible employment forms, even so, it is still of important academic value and significance to study the big data of judicial practice in the ten years of the implementation of the Labor Contract Law. The expansion of labor relations at different levels of enterprises, industries, industries and society has become a lot of challenges for the implementation of the labor contract law. This paper will analyze the impact of the labor contract law on labor relations based on big data, and how to build a harmonious labor relationship will also become the main topic of this paper.

1. Introduction

The promulgation of Labor Contract Law marks a big step forward in China's labor legal system, which makes China's labor legal system more strict and standardized. Labor relationship is a kind of social and economic relationship established between labor and capital in the process of labor, and it is the most important and basic social relationship [1]. In recent years, the rapid development of Chinese market economy is promoting the construction of rule of law society, and the legal rights and interests of citizens are paid more and more attention to by the society, and the legal rights and interests of workers in labor relations are among the important content. The promulgation of Labor Contract Law aims at building harmonious and stable labor relations, and provides guarantee for the establishment of harmonious labor relations in the form of law [2]. More than ten years after the promulgation of the labor Contract Law, this paper will discuss the labor contract law and labor relations based on the perspective of big data.

2. Labor Contract Law and Labor Relations from the Perspective of Big Data

2.1. Technology and labor relations

Looking at the development process of human technological progress, we can find that technological progress has always been an important factor affecting the change of labor relations. Technological progress has improved the level of productivity, realized the transformation and upgrading of production mode, and promoted the change of labor relations[3]. Technological progress has reshaped the industrial structure, and the emerging industries that were born have absorbed new labor force, which has led to changes in labor relations. Generally speaking, historical experience tells us that technological progress can lead to profound changes in labor relations by upgrading production methods, reshaping industrial structure and changing social relations. Today, the fourth industrial revolution led by artificial intelligence takes intelligent manufacturing as the

core, and on the basis of mechanized, automated and information-based production, realizes the intelligent upgrading of the production mode[4]. New industries and economic forms emerge at the historic moment, reconstructs human social relations and lifestyle, which will inevitably lead to the reform of labor relations again. The substitution and transfer of labor force caused by technological progress will be an important manifestation of the change of labor relations. At present, there is an unbalanced pattern of "strong capital and weak labor" in China, especially in the non-state-owned economy[5]. With the advent of artificial intelligence era, the problem of employment substitution caused by technological progress has become prominent, and technical unemployment will further lead to the imbalance between supply and demand in the labor market[6]. For workers in China, the technical unemployment risk brought by artificial intelligence is still one of the main challenges at this stage, and the problem of strong capital and weak labor in labor relations will continue to deepen.

In today's social situation, the supply and demand situation of the labor market and the irrational market structure will make workers in a relatively weak position and make labor relations tend to be tense. The arrival of the artificial intelligence era has undoubtedly accelerated the market demand for atypical labor, but it is obvious that the current labor contract law of our country cannot identify a new type of labor relationship in the form of flexible employment. China's labor contract law is based on typical workers as the main body, and it protects standard labor relations. It can be seen that China's current labor laws and regulations can no longer meet the development of new labor forms in the era of artificial intelligence, and cannot provide services for new labor relations. Due to the insufficient applicability of the existing laws and regulations, workers who choose new forms of employment will easily fall into the vacuum of labor law and social insurance law to protect workers' rights and interests, which increases the risk of infringement of workers' rights and interests. The new labor relations evolved from atypical labor are naturally more diversified and complicated, which brings challenges to how to identify the new labor relations in China. How to solve the identification of new labor relations is an important prerequisite to ensure the harmonious development of labor relations in the era of artificial intelligence.

2.2. Labor contract law from the perspective of big data

Although it is mentioned above that China's current labor contract law may not recognize the new type of labor relations with flexible employment forms, even so, it is still of important academic value and significance to study the big data of judicial practice in the ten years of implementation of the Labor Contract Law: it is not only helpful to observe the implementation effect of the Labor Contract Law from a macro perspective, but also can grasp the main contradictions and problems in the process of law implementation. Break the legislative mode of relying too much on intuition and imagination, and provide practical support for more scientific legislation of China's Labor Contract Law in the future.

Legal big data research can free legal scholars from intuition and one-sided experience, avoid misunderstanding and misjudgment of the status quo of the rule of law in China, and make the direction of legal research directly hit the legal pain point[7]. The research contents and conclusions are more rational, logical, analyzable and scientific. The normative research method refers to the legal research method that makes statistics on the applicable frequency of each clause of the existing law, so as to consult all the judgment documents related to a certain law, or makes clear statistics on the applicable frequency of each clause when conducting systematic research on a certain law, finds out the annual legal hotspots and social problems, and finds the focus and direction of legal reform, which is conducive to grasping the whole picture of the legal system in the rule of law construction from the macro level.

Up to now, China Judgment Document Network has published more than 900 million documents to the whole society, and the year of publication can be traced back to 1996 at the earliest[8]. The influential domestic big data quantitative research mentioned above is basically carried out with the help of China Judgment Document Network. According to the cause of action, there are a large number of labor disputes, labor compensation disputes, labor contract disputes, labor relations

confirmation disputes, industrial injury insurance treatment disputes and economic compensation disputes, which are 412,594, 111,520, 88,483, 25,932, 23,763 and 12,858 respectively.

Among them, the case of "labor dispute" accounts for the largest proportion of the disputes involved.

First, there are a large number of complex disputes in labor contract cases; Second, many courts do not distinguish the specific legal disputes involved in the case at the filing stage, but only vaguely classify them as "labor disputes". It can be seen that in the ten years from 2011 to 2019, the courts did not pay enough attention to the classified statistics and fine management of labor disputes. This is not conducive to the court system's in-depth understanding of the practice of labor contract disputes, nor to the academic and social understanding and research of labor disputes in the litigation stage.

As shown in Table 1, judging from the types of trial procedures, the number of first-instance cases > the number of second-instance cases > trial supervision procedures and others, and the first-instance cases are the main types of trial procedures. From the time distribution of cases, around 2013, the number of cases involving labor contract disputes showed a leaping growth trend, which was closely related to the introduction of the online policy of judgment documents in China.

Table 1 The program type and year distribution of the case

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Number of cases in first instance	2833	5332	21080	79332	103551	120955	130045	135527	143201
Number of second instance cases	804	1031	6848	44120	52534	62092	67981	70032	72305
Trial procedure and other quantity	51	224	268	897	682	839	907	1087	1230

3. Labor relations and labor contract relations

3.1. Problems of labor contract law

China's labor contract system began 20 years ago, and its symbol was the Interim Provisions on the Implementation of Labor Contract System in State-owned Enterprises issued by the State Council in 1986[11]. Under the social and historical conditions at that time, China's labor relations were mainly based on the labor relations between state-owned enterprises and collectively-owned enterprises, and the scope of application of the labor contract system was mainly limited to state-owned enterprises. With the reform of the employment system in state-owned enterprises and the development of various non-public sectors of the economy, the labor contract is gradually moving towards the full-time system and the scope of application is constantly expanding.

Labor relations have changed from a single type of state-owned and collective-owned enterprises to multiple types of labor relations in enterprises with different ownership. After the Labor Law, although the adjustment object of the Labor Contract Law is still mainly aimed at the labor relations of employers or enterprises, the development space of labor relations is not limited to this level. The expansion of labor relations in different levels of enterprises, industries, industries and society has become many challenges faced by the implementation of labor contract law[12]. At the level of industry, trade and society, all major issues related to labor relations are not made administrative arrangements by the government, but are resolved through the representative organizations of both labor relations or tripartite mechanisms according to law. The scale of labor relations shows that the

scale of labor relations covering employees is constantly expanding, making it the basic social relations in China. In the process of China's economic and social development, harmonious labor relations are an important foundation for building a harmonious socialist society, and the problem of labor relations has increasingly become a concern of the whole society. It can be seen that the continuous expansion of the scale of employees covered by labor relations has become one of the great challenges faced by the implementation of labor contract law. Under the background of economic globalization and in the process of competing development of domestic enterprises with different ownership, the labor relationship pattern of "strong capital and weak labor" will still exist for a long time due to the influence of many factors such as market competition, supply and demand of labor market, adjustment and upgrading of industrial structure, and imperfect current labor legal system[13]. How to deal with the complexity of various contradictions in labor relations, effectively regulate and coordinate labor relations according to law has become one of the biggest challenges faced by the implementation of labor contract law.

Although the labor contract law is based on a new historical starting point on the basis of fully summing up and absorbing the practical experience of previous labor contracts, the implementation of this law is still facing a severe test in the face of complicated labor relations. The practice of China's labor legislation shows that the labor contract law and the labor contract system, which are promoted only, are actually difficult to effectively shoulder the heavy responsibility of adjusting labor relations, especially in today's profound changes in labor relations.

3.2. How to build a harmonious labor relationship

To strengthen the management of labor contracts and the strategy of building a harmonious labor relationship, we should first strengthen the supervision of the signing and performance of labor contracts. In order to build a harmonious labor relationship, enterprises should strengthen the supervision of the signing and performance of labor contracts. Enterprises should carry out special inspections on the signing of labor contracts, which mainly include: whether the labor contracts are signed according to law, whether the contents of the labor contracts are complete and legal, whether the procedures are legal, whether the contract renewal, dissolution and termination are legal, whether compensation is paid according to law when the labor contracts are dissolved, and the performance and changes of the labor contracts. Ensure the smooth implementation of the labor contract system. In order to build a harmonious labor relationship, it is necessary to improve the labor contract management. First of all, according to the characteristics of the industry and the legal requirements, we should formulate a new labor contract suitable for ourselves. The contents of the contract should be as strict and detailed as possible to protect the rights and interests of both employers and employees. All links of labor contract management have been improved, and the work in each link has been standardized and orderly. Only then can the contract not only constrain the behavior of the employer and the laborer, but also protect the legitimate rights and interests of both parties, and achieve a win-win situation between the employer and the laborer. From the perspective of industry associations, study how to establish industry labor standards according to the type of workers and achieve differentiated industry supervision. The research prospect on this issue is shown in Figure 1.

To build a harmonious labor relationship, the key is to strengthen the management of the performance of labor contracts, which is not only a requirement for enterprises, but also a requirement for the government that performs the supervisory function. In order to build a harmonious labor relationship, enterprise management should actively change their attitudes, strive to improve their awareness and self-management, optimize the labor management system, and correctly exercise the rights given by law and fulfill their due obligations. To look at the higher requirements put forward by the Labor Contract Law for enterprises from a strategic perspective, we should take positive actions, take the construction of harmonious labor relations as an important task to improve management, and incorporate it into the organizational development strategy. In order to build a harmonious labor relationship and implement the labor contract law, employers must establish and improve trade union organizations, ensure that trade unions work independently

according to law, and make them play a positive role in coordinating labor relations and promoting the development of employers.

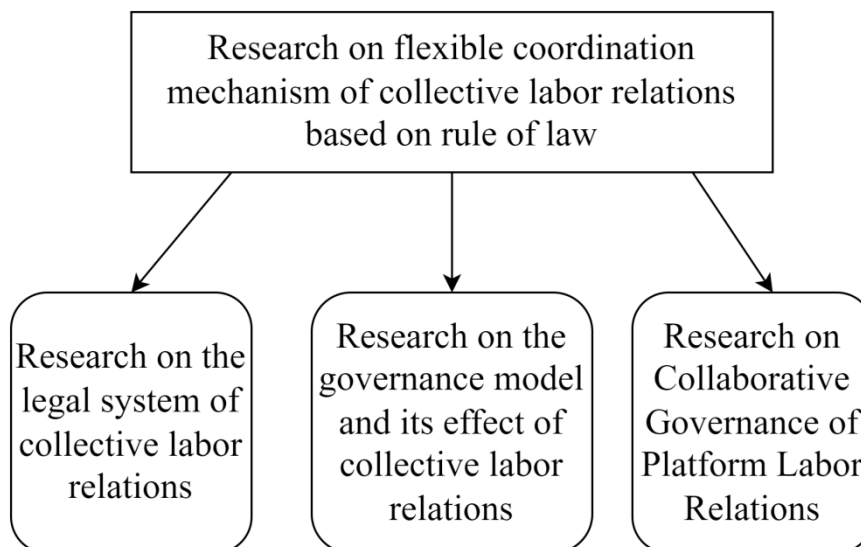


Figure 1 Differentiated industry supervision according to the type of worker

4. Conclusion

The promulgation and implementation of the Labor Contract Law is the concrete embodiment of implementing the people-oriented Scientific Outlook on Development, and is the inevitable requirement of building a harmonious socialist society. However, faced with many challenges of the development and changes of labor relations, under the background of economic globalization and market-oriented reform of enterprises, the labor relations faced by China's labor contract law show unprecedented changes, which requires that the labor contract system should be connected with other legal systems. Through the analysis of big data, this paper analyzes the relationship and influence between labor contract law and labor relations, and looks forward to the establishment of harmonious labor relations, so that both enterprises and workers are guaranteed. It is stipulated that the labor contract should be signed by the laborer and the enterprise according to law, which can weigh the interests of both laborers and ensure that both laborers and enterprises can enjoy certain obligations and rights, so that they are protected by law. Since the state has enacted and promulgated a new labor contract law, it is necessary to strictly enforce the law and further supervise its implementation to ensure that the law can be implemented. The main aspect is that enterprises themselves need to strengthen the management of the performance of labor contracts. When an enterprise performs its duties according to the enterprise contract, it shall also undertake its own obligations according to the contract. Only in this way can enterprises and employees achieve a win-win situation and build harmonious labor relations.

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