

体面劳动视角下城镇非正规 就业群体的劳动权益保障研究

TIMIAN LAODONG SHIJIAOXIA CHENGZHEN FEIZHENGGUI
JIUYE QUNTI DE LAODONG QUANYI BAOZHANG YANJIU



陈 静 著

国际劳动组织为了全社会的和谐稳定发展，
解决全球化条件下各社会领域及其劳动者劳动方面出现的各种问题，
提出了体面劳动概念，
并把它作为解决各种社会和劳动问题的战略目标。
我国政府积极响应和支持，
把实现全体体面劳动作为发展和谐劳动关系、构建社会主义和谐社会的途径之一。
而我国城镇非正规就业群体的劳动权益保障现状与体面劳动的要求相差甚远，
要想实现全体体面劳动目标，
必须促进非正规就业群体的体面就业，
保障非正规就业群体的合法劳动权益。

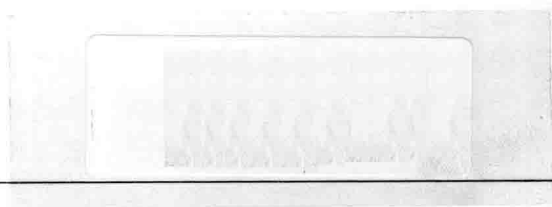


本书受四川省科技厅软科学项目(2015ZR0082)和
成都信息工程大学人才引进项目(KYTZ201509)支持

体面劳动视角下城镇非正规 就业群体的劳动权益保障研究

TIMIAN LAODONG SHIJIAOXIA CHENGZHEN FEIZHENGGUI
JIUYE QUNTI DE LAODONG QUANYI BAOZHANG YANJIU

陈 静 著



西南财经大学出版社

图书在版编目(CIP)数据

体面劳动视角下城镇非正规就业群体的劳动权益保障研究/陈静著. —成都:西南财经大学出版社,2015. 8

ISBN 978 - 7 - 5504 - 2099 - 1

I. ①体… II. ①陈… III. ①劳动法—研究—中国 IV. ①D922. 504

中国版本图书馆 CIP 数据核字(2015)第 181655 号

体面劳动视角下城镇非正规就业群体的劳动权益保障研究

陈 静 著

责任编辑:何春梅

助理编辑:傅倩宇

封面设计:杨红鹰 张姗姗

责任印制:封俊川

出版发行	西南财经大学出版社(四川省成都市光华村街 55 号)
网 址	http://www.bookej.com
电子邮件	bookej@foxmail.com
邮政编码	610074
电 话	028 - 87353785 87352368
照 排	四川胜翔数码印务设计有限公司
印 刷	四川五洲彩印有限责任公司
成品尺寸	170mm × 240mm
印 张	13. 5
字 数	245 千字
版 次	2015 年 9 月第 1 版
印 次	2015 年 9 月第 1 次印刷
书 号	ISBN 978 - 7 - 5504 - 2099 - 1
定 价	78.00 元

1. 版权所有,翻印必究。
2. 如有印刷、装订等差错,可向本社营销部调换。

中文摘要

改革开放以来,随着我国社会经济体制的转型,产业结构的不断调整升级,城市化进程的不断推进,涌现出大批的城镇下岗失业工人和农村剩余劳动力。由于非正规就业劳动机制灵活、就业准入要求低,能够满足各种不同需求层次劳动者的就业需要,因此它越来越成为各种富余劳动力和新增劳动力就业的重要渠道,对劳动力市场产生了重大的影响,导致劳动力市场发生了一个显著的变化——非正规就业群体成为城镇就业人口的主流。该群体既无特殊的劳动技能,也没有其他较多的可供利用的社会资本,他们只能靠出卖自己的劳动力来就业,属于典型的社会弱势群体。其劳动就业容易受歧视;劳动报酬得不到保障;劳动强度大,人格尊严很难得到保障;劳动卫生安全条件较为恶劣,工作环境危险,容易发生较大的安全事故;居住条件特别差,生活难以保障,身心健康容易受到伤害;劳动者普遍受教育程度低,接受文化教育的机会很少,自身的劳动权益难以得到保障。尤其是在部分民营企业中,劳动者的工作环境非常差,劳动安全事故常常发生;劳动时间的无限延长,使得该群体劳动者的身体健康遭到严重的损害;故意拖欠、恶意克扣劳动报酬等现象越来越严重。该群体劳动关系的博弈能力非常低,权利屡遭侵犯,这影响到了我国和谐劳动关系的构建,已经成为社会稳定的严重隐患。

国际劳动组织为了全社会的和谐稳定发展,解决全球化条件下各社会领域及其劳动者劳动方面出现的各种问题,提出了“体面劳动”概念,并把它作为解决各种社会和劳动问题的战略目标。我国政府积极响应和支持,把实现全民体面劳动作为发展和谐劳动关系、构建社会主义和谐社会的途径之一。而我国城镇非正规就业群体的劳动权益保障现状与体面劳动的要求相差甚远,要想实现全民体面劳动目标,必须促进非正规就业群体的体面就业,保障非正规就业群体的合法劳动权益。

社会和谐的基石是劳动关系的和谐,而劳动关系和谐的核心就是劳动者的

劳动权益受到充分的保障和体面劳动的实现。基于此,本书以当代西方六大劳动关系理论的观点为主线,结合制度依附理论和社会平等理念共同形成本书的理论基础;通过对体面劳动与劳动权益的内涵与特征进行界定,厘清了体面劳动与劳动权益之间的关系。在确定研究的理论基础之后,本书通过历史研究法对我国城镇非正规就业劳动权益保障的历史发展进程进行了梳理,运用定性分析的方法对目前我国城镇非正规就业群体劳动权益保障的现状进行总结归纳,并采用定量分析方法对一些置信度较高的历史宏观数据进行分析,找出我国目前城镇非正规就业群体劳动权益保障中存在的问题,同时再利用规范性分析方法针对这些存在的问题探索其根由。在此基础之上,本书对城镇非正规就业群体劳动权益保障的影响因素和后效变量进行了探索,形成了八个相关假设,并构建了本书的理论模型。通过体面劳动理念和内涵对城镇非正规就业群体劳动权益保障衡量指标体系进行了理论筛选,再通过隶属度、相关性、项目分析、信度和效度等实证研究方法,最终遴选出城镇非正规就业群体劳动权益保障的调查量表;通过问卷调查所得数据,对其提出的八个理论假设进行验证支持,验证了理论模型的有效性。本书通过理论和实证分析后发现:由于劳动力市场发育的不完善,城镇非正规就业成为目前就业的主流,导致劳动市场秩序更加复杂和混乱,强资本弱劳工的现象不能得到有效控制;我国劳动立法和相关劳动法规政策制度还不完善,劳动监察不到位,导致部分民营劳动就业组织利用法律漏洞来侵犯劳动者的合法劳动权益;在部分民营企业中,根本没有成立工会组织或工会组织的不健全、不独立,导致工会组织不能真正代表劳动者的合法权益;城镇非正规就业群体自身素质和劳动技能水平低,依法维权意识薄弱等问题。鉴于此,本书提出了构建以政府、劳动就业组织、工会组织和城镇非正规就业群体自身多方合作互补的劳动权益保障新模式,通过这多方相互能够制约的力量,构建一个相对有力的以及优势互补的多方监督协作体系。

本书共由八章构成,具体结构如下:

1. 导论。本章主要对选题的背景、研究的主要内容与方法、研究思路、国内外的研究现状、研究的结构安排和预期创新进行阐释和介绍。
2. 非正规就业的理论基础及其相关研究。本章主要以当代西方劳动关系六大理论观点为主线,结合制度依附理论和社会平等理念共同形成本研究的理论基础;对非正规就业的国内外相关研究进行述评,对非正规就业的内涵进行界定。在此基础上本章还采用了社会分层理论把城镇非正规就业群体分为利益受益和利益受损两个群体,从而锁定本研究的主要研究对象:利益受损的城镇非正规就业群体。

3. 劳动权益与体面劳动研究。本章主要就国内外劳动权益的相关研究进行分析与讨论,在此基础上对劳动权益的内涵进行了界定;再根据马斯洛需求层次理论把劳动权益分为五个层次:生存权、安全保障权、社会认同权、尊重权和自我实现权,为后续的理论模型研究提供铺垫。本章还就国内外对体面劳动的相关研究进行述评,提出了适合我国国情的体面劳动的内涵与特征,在此基础上分析与讨论了劳动权益保护与体面劳动的实现之间的关系。

4. 非正规就业群体的劳动权益保障的历史演变与存在的问题。本章主要采用历史分析的研究方法把我国城镇非正规就业群体劳动权益保障分四个历史阶段,对这四个阶段的历史演变过程进行研究,每个阶段都分别从社会保障、劳动保护和职工发展三个方面进行论述;采用定量分析的研究方法对一些置信度较高的历史宏观数据进行分析,找出我国目前城镇非正规就业群体劳动权益保障存在的问题,采用规范性分析方法探索其问题存在的根由。

5. 体面劳动视角下,城镇非正规就业群体的劳动权益保障的研究假设与理论模型构建。本章首先探讨了影响城镇非正规就业劳动权益保障的因素:劳动者个体属性、组织所有制属性、地域经济属性、工会组织和政府职能定位与运行效能,这些因素都对劳动权益保障有影响。其次探讨了城镇非正规就业群体劳动权益保障的后效变量:劳动权益保障对劳动者工作生活质量、组织绩效和和谐劳动关系的构建的影响。最后提出了八个理论假设,在这八个理论假设的基础上,构建了城镇非正规就业群体劳动权益保障的理论模型。

6. 劳动权益保障状态下的各种衡量指标体系构建。本章首先对国内外体面劳动的测量指标体系进行了较为深入的文献分析,然后以体面劳动的内涵和它所蕴含的基本理念作为劳动权益保障指标体系遴选的理论基础,从理论视角遴选出5个维度、14个基本指标和66个指标要素,再通过隶属度和相关性实证分析,最终以实证的方式遴选出56个指标要素。本章还通过文献及理论研究探索构建了政府职能定位与运行效能、员工工作生活质量、组织绩效和和谐劳动关系的衡量指标体系,为后续的研究打下基础。

7. 问卷调查与数据分析研究。本章主要对研究方法的介绍与探讨,包括问卷调查的过程与样本的基本情况,项目分析方法、问卷的信度与效度和描述性统计等内容。采用单因素方差分析法、独立样本T检验法、多元回归法和相关性分析法等,验证了研究工具的信度和效度,保障了后续分析的科学性和严谨性,在此基础上对第五章构建的理论模型中八个基本假设进行了验证;同时还通过多元回归的方法探寻了影响城镇非正规就业劳动权益保障水平的因素,还确立了各因素的权重。

8 结论与建议。本章主要是对整篇文章的结论进行概括性总结，对研究得出的重要结论加以介绍，同时还针对结论提出了建设性的意见。

关键词：城镇非正规就业 劳动权益保障 体面劳动

Abstract

Since reform and opening policy, with the transformation of our social and economic system, the constant adjustment and upgrading of industrial structure, the pace of urbanization accelerated, to emerged a large number of urban laid-off workers and surplus rural labor force, due to flexible employment mechanism, the low demand of employment for informal employment, to meet employment needs for a variety of different hierarchy' s labors, so it becomes an important channel of surplus labor forces and the new labor forces and it has had a major impact on the labor market, the labor market has led to a significant change—Informal employment has become the mainstream of urban employment population. The group has neither a special labor skills nor more social capital available, simply rely on selling their labor to employment, they are a typical social vulnerable groups. Their employments are vulnerable to discrimination; Labor remuneration can not guaranteed; Labor health and safety conditions are bad, work is dangerous, prone to accidents; High labor intensity, lack of respect for human dignity; Poor living conditions, lives are guaranteed, Their mental health is not guaranteed; A lot of them have low education, fewer opportunities to receive education, labor rights can not be guaranteed. Especially in some private enterprises, work environment are very bad, frequent accidents, the groups often become victims of security incidents; Indefinitely extend their working time, Health seriously is damaged, Phenomenon is growing about malicious deduction and arrearage payment, game abilities of the groups' labor relations are very low, rights are infringed, these seriously affected and threatened to building of harmonious labor relations in China and the equitable sharing of social development outcomes, and it has become a serious hidden danger to the social stability.

The International Labour Organization put forward the concept of “decent work”

for the social harmonious and stable development, to solve all kinds of problems of social and labor aspects under the conditions of the globalization, and took it as a strategic goal to solve all the social and labor problems. Chinese government actively respond and support the realization of decent work and regarded it as a way to development of harmonious labor relations and building a harmonious socialist society, But in our country urban informal employment groups' labor rights protection status is far from the requirement of decent work, to achieve the government's goal of decent work for all the people, must be in order to promote decent employment of informal employment groups and to protect the legitimate labor rights of informal employment groups.

The cornerstone of a harmonious society is the harmonious labor relations, but the core of the harmonious labor relations is protection of labor rights and achievement of decent work, Based on this, this study regards six modern western labor relations theories as the main line, formed the theoretical basis of this study through combining the institutional attachment theory of system and social equality together; Through defining the connotation of decent work and labor rights and characteristics, to clarify the relationship between decent work and labor rights; After determining the theory foundation of the study, sort out historical development process of Chinese urban informal employment labor rights protection through the historical research in this study, using the method of qualitative analysis to summarize the present situation of Chinese urban informal employment groups' labor rights protection, and the using quantitative analysis method to analyse macro historical data of high degree of confidence to find out our current urban informal employment groups' labor rights protect problems, using normative analysis method to deal with these problems and explore its causes; On the basis of these, the study explored effects factors and outcome variables of urban informal employment groups' labor rights protection, formed eight related assumptions, and constructed the theoretical model of this study; selected theoretical measure index system of urban informal employment group labor rights protection through decent work concept and connotation, formed finally surveys Scale of the urban informal employment groups' protection of labor rights through membership, relevance, project analysis, reliability and validity of empirical research methods; Proposed eight hypotheses of theory, proved the validity of the theoretical model; This study found out through theoretical and empirical analysis that: because of labor market imperfections, urban informal employment has become the mainstream of the current employment, led

labor market order more complicated and confusing, Strong capital and weak labors' phenomenon can not be effectively controlled, Our labor law and labor regulations and polices are not perfect, Labor supervision is not in place, leading to some private private enterprises made use of loopholes in the law to infringe the legitimate labor rights; In some private enterprises, No trade union organization or union organization is not perfect, not independent, led trade union organization can not truly represent the legitimate interests of workers; Urban informal employment groups have their own low quality and working skills level, weak legal awareness of rights and other issues. In view of these, this study proposed to build a multilateral cooperation complementary new model of labor rights protection of government, business organizations, trade unions and urban informal employment groups themselves, through this ultilateral mutual restricting powers, to construct a relatively strong and complementary cooperative system.

In this study, the structure is composed of eight chapters, the specific structure is as follows:

Chapter 1 Introduction. This chapter focuses on the background of topics, the main research content and method, research ideas, research status at home and abroad, interpreted and introduced the structure arrangement and innovation.

Chapter 2 The theoretical basis of the informal employment and related research. this study regards six modern western labor relations theories as the main line, formed the theoretical basis of this study through combining the institutional attachment theory of system and social equality together, research on the informal employment at home and abroad are reviewed, defined the connotation of informal employment. On this basis, this chapter also used the theory of social stratification to divide the urban informal employment groups into two groups of benefited and compromised interests, thus locking the main object of study in this study, compromised interests' the urban informal employment groups.

Chapter 3 Studies about the labor rights and decent work. This chapter analyzed and discussed the relevant research at home and abroad about labor rights and interests, on this basis, the connotation of labor interests were defined; Labor rights were divided into five levels according to Maslow's hierarchy of needs: right to life, right to security, the right to social recognition, respect for rights and the right to self-realization, to pave the way for the theoretical model of the following; This chapter also re-

viewed research about decent work abroad, proposed suitable connotation and characteristics of decent work for China, based on this, analysed and discussed the relationship between labor rights protection and decent work's achievement.

Chapter 4 Historical evolution and existing problems about the Informal employment groups' labor rights protection. This chapter mainly used the method of historical analysis to divided urban informal employment group labor rights protection into four historical stages, studied these four stages to the historical evolution, Each stage discussed separately three aspects such as social security, labor protection and staff development, the using quantitative analysis method to analyse macro historical data of high degree of confidence to find out our current urban informal employment groups' labor rights protect problems, using normative analysis method to deal with these problems and explore its causes.

Chapter 5 Construction research hypothesis and theoretical model of the informal employment groups' labor rights protection from the perspective of decent work. This chapter first discussed the influencing factors of the urban informal employment labor rights protection: labors' individual property, organizational ownership property, regional economic attribute and trade unions, these factors have influence on the labor rights protection; Secondly discussed aftereffect variables about urban informal employment groups' labor rights protection: Labor rights protection affected on labors' quality of working life, organizational performance and harmonious labor relations' s construction; Finally Proposed eight theoretical assumptions, on the base of eight theories assumptions, constructed a theory model of urban informal employment group labor rights protection.

Chapter 6 construction a variety of index system to measure In the protection of the state labor rights. The chapter first analysed domestic and foreign decent work measurement index system, then put the connotation of decent work and the basic ideas as the theoretical basis of selecting index system of labor rights protection, selected the 5 dimensions from the theoretical perspective, 14 basic indexes and 66 index factors; Through the analysis of membership degree and correlation, 56 factors are finally selected through an empirical approach, This chapter also explore building index system about staff quality of work life (QWL), organizational performance and harmonious labor relations through literature and theoretical research, to lay the foundation for follow-up study.

Chapter 7 Study on the questionnaire and data analysis. This chapter focuses on the presentation and discussion of research methods, including the basic situation of survey process and sample, Item analysis, reliability and validity of the questionnaire and statistics etc. Using single factor variance analysis, independent sample T test, multiple regression and correlation analysis method to verify the reliability and validity of the research instruments, ensure the scientific and rigorous of follow-up analysis, eight basic assumptions based on the fifth chapter constructsing theoretical model were verified, At the same time also by multiple regression to explore the factors influencing the urban informal employment labor rights protection level, also established the weight of each factor.

Chapter 8 Conclusions and suggestions. This chapter summaried the conclusion of the whole article, the important conclusions of the study are presented, at the same time puts forward constructive opinions according to the conclusion.

[**Keywords**] **urban informal employment labor rights protection
decent work**

目 录

1 导论 / 1

1.1 问题的缘起和研究背景 / 1

1.1.1 问题的缘起 / 1

1.1.2 研究背景 / 2

1.1.3 研究意义 / 4

1.2 相关文献综述 / 6

1.2.1 国外相关研究 / 6

1.2.2 国内研究现状 / 7

1.3 本书的思路和主要研究内容 / 9

1.3.1 研究思路 / 9

1.3.2 主要研究内容 / 9

1.4 研究方法与研究工具 / 12

1.4.1 定性研究方法 / 12

1.4.2 定量研究方法 / 13

1.4.3 研究工具 / 13

1.5 本书的创新之处 / 13

1.5.1 基于对体面劳动的理解,构建了劳动权益保障的指标体系 / 13

1.5.2 构建了多方合作型劳动权益保障新模式 / 14

2 非正规就业的理论基础及其相关研究 / 15

2.1 非正规就业的理论基础研究 / 15

2.1.1 劳动力市场分割理论 / 15

2.1.2 二元经济结构理论 / 17

2.1.3 贫困就业理论 / 19

2.1.4 非正式经济理论 / 19

2.1.5 生存经济理论 / 20

2.1.6 罗尔斯的公平正义理论 / 20

2.1.7 制度边缘理论 / 20

2.1.8 社会平等理念 / 22

2.1.9 理论基础启示 / 22

2.2 非正规就业内涵与特征 / 24

2.2.1 非正规就业内涵 / 24

2.2.2 非正规就业与灵活就业之间的关系 / 29

2.2.3 城镇非正规就业的特性研究 / 29

2.3 城镇非正规就业群体的分类研究 / 31

2.3.1 目前我国学术界公认的非正规就业群体组成结构 / 31

2.3.2 社会分层结构理论 / 33

2.3.3 非正规就业群体的分类 / 33

2.3.4 城镇非正规就业群体的结构分层 / 35

本章结语 / 36

3 劳动权益与体面劳动相关研究 / 37

3.1 劳动权益的内涵与特征 / 37

3.1.1 权益的内涵界定 / 37

3.1.2	劳动权益的内涵界定 /	37
3.1.3	劳动权益的特征 /	41
3.1.4	劳动权益的分层研究 /	42
3.2	体面劳动的内涵与特征 /	43
3.2.1	体面劳动的内涵界定 /	43
3.2.2	体面劳动的特征 /	45
3.3	劳动权益保障与体面劳动实现之间的关系研究 /	47
3.3.1	劳动权益保护是体面劳动实现的基础 /	48
3.3.2	良好的人文关怀是实现体面劳动的更深层次的表现形式 /	49
	本章结语 /	49
4	非正规就业群体的劳动权益保障的历史演变与存在的问题 /	51
4.1	非正规就业群体的劳动权益保障的历史演变 /	51
4.1.1	第一阶段, 劳动权益保障制度空白期 /	51
4.1.2	第二阶段, 社会保障机制改革探索期 /	53
4.1.3	第三阶段, 社会保障制度的完善期 /	56
4.2	现阶段城镇非正规就业群体劳动权益保护存在的问题 /	65
4.2.1	社会保险方面存在的问题 /	65
4.2.2	劳动保护方面存在的问题 /	68
4.2.3	职业发展方面存在的问题 /	72
4.3	现阶段我国城镇非正规就业群体劳动权益保障方面存在问题的原因 分析 /	73
4.3.1	劳动个体方面的原因 /	73
4.3.2	劳动就业组织方面的原因 /	75
4.3.3	政府方面的原因 /	77

4.3.4 工会方面的原因 / 78

本章结语 / 79

5 城镇非正规就业群体劳动权益保障的理论模型构建 / 80

5.1 劳动权益保障的影响因素分析 / 80

5.1.1 劳动者个体属性因素对劳动权益保障的影响 / 81

5.1.2 组织属性对劳动权益保障的影响 / 86

5.1.3 地域经济属性对劳动权益保障的影响 / 87

5.1.4 工会组织对劳动权益保障的影响 / 88

5.1.5 政府的职能定位与运行效能对劳动权益保障的影响 / 90

5.2 劳动权益保障的后效变量研究 / 91

5.2.1 劳动权益保障对城镇非正规就业群体的工作生活质量的影响 / 91

5.2.2 城镇非正规就业群体的劳动权益保障对组织绩效的影响 / 93

5.2.3 城镇非正规就业群体的劳动权益保障对社会和谐劳动关系的构建
影响 / 94

5.3 劳动权益保障理论模型构建 / 96

本章结语 / 97

6 劳动权益保障状态下的各种衡量指标体系构建 / 98

6.1 劳动权益保障指标体系构建 / 98

6.1.1 国内外相关指标体系研究文献综述 / 98

6.1.2 劳动权益保障衡量指标体系的理论遴选 / 103

6.1.3 劳动权益保障衡量指标体系的实证筛选 / 117

6.1.4 指标体系权重确立 / 119

6.2 政府职能定位与运行效能指标体系构建 / 122

6.3	工作生活质量衡量指标体系构建 /	124
6.4	组织绩效衡量指标体系构建 /	125
6.5	和谐劳动关系衡量指标体系构建 /	127
	本章结语 /	128
7	问卷调查与数据分析研究 /	129
7.1	调查过程与样本情况分析 /	129
7.1.1	问卷设计情况说明 /	129
7.1.2	样本容量分析 /	130
7.1.3	问卷调查基本情况 /	130
7.2	数据分析方法 /	132
7.3	项目分析 /	133
7.3.1	城镇非正规就业群体劳动权益保障量表项目分析 /	133
7.3.2	政府职能定位与运行效能量表项目分析 /	134
7.3.3	城镇非正规就业群体工作生活质量量表项目分析 /	135
7.3.4	组织绩效量表项目分析 /	135
7.3.5	和谐劳动关系量表项目分析 /	135
7.4	调查问卷的效度与信度分析 /	136
7.4.1	城镇非正规就业群体劳动权益保障问卷的效度和信度分析 /	137
7.4.2	政府职能定位与运行效能问卷效度和信度分析 /	141
7.4.3	生活工作质量问卷的效度和信度分析 /	142
7.4.4	组织绩效问卷的效度和信度分析 /	144
7.4.5	和谐劳动关系问卷的效度和信度分析 /	148
7.5	城镇非正规就业群体劳动权益保障水平的描述性统计分析 /	149
7.6	影响因素分析 /	150