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Decent Work in Chinese Electronic Workplace

**Establishing Workers' Data Rights
Across the Employment Lifecycle**

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Issues:

From behavioural supervision to data-driven labour control

2

Concept

Workers' data rights as governance of employment-related data

3

Lifecycle framework

Before, during and after employment

4

Contribution

From data processing to fair data governance

Key argument: employment-related data have become a distinct object of labour governance.

Current Issue: Work Is Becoming Datafied

Traditional labour control

Direct supervision

Observable behaviour

Human managerial decisions

DATAFICATION

Core question

**Who should govern employment-related data
when data become a medium of
managerial authority?**

Data-driven labour control

Continuous data collection

Algorithmic evaluation

Automated /
data-mediated decisions

Why Existing Legal Frameworks Are Incomplete



PIPL

Focuses on lawful collection and processing

- privacy
- consent / lawful basis
- purpose limitation
- access and correction

THE GAP

Neither framework fully addresses the continuous generation, accumulation and reuse of employment-related data.

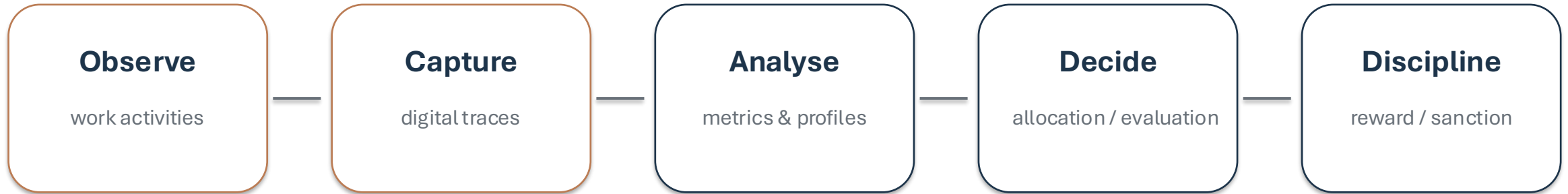
Labour law

Focuses on employment rights and managerial authority

- working conditions
- dismissal
- working time
- managerial prerogatives

Lawful processing ≠ Fair governance

From Behavioural Control to Data Control



Employment-related data are no longer a by-product of work.

They become the informational infrastructure through which work is organised, evaluated and governed.

Why Employment-related Data Matter



Cumulative

Today's delivery time may shape tomorrow's task allocation.

Ratings, productivity metrics and behavioural records accumulate over time.

Predictive

Data are used not only to record past conduct but also to predict future performance and risk.

Value-generating

Worker data can optimise organisational processes, refine management systems and contribute to AI models.

Workers increasingly generate both labour value and informational value.

Workers' Data Rights: From Data Subjects to Data Participants

Workers' data rights

Governance-oriented rights concerning employment-related data generated throughout the employment relationship.

Not data ownership.
Not a replacement for privacy or labour rights.

Transparency understand collection and use

Participation influence significant data-driven decisions

Contestation challenge inaccurate or inappropriate decisions

Mobility retain continuing interests beyond employment

How Workers' Data Rights Relate to Existing Rights

Complement privacy rights

From lawful processing
→ fair governance

Adds participation,
accountability and procedural
fairness.

Extend labour rights

From regulating outcomes
→ also regulating the
informational processes
producing those outcomes.

Not proprietary rights

Employment-related data are
relational, dynamic and often co-
produced.

Governance is preferable to
exclusive ownership.

Common regulatory object: EMPLOYMENT-RELATED DATA

A Lifecycle Framework for Workers' Data Rights



Continuous governance rather than fragmented intervention

What Does This Framework Change?

- 1 Regulatory focus** Data processing → Data governance
- 2 Legal subject** Passive data subject → Active data participant
- 3 Temporal scope** Discrete processing → Employment lifecycle
- 4 Labour-law focus** Final managerial outcome → Informational process behind the outcome

Employment-related data become a distinct object of labour governance.

**As work becomes datafied,
protecting workers requires more than safeguarding informational privacy.**

The governance of employment-related data is now an integral part of the governance of work itself.

Workers' data rights offer a conceptual bridge between labour law, PIPL and algorithmic accountability.



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Thanks for listening

Questions and comments are very welcome.

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