

Analysis of the Possibility of Determining the Labor Relationship of Retirement and Reemployment

Huimin Shi

Tianjin University Law School, Tianjin 300072, China

Corresponding author's email: shihuimin815@163.com

Abstract

Addressing the intricate matter of ascertaining the labor relationship between retired individuals who have been re-employed, our endeavor is to furnish legal elucidations and formulate adaptive strategies for the emerging contours of the contemporary labor market, through a meticulous theoretical dissection and empirical examination. Presently, the stark disparity between the robust demand in the labor sector and the dearth of age-appropriate workforce has spurred a “resurgence of retirement-rehiring practices.” However, the legislative vagueness surrounding retirement-rehiring and the discrepancies in determination criteria pose challenges in delineating the employment relationship between re-employed retirees and their employers. Consequently, judicial inconsistencies in similar cases arise frequently, thereby impeding the effective safeguarding of the rights and interests of re-employed individuals in labor disputes. The protection of these rights in labor conflicts may be severely hindered. By delineating the fundamental essence of labor relations and scrutinizing and dissecting pertinent labor security statutes and regulations, we intend to scrutinize the impediments in ascertaining the relationship between retired-rehired workers and employers, and rectify the erratic state of labor supply and demand in the new socio-economic milieu. The recognition of the relationship between retired employees and employers as a distinct labor bond aligns with the core of labor relations and is consonant with the evolving dynamics of employer-employee social relations. Additionally, we propose expanding avenues for rights enforcement and remedies, harnessing the role of labor unions, refining pertinent statutes and regulations, and other pragmatic pathways, with the objective of offering viable resolutions to the problem of identifying labor relations within the retirement-rehiring context.

Keywords: Re-employment after Retirement, Age of Labor Force, Labor Relations, Identification Standards

How to Cite

Huimin Shi; “Analysis of the Possibility of Determining the Labor Relationship of Retirement and Reemployment”, *AIJR Abstracts*, p. 16, 2025.

