

Contract Labor Trends And Regulations:Asia Pacific (Apac) Countries Perspective

Kanchan Khatana^{1*} and Dr. Sulakshana Banerjee²

^{1*}Research Scholar, School of Law Sushant University, Gurugram, Haryana, India

²Associate Professor, School of Law Sushant University, Gurugram, Haryana, India

Citation: Kanchan Khatana, et al, (2024) Contract Labor Trends And Regulations:Asia Pacific (Apac) Countries Perspective, *Educational Administration: Theory and Practice*, 30(5), 5023-5031

Doi: 10.53555/kuey.v30i5.3741

ARTICLE INFO

ABSTRACT

Contract labour is referred to as contingent workforce around the world. Many, if not most, organizations now use a combination of contingent and non-contingent staff. A contingent worker can be a freelancer, independent consultant, contractor, part-timer, on-call worker, or someone with another form of alternative employment arrangement. Contingent workers operate on a project-based model, meaning they are engaged specifically for particular tasks or projects, rather than being hired for ongoing, continuous employment. In essence, they are brought in as needed, depending on the requirements of each project. Unlike permanent employees who have ongoing roles within the organization, contingent workers are typically not guaranteed ongoing work beyond the scope of the current project they are hired for.

In this paper we review the trends in engagement of contract labor legal frameworks governing contingent labor in various APAC nations, including China, Vietnam, Thailand, Malaysia, Singapore, Indonesia, Hong Kong, South Korea, Taiwan, Australia, and New Zealand.

Introduction

The utilization of contract labor has witnessed a remarkable surge across the Asia Pacific (APAC) region in recent years, reshaping the dynamics of workforce management and employment practices. As organizations grapple with the evolving demands of the global economy, the adoption of contingent workforce strategies has emerged as a pivotal solution, offering flexibility, agility, and access to specialized expertise.

Amidst the myriad of reasons prompting businesses to embrace contingent workforce solutions, four primary rationalizations stand out prominently. First, the imperative for flexibility in personnel planning has compelled organizations to turn to temporary workers, enabling them to swiftly adjust their workforce in response to fluctuating market conditions and project demands, all while circumventing the constraints associated with permanent hires. Second, the imperative of maintaining operational continuity drives the adoption of contract labor, as temporary workers step in to fill vacancies during staff shortages, ensuring seamless workflow and productivity even amidst challenging circumstances.

Third, the pursuit of access to specialized expertise propels organizations to engage contingent workers, who bring forth niche skills and knowledge essential for specific projects or peak periods, thereby bolstering efficiency and innovation without the burden of permanent overheads. Lastly, the desire for an extended evaluation period motivates employers to enlist temporary workers, providing a window to assess their performance, cultural fit, and compatibility before committing to permanent hiring decisions, thereby mitigating the risk of mismatches. As businesses across APAC countries navigate the complexities of workforce management, understanding the trends and regulations surrounding contract labor becomes indispensable.

Trends of Engagement of Contract Labour in APAC

Companies around Asia Pacific (APAC) are employing contingent workforces, with some stating in a new report that they want to extend their use. The contingent workforce consists of short- and fixed-term contractual employees, freelancers, and independent contractors who are outsourced to agencies. According to the most recent business study report from PERSOLKELLY, was conducted in a cross-section of industries in 12 markets in Asia Pacific namely India, China, Vietnam, Thailand, Malaysia, Singapore, Indonesia, Hong

Kong, South Korea ,Taiwan, Australia and New Zealand revealed that Covid-19 epidemic and technology advancements are transforming company strategies and labour practices in Asia-Pacific.

The rapid pace of change, combined with economic instability, has prompted organisations of all sizes to reconsider old hiring tactics and adopt new techniques to remain competitive. In Asia Pacific, nearly 50% of organisations use a contingent labour to address staffing shortages. Companies are increasingly embracing a contingent labour approach for their future employment needs. Approximately 25% of organisations in Asia Pacific will boost their use of contingent workforces. Nearly half of all enterprises The surveyed companies are now using contingent workers for up to The company aims to increase their contingent employment to 15% or higher during 2024-2025.

48% of respondents use recruiting firms for their headcount needs, particularly in IT/Hi-Tech, Healthcare, Banking/Insurance, Government firms, Manufacturing, and Professional Services industries. Roles with high turnover rates, such as blue-collar workers and call centre personnel, are increasingly being outsourced to agencies with a deeper understanding of the sector and talent pool. Recruitment services streamline the talent acquisition process, allowing HR and internal teams to focus on key capabilities. The Contingent Workforce is a key component of the rapidly expanding Gig Economy, which is transforming the workplace landscape. Businesses increasingly view contingent workers as part of the mainstream workforce, rather than as a supplement to full-time employees due to their particular skills. The skills shortage has led to a shift in corporate perspectives. According to the aforesaid report , Asia Pacific organisations tend to give comparable or higher compensation to recruit top individuals for long-term assignments. In summary, the findings indicate that the contingent workforce will become increasingly important for organisations in the future. To thrive in today's fast-changing market, firms must be agile and adaptable.

The findings underscore the significant role of Contingent Workforce arrangements in organizations' workforce strategies. Approximately half of the employers surveyed reported integrating a Contingent Workforce for up to 10% of their staffing requirements within the past year. However, the adoption rates vary considerably across different markets.

Notably, China exhibits the lowest adoption rate among all markets surveyed, with a substantial majority (74%) of companies utilizing a Contingent Workforce for 10% or fewer of their staffing needs. This suggests a relatively conservative approach to contingent staffing in the Chinese market.

Conversely, a significant proportion of companies across several markets rely more heavily on Contingent Workforce arrangements. Nearly a quarter of all companies surveyed utilize a Contingent Workforce for more than 20% of their staffing needs. The highest adoption rates are observed in Indonesia (32%), India (31%), Vietnam (25%), and Thailand (25%).

Of particular interest is Indonesia, where almost half of all companies report engaging 20% or more of their employees under Contingent Workforce arrangements. This reflects a pronounced reliance on flexible staffing solutions to meet organizational needs and underscores the prevalence of contingent employment practices in the Indonesian market.

Overall, the data highlights the diverse approaches adopted by organizations in integrating Contingent Workforce models into their staffing strategies. While some markets exhibit more conservative adoption rates, others demonstrate a greater reliance on contingent staffing to address workforce requirements and maintain operational flexibility.

APAC Legal Landscape for Contingent Workforce

a)China:

China's labour laws provide a comprehensive framework for regulating employment relationships, encompassing various categories of workers, including temporary and contract workers. At the core of these regulations is the Labor Contract Law of the People's Republic of China, which establishes rights and responsibilities for both employers and employees.

- **Labor Contract Law:** The Labor Contract Law, enacted in 2008 and subsequently amended, serves as the primary legislation governing employment relationships in China. It mandates certain requirements for employment contracts, such as specifying job duties, working hours, wages, and duration of employment. The law stipulates that employers must provide written employment contracts to employees within a designated timeframe and outlines penalties for non-compliance.
- **Rights and Obligations:** The Labor Contract Law delineates the rights and obligations of both employers and employees. Employers are required to provide safe working conditions, fair wages, and social insurance benefits to employees. They must also adhere to regulations regarding working hours, overtime, and leave entitlements. Employees, on the other hand, are obligated to perform their job duties diligently and abide by company policies and regulations.
- **Contractual Arrangements:** Temporary and contract workers fall under the purview of the Labor Contract Law, which governs the formation and execution of employment contracts. Employers are permitted to hire workers on fixed-term contracts or for specific projects, subject to certain limitations and conditions outlined in the law. Temporary workers are entitled to rights and protections afforded by the legislation, including provisions related to wages, working hours, and termination.
- **Wages and Benefits:** The Labor Contract Law mandates that employers must pay wages to employees in accordance with applicable laws and regulations. This includes minimum wage requirements set by local

authorities and provisions for overtime compensation. Employers are also required to contribute to social insurance schemes, including pension, healthcare, unemployment, work-related injury, and maternity insurance, on behalf of their employees.

- **Termination and Dispute Resolution:** The law prescribes procedures and requirements for terminating employment contracts, including grounds for dismissal and notification requirements. In cases of disputes between employers and employees, mechanisms for mediation, arbitration, and litigation are available through labor arbitration committees and courts.

b) Vietnam

Vietnam's labour laws provide a robust legal framework governing employment relationships, including regulations applicable to contingent workers. The primary legislation governing labour matters in Vietnam is the Labor Code, 2019 which establishes rights and responsibilities for both employees and employers. Here is an elaboration on how Vietnam's labour laws cover contingent workers:

- **Labor Code:** Enacted in 1994 and subsequently amended, the Labor Code serves as the cornerstone of labour legislation in Vietnam. It sets out the fundamental principles, rights, and obligations pertaining to employment relationships in the country. The Labor Code applies to all workers, including contingent workers engaged on a temporary or contractual basis.
- **Employment Contracts:** The Labor Code outlines regulations concerning employment contracts, which are required for all forms of employment, including contingent arrangements. Employment contracts must specify essential terms such as job duties, working hours, wages, duration of employment, and conditions of termination. Employers are obligated to provide written contracts to employees within a specified timeframe and adhere to the provisions stipulated therein.
- **Working Conditions:** Vietnam's labour laws establish standards for working conditions, including workplace safety, hygiene, and health. Employers are responsible for ensuring a safe and healthy work environment for all employees, including contingent workers. This includes providing necessary protective equipment, training on occupational safety, and implementing measures to prevent workplace hazards.
- **Wages and Benefits:** The Labor Code prescribes regulations regarding wages, which must be paid to employees in accordance with legal requirements and employment contracts. Employers are required to adhere to minimum wage standards established by the government and provide timely payment of wages to employees, including contingent workers. Additionally, employers may be obligated to contribute to social insurance schemes on behalf of their employees, providing coverage for various benefits such as healthcare, unemployment, and retirement.
- **Termination Procedures:** Vietnam's labour laws outline procedures and grounds for the termination of employment contracts, including provisions applicable to contingent workers. Employers must adhere to legal requirements when terminating contracts, including providing notice periods, severance pay, and adhering to due process. The Labor Code also establishes mechanisms for resolving disputes related to termination through labour conciliation, mediation, and arbitration.

c) Thailand:

Thailand's labour laws, governed primarily by the Labor Protection Act (LPA), 1998 provide a comprehensive legal framework that safeguards the rights of both regular and contingent workers. Here's an elaboration on how Thailand's labour laws address various aspects of employment for both types of workers:

1. **Labor Protection Act (LPA):** Enacted in 1998 and subsequently amended, the Labor Protection Act is the principal legislation governing labor relations in Thailand. The LPA aims to protect the rights of workers, including contingent workers, by establishing minimum standards for employment conditions and regulating employer-employee relationships.
2. **Employment Contracts:** The LPA mandates that employers provide written employment contracts to all employees, including contingent workers, within a specified period after commencing employment. These contracts must outline essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers are required to adhere to the provisions stipulated in the employment contracts and ensure compliance with legal requirements.
3. **Working Hours:** Thailand's labour laws regulate working hours for employees, including contingent workers, to prevent exploitation and ensure fair working conditions. The LPA prescribes standard working hours, overtime rates, and rest periods for employees, with provisions for exemptions in certain industries or circumstances. Employers must comply with these regulations and provide adequate rest periods to employees, including contingent workers, to promote their health and well-being.
4. **Wages and Benefits:** The LPA establishes minimum wage standards and regulates payment of wages for employees, including contingent workers. Employers are required to pay wages to employees in accordance with legal requirements and employment contracts, ensuring timely and fair compensation. Additionally, the legislation addresses other benefits such as overtime pay, holiday pay, social security contributions, and severance pay, providing protections for both regular and contingent workers.
5. **Termination Procedures:** Thailand's labour laws outline procedures and grounds for the termination of employment contracts, including provisions applicable to both regular and contingent workers. Employers

must adhere to legal requirements when terminating contracts, providing notice periods, severance pay, and adhering to due process. The LPA also establishes mechanisms for resolving disputes related to termination through labor conciliation, mediation, and arbitration.

d) Malaysia

Malaysia's labour laws, anchored by the Employment Act, 1955 serve as the principal legislation governing employment relations in the country. These laws establish a framework that extends protections to both contingent workers and regular employees. Below is an elaboration on how Malaysia's labour laws address various aspects of employment:

1. Employment Contracts: The Employment Act mandates that employers provide written employment contracts to all employees, including contingent workers, within a specified period after commencing employment. These contracts outline essential terms and conditions such as job duties, working hours, wages, benefits, and conditions of termination. Employers are required to adhere to the provisions stipulated in the employment contracts and ensure compliance with legal requirements.

2. Working Conditions: Malaysia's labour laws prescribe standards for working conditions to ensure the health, safety, and welfare of employees, including contingent workers. The legislation mandates that employers provide a safe and healthy work environment, with measures in place to prevent accidents and occupational hazards. Employers are also required to comply with regulations concerning working hours, rest periods, and leave entitlements for employees.

3. Wages and Benefits: The Employment Act establishes minimum wage standards and regulates payment of wages for employees, including contingent workers. Employers are obligated to pay wages to employees in accordance with legal requirements and employment contracts, ensuring timely and fair compensation. Additionally, the legislation addresses other benefits such as overtime pay, holiday pay, social security contributions, and termination benefits, providing protections for both regular and contingent workers.

4. Termination Procedures: Malaysia's labor laws outline procedures and grounds for the termination of employment contracts, applicable to both regular and contingent workers. Employers must adhere to legal requirements when terminating contracts, providing notice periods, severance pay, and adhering to due process. The Employment Act also establishes mechanisms for resolving disputes related to termination through labour conciliation, mediation, and arbitration.

5. Other Legislation: Apart from the Employment Act, other laws and regulations in Malaysia also impact contingent workers, including the Industrial Relations Act, the Minimum Retirement Age Act, and the Social Security Organization Act. These laws provide additional protections and benefits for workers, contributing to a comprehensive legal framework for employment relations in the country.

e) Singapore :

Singapore's labour laws form a robust legal framework governing the employment relationship for both permanent and contingent workers. The key legislation includes the Employment Act (EA), 1968 and the Employment of Foreign Manpower Act (EFMA), 1990 which collectively address various aspects of employment. Below is an elaboration on how Singapore's labour laws regulate the employment relationship:

1. Employment Act (EA), 1968:

- The Employment Act is the primary legislation governing employment relations in Singapore. It covers various employment-related matters, including the terms and conditions of employment, rights and responsibilities of employers and employees, and dispute resolution mechanisms. The EA applies to most employees, including contingent workers, regardless of their job scope or level.

2. Employment Contracts:

- Singapore's labour laws require employers to provide written employment contracts to employees within the first two weeks of employment. These contracts must specify essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and termination procedures. Contingent workers are entitled to the same protections under the EA as regular employees.

3. Working Hours and Leave Entitlements:

- The EA establishes regulations regarding working hours, rest days, and annual leave entitlements for employees. Employers are required to adhere to statutory limits on working hours and provide mandatory rest breaks and rest days. Contingent workers are entitled to rest periods and annual leave in accordance with the provisions of the EA.

4. Termination Procedures:

- Singapore's labour laws outline procedures and grounds for the termination of employment contracts, applicable to both permanent and contingent workers. Employers must provide notice or payment in lieu of notice when terminating employment, and termination must be conducted in accordance with statutory requirements and due process. Contingent workers are entitled to termination benefits as prescribed by the EA.

5. Employment of Foreign Manpower Act (EFMA), 1990:

- The EFMA regulates the employment of foreign workers in Singapore, including contingent workers who are foreign nationals. It sets out requirements for the recruitment, employment, and deployment of foreign

workers, including work pass eligibility criteria, quota restrictions, and employer obligations. Employers hiring foreign contingent workers must comply with the provisions of the EFMA to ensure legal compliance.

f) Indonesia

Indonesia's labour laws, primarily governed by the Manpower Law (Law No. 13 of 2003), provide a legal framework that governs the rights and obligations of both employers and employees, encompassing contingent workers as well. Below is an elaboration on how Indonesia's labour laws regulate various aspects of employment, including those relevant to contingent workers:

1. Manpower Law (Law No. 13 of 2003):

- The Manpower Law is the principal legislation regulating employment relations in Indonesia. It establishes the fundamental principles, rights, and obligations pertaining to employment, encompassing both regular and contingent workers. The law aims to ensure fair treatment, protection, and welfare for all workers in the country.

2. Employment Contracts:

- Indonesia's labour laws mandate that employers provide written employment contracts to employees, including contingent workers. These contracts must specify essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers are required to comply with legal requirements when entering into employment contracts with contingent workers.

3. Working Conditions:

- The Manpower Law sets out regulations concerning working conditions to ensure the health, safety, and welfare of workers, including contingent workers. Employers are obligated to provide a safe and healthy work environment, with measures in place to prevent accidents, occupational hazards, and work-related injuries. The law also establishes standards for working hours, rest periods, and leave entitlements for employees.

4. Wages and Benefits:

- Indonesia's labour laws prescribe regulations regarding wages and benefits for workers, including contingent workers. Employers must adhere to minimum wage standards set by the government and ensure timely payment of wages to employees. Additionally, the law addresses other benefits such as overtime pay, holiday pay, social security contributions, and termination benefits, providing protections for both regular and contingent workers.

5. Termination Procedures:

- Indonesia's labour laws outline procedures and grounds for the termination of employment contracts, applicable to both regular and contingent workers. Employers must adhere to legal requirements when terminating contracts, providing notice periods, severance pay, and adhering to due process. The Manpower Law also establishes mechanisms for resolving disputes related to termination through labour conciliation, mediation, and arbitration.

g) Hong Kong

Hong Kong's labour laws, primarily governed by the Employment Ordinance (EO), 1968 form a comprehensive legal framework that safeguards the rights and interests of both regular and contingent workers in the territory. Below is an elaboration on how Hong Kong's labour laws regulate various aspects of employment, including those relevant to contingent workers:

1. Employment Ordinance 1968 (EO):

- The Employment Ordinance is the principal legislation governing employment relations in Hong Kong. It sets out the rights and obligations of both employers and employees, including contingent workers, and provides protections against unfair labour practices. The EO covers various aspects of employment, including employment contracts, working conditions, wages, benefits, and termination procedures.

2. Employment Contracts:

- Hong Kong's labour laws require employers to provide written employment contracts to employees, including contingent workers, within the first month of employment. These contracts must specify essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers are required to comply with legal requirements when entering into employment contracts with contingent workers.

3. Working Hours and Rest Days:

- The EO establishes regulations regarding working hours, rest days, and statutory holidays for employees, including contingent workers. It sets out maximum working hours per day and week, mandatory rest breaks, and entitlements to rest days and public holidays. Employers must adhere to these statutory requirements to ensure fair treatment and work-life balance for employees.

4. Wages and Benefits:

- Hong Kong's labour laws prescribe regulations concerning wages and benefits for workers, including contingent workers. The EO mandates that employers pay wages to employees in accordance with legal requirements and employment contracts. Additionally, the legislation addresses other benefits such as

overtime pay, holiday pay, annual leave, and sick leave entitlements, providing protections for both regular and contingent workers.

5. Termination Procedures:

- Hong Kong's labour laws outline procedures and grounds for the termination of employment contracts, applicable to both regular and contingent workers. Employers must comply with legal requirements when terminating contracts, providing notice periods, severance pay, and adhering to due process. The EO also establishes mechanisms for resolving disputes related to termination through labour conciliation, mediation, and arbitration.

h) South Korea

South Korea's labour laws, primarily governed by the Labor Standards Act (LSA), 1997 provide a comprehensive legal framework that governs employment relations in the country, including regulations applicable to contingent workers. Here's an elaboration on how South Korea's labour laws regulate various aspects of employment, including those relevant to contingent workers:

1. Labor Standards Act (LSA), 1997:

- The Labor Standards Act, 1997 is the primary legislation governing employment relations in South Korea. It sets out the basic rights and obligations of employers and employees, encompassing both regular and contingent workers. The LSA covers various aspects of employment, including employment contracts, working conditions, wages, benefits, and termination procedures.

2. Employment Contracts:

- South Korea's labour laws mandate that employers provide written employment contracts to employees, including contingent workers. These contracts must specify essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers are required to comply with legal requirements when entering into employment contracts with contingent workers.

3. Working Conditions:

- The LSA establishes regulations concerning working conditions to ensure the health, safety, and welfare of workers, including contingent workers. Employers are obligated to provide a safe and healthy work environment, with measures in place to prevent accidents, occupational hazards, and work-related injuries. The law also sets standards for working hours, rest periods, and leave entitlements for employees.

4. Wages and Benefits:

- South Korea's labour laws prescribe regulations regarding wages and benefits for workers, including contingent workers. The LSA mandates that employers pay wages to employees in accordance with legal requirements and employment contracts. Additionally, the legislation addresses other benefits such as overtime pay, holiday pay, annual leave, and severance pay, providing protections for both regular and contingent workers.

5. Termination Procedures:

- South Korea's labour laws outline procedures and grounds for the termination of employment contracts, applicable to both regular and contingent workers. Employers must comply with legal requirements when terminating contracts, providing notice periods, severance pay, and adhering to due process. The LSA also establishes mechanisms for resolving disputes related to termination through labour conciliation, mediation, and arbitration.

i) Taiwan

Taiwan's labour laws, primarily governed by the Labor Standards Act (LSA), 1984 constitute a comprehensive legal framework designed to protect the rights and interests of all workers, including both regular employees and contingent workers. Below is an elaboration on how Taiwan's labour laws regulate various aspects of employment, including those pertinent to contingent workers:

1. Labor Standards Act (LSA) 1984:

- The Labor Standards Act, 1984 serves as the cornerstone of labour legislation in Taiwan. It establishes the basic rights and obligations of employers and employees, ensuring fair treatment and promoting decent work conditions. The LSA covers a wide range of employment-related matters, including employment contracts, working hours, wages, benefits, and termination procedures.

2. Employment Contracts:

- Taiwan's labour laws require employers to provide written employment contracts to employees, including contingent workers, within a specified timeframe after commencing employment. These contracts must delineate essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers must comply with legal requirements when drafting employment contracts for contingent workers.

3. Working Hours and Rest Periods:

- The LSA prescribes regulations concerning working hours and rest periods to safeguard the health and well-being of workers, including contingent workers. Employers are mandated to adhere to statutory limits on working hours, provide adequate rest breaks, and grant employees mandatory rest days. Contingent workers are entitled to the same protections regarding working hours and rest periods as regular employees.

4. **Wages and Benefits:**

- Taiwan's labour laws stipulate regulations regarding wages and benefits for workers, including contingent workers. The LSA mandates that employers pay wages to employees in accordance with legal requirements and employment contracts. Additionally, the legislation addresses other benefits such as overtime pay, holiday pay, annual leave, and severance pay, ensuring fair compensation and providing protections for both regular and contingent workers.

5. **Termination Procedures:**

- Taiwan's labour laws outline procedures and grounds for the termination of employment contracts, applicable to both regular and contingent workers. Employers must adhere to legal requirements when terminating contracts, providing notice periods, severance pay, and adhering to due process. The LSA also establishes mechanisms for resolving disputes related to termination through labour arbitration and mediation.

J) Australia

Australia's labour laws, primarily governed by the Fair Work Act 2009, constitute a robust legal framework designed to safeguard the rights and interests of all workers, including both permanent employees and contingent workers. Below is an elaboration on how Australia's labour laws regulate various aspects of employment, encompassing those pertinent to contingent workers:

1. **Fair Work Act 2009:**

- The Fair Work Act 2009 serves as the principal legislation governing employment relations in Australia. It establishes the rights and obligations of employers and employees, promotes fair treatment, and ensures compliance with minimum employment standards. The Fair Work Act covers a wide range of employment-related matters, including employment contracts, minimum wages, working conditions, leave entitlements, and termination procedures.

2. **Employment Contracts:**

- Australia's labour laws require employers to provide written employment contracts to employees, including contingent workers, within a specified timeframe after commencing employment. These contracts must detail essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers must ensure compliance with legal requirements when drafting employment contracts for contingent workers.

3. **Minimum Wages:**

- The Fair Work Act mandates the payment of minimum wages to employees, including contingent workers, to ensure fair and equitable compensation. The Fair Work Commission annually reviews and sets minimum wage rates, taking into account factors such as cost of living and economic conditions. Contingent workers are entitled to receive at least the minimum wage prescribed by law for their classification and industry.

4. **Working Conditions:**

- Australia's labour laws establish regulations concerning working conditions to promote health, safety, and well-being in the workplace, including for contingent workers. Employers are obligated to provide a safe work environment, implement measures to prevent workplace hazards, and adhere to standards regarding working hours, breaks, and rest periods. Contingent workers are entitled to the same protections regarding working conditions as permanent employees.

5. **Leave Entitlements:**

- The Fair Work Act entitles employees, including contingent workers, to various types of leave, such as annual leave, sick leave, and parental leave. Employers must comply with statutory requirements regarding the accrual and granting of leave entitlements, ensuring that contingent workers receive appropriate leave benefits in accordance with their employment status and length of service.

6. **Termination Procedures:**

- Australia's labour laws outline procedures and grounds for the termination of employment contracts, applicable to both permanent and contingent workers. Employers must adhere to legal requirements when terminating contracts, providing notice periods, redundancy pay, and adhering to procedural fairness. The Fair Work Act also establishes mechanisms for resolving disputes related to termination through mediation, arbitration, and the Fair Work Commission.

K) New Zealand

New Zealand's labour laws, primarily governed by the Employment Relations Act 2000, establish a comprehensive legal framework that governs the employment relationship for both regular employees and contingent workers. Here's an elaboration on how New Zealand's labour laws regulate various aspects of employment, including those relevant to contingent workers:

1. **Employment Relations Act, 2000:**

- The Employment Relations Act, 2000 (ERA) is the principal legislation governing employment relations in New Zealand. It sets out the rights and obligations of both employers and employees, promotes fair treatment, and provides mechanisms for resolving employment disputes. The ERA covers a wide range of employment-

related matters, including employment contracts, minimum wages, working conditions, leave entitlements, and termination procedures.

2. Employment Contracts:

- New Zealand's labour laws require employers to provide written employment agreements to employees, including contingent workers, within the first 90 days of employment. These agreements must detail essential terms and conditions of employment, such as job duties, working hours, wages, benefits, and conditions of termination. Employers must ensure compliance with legal requirements when drafting employment agreements for contingent workers.

3. Minimum Wages:

- The ERA mandates the payment of minimum wages to employees, including contingent workers, to ensure fair and equitable compensation. The Minimum Wage Act 1983 sets minimum wage rates, which are reviewed annually by the government. Contingent workers are entitled to receive at least the minimum wage prescribed by law for their age and employment status.

4. Working Conditions:

- New Zealand's labour laws establish regulations concerning working conditions to promote health, safety, and well-being in the workplace, including for contingent workers. Employers are obligated to provide a safe work environment, implement measures to prevent workplace hazards, and adhere to standards regarding working hours, breaks, and rest periods. Contingent workers are entitled to the same protections regarding working conditions as permanent employees.

5. Leave Entitlements:

- The ERA entitles employees, including contingent workers, to various types of leave, such as annual leave, sick leave, and parental leave. Employers must comply with statutory requirements regarding the accrual and granting of leave entitlements, ensuring that contingent workers receive appropriate leave benefits in accordance with their employment status and length of service.

6. Termination Procedures:

- New Zealand's labour laws outline procedures and grounds for the termination of employment agreements, applicable to both regular and contingent workers. Employers must adhere to legal requirements when terminating agreements, providing notice periods, redundancy compensation, and adhering to procedural fairness. The ERA also provides for mediation, arbitration, and the Employment Relations Authority to resolve disputes related to termination.

Conclusion

APAC Workforce analysis of the prevalent trends, adoption methods, and management practices associated with contingent workforce utilization across the Asia Pacific region reveals that over 58% of key industries have embraced the adoption of contingent workforce as a strategic solution to address headcount shortages. This highlights a significant shift in workforce planning strategies, with organizations increasingly recognizing the agility and flexibility offered by contingent workers. Approximately 25% of companies across the Asia Pacific region are already leveraging contingent workforce, and this number is expected to rise significantly over the next few years. The growing importance of contingent labour as a vital component of workforce management strategies, with organizations poised to expand their usage in response to evolving business needs. One of the noteworthy findings of the report is the changing perception of contingent workers within businesses. Many organizations now view contingent workers as integral members of the mainstream workforce, rather than being secondary to full-time employees. Furthermore, contingent workers are increasingly recognized for their specialized skills and expertise, with a significant proportion possessing high levels of proficiency in specialized areas.

The increasing adoption of contingent workforce across key industries in the Asia Pacific region reflects a strategic shift in workforce planning strategies. Organizations are leveraging contingent workers to address headcount shortages, mitigate skill gaps, and enhance agility in response to dynamic market conditions. By embracing contingent labour, businesses can tap into a flexible talent pool that can be scaled up or down as per demand, thereby optimizing resource allocation and improving operational efficiency. A significant shift in perceptions regarding contingent workers is observed, with businesses increasingly viewing them as integral members of the workforce. This shift is attributed to the evolving nature of work, where contingent workers are valued not just for their temporary support but for their specialized skills and expertise. Many contingent workers possess advanced skills in specialized areas, making them indispensable assets for organizations seeking to stay competitive in today's rapidly evolving business landscape. As a result, businesses are reevaluating their talent acquisition and management strategies to effectively integrate contingent workers into their workforce and leverage their unique skillsets for strategic advantage.

There exist robust legal frameworks governing contingent labour across selected nations, including China, Vietnam, Thailand, Malaysia, Singapore, Indonesia, Hong Kong, South Korea, Taiwan, Australia, and New Zealand. Each of these countries has enacted specific labour laws and regulations to address the rights and protections of both regular and contingent workers, ensuring fair treatment, and promoting workplace equality.

Reference

1. Persolkelly, “2022 APAC Workforce Insights” (2022)
2. The Labor Contract Law of the People’s Republic of China,2008
3. labour Code , 2019
4. Labor Protection Act ,1998
5. The Employment Act ,1955
6. Employment Act (EA), 1968
7. Employment of Foreign Manpower Act (EFMA),1990
8. Manpower Law (Law No. 13 of 2003)
9. Employment Ordinance (EO),1968
10. Labor Standards Act (LSA),1997
11. Labor Standards Act (LSA),1984
12. Fair Work Act 2009
13. Employment Relations Act 2000