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## Rights and interests' protection of non-established staff in universities

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### Abstract

With the expansion of higher education scale and the deepening of personnel system reform in China, non-established staff have become an indispensable component of university faculty. Under the dual employment structure of established and non-established positions, this group has long been trapped in institutional dilemmas concerning remuneration, social security, professional title promotion and career development. The root causes lie in the rigidity of the traditional staffing system and the institutional lag in university internal governance. Rather than simply merging the two employment tracks or granting established status on a universal basis, the solution should shift from status-based administration to contract-based rights protection. By promoting institutional reform, trade union empowerment and standardized university governance in a coordinated manner, universities can establish a sound equal rights protection system based on labor contracts.

**Keywords:** Non-Established Staff; University Employment; Rights and Interests Protection; Labor Relations

### 1. Introduction

Non-established staff in public universities refer to personnel recruited and employed outside the official staffing quota through independent recruitment, service procurement and other flexible employment channels. For a long time, this group has remained on the periphery of university personnel management, and their rights and interests' protection has not received adequate attention in academic research or policy practice.

In recent years, the proportion of non-established staff in public institutions has continued to rise, and this trend is particularly prominent in universities. In some institutions, the number of non-established staff even exceeds that of established staff. They undertake equivalent or even heavier workloads but suffer obvious disparities in salary, welfare benefits and professional title evaluation. Widely engaged in teaching, research, administrative support and management posts, non-established staff have evolved into an important force supporting the daily operation of universities.

Nevertheless, the rigid traditional staffing system can hardly satisfy the growing human resource demands brought by the expansion and quality upgrading of higher education. The fixed quota of established posts leads to insufficient internal staffing supply, which inevitably drives the expansion of off-quota employment. Diversified employment modes also result in fragmented and localized management, creating institutional barriers to the protection of non-established staff's rights and interests. Meanwhile, policy constraints on the proportion of non-established staff further weaken their sense of job stability.

Against this backdrop, studying the current situation, practical dilemmas and optimization paths for protecting the rights and interests of non-established university staff is of great significance to safeguarding employees' legitimate

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interests, advancing the modernization of higher education governance, and deepening the reform of public institutions. This paper analyzes the core predicaments and institutional causes, and proposes targeted and feasible improvement strategies.

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## **2. Current Situation of Non-established Staff Protection**

### **2.1. Scale Characteristics**

Non-established staff have become a steadily growing and essential part of university human resources. Universities continuously recruit non-established personnel for teaching, research, administrative, and management positions. A prominent feature of this group is its significantly higher turnover rate compared to established staff. This phenomenon reflects inadequate occupational security for non-established employees, insufficient institutional investment from universities, and weak organizational cohesion within campus communities.

### **2.2. Structural Characteristics**

Non-established staff can be categorized according to employment forms, including labor contract employees, outsourced personnel, and labor dispatch personnel. In terms of educational background, this group exhibits an obvious bipolar structure.

On the one hand, employees with low education levels are mainly engaged in manual labor and auxiliary positions. They are mostly recruited through outsourcing or labor dispatch. On the other hand, highly educated professionals are employed under formal labor contracts to undertake teaching, research, and administrative tasks. Although they are professionally competent, they face high mobility and considerable career uncertainty.

In addition, high-level domestic and overseas experts are recruited through flexible employment as adjunct professors or distinguished professors.

### **2.3. Institutional Origins**

The dual employment structure of established and non-established positions stems from the incremental reform of China's public institution personnel system since the 1990s. Constrained by rigid staffing quotas, universities provided stable welfare guarantees for established staff while adopting flexible off-quota employment to meet the surging labor demand in the era of mass higher education.

This institutional arrangement had historical rationality at its inception: it controlled the overall scale of university employment and gave universities market-oriented flexibility in talent recruitment. However, as the scale of non-established staff continues to grow, the inherent contradictions and unsustainability of this system have become increasingly evident. As China's higher education enters a new stage of high-quality development, the traditional flexible supplementary employment model can no longer satisfy the legitimate demands of non-established staff for fair treatment and sustainable career development, making strategic institutional adjustment an urgent necessity.

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## **3. Core Predicaments**

### **3.1. Economic Rights Imbalance**

The most prominent problem faced by non-established staff is unequal pay for equal work. There is a substantial gap between established and non-established staff in terms of basic salary, performance allowance, year-end bonuses, and various subsidies. The remuneration of non-established staff mainly depends on the universities' self-raised funds, while the salary of established staff is fully guaranteed by fiscal budgets. This institutional design shifts the burden of income equity to university self-financing, creating an unbridgeable gap between fiscal appropriation and operational funding. Even universities willing to implement equal pay for equal work lack sufficient financial resources and institutional flexibility to achieve this goal.

### **3.2. Inadequate Social Security**

Although the national basic pension insurance policies seem consistent for both groups, there are still substantial disparities in actual participation rates, contribution bases, and supplementary welfare benefits. A more fundamental challenge lies in the legal definition of employment relations. A large number of non-established staff are employed through labor dispatch, which gives rise to legal disputes over whether there is a direct employment relationship

between individuals and the university. Under the labor dispatch model, the division of responsibilities between universities and dispatch agencies remains ambiguous, leaving non-established staff in a vulnerable position once their legitimate rights are infringed.

### **3.3. Restricted Career Development**

Highly qualified non-established staff often demonstrate professional competence equivalent to their established counterparts, yet they encounter severe obstacles in professional title evaluation, job promotion and access to academic resources. The underlying cause lies in the status-oriented resource allocation mechanism, in which institutional rules inherently differentiate between established and non-established identities. Furthermore, many university recruitment policies explicitly prioritize or limit vacancies exclusively to established staff, which seriously hinders the external career mobility of non-established staff.

### **3.4. Weak Identity Recognition**

Non-established staff generally encounter the dual predicament of poor organizational integration and low job loyalty. Differential institutional arrangements in cultural construction, democratic participation, Party organization activities, and vocational training further exacerbate their marginalized status and sense of exclusion from the university. This identity marginalization, in turn, aggravates the difficulty of safeguarding their basic rights and interests.

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## **4. Institutional Causes**

### **4.1. Rigid Staffing Management**

The current staffing management system is a legacy of the planned economy, characterized by rigid quota control and poor adaptability to social and educational development. As China's higher education transforms from elite education to mass education, the fixed number of established positions can hardly meet the rapidly growing demand for professional human resources. Constrained by rigid staffing quotas, universities tend to adopt low-cost flexible employment models, without establishing supporting institutional arrangements and financial guarantees for the rights and interests of non-established staff.

### **4.2. Fragmented Internal University Governance**

Most universities lack standardized and targeted regulations for the administration of non-established staff. Some institutions simply copy the management rules for established staff without appropriate adaptation. The labor dispatch model further separates the employment responsibility between universities and dispatch agencies, creating a responsibility vacuum. Dispatch agencies lack sufficient motivation to protect employees' rights, while universities often evade due obligations as the actual user of labor services. Such fragmented management leads to the repeated deterioration of related problems and forms a vicious cycle.

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## **5. Optimization Paths**

### **5.1. Deepen Institutional Reform**

First, promote the transformation of the staffing system from rigid status-bound management to post-based management, and fully respect universities' autonomy in talent recruitment and employment. Second, build a standardized and transparent selection mechanism to allow outstanding and qualified non-established staff to obtain established status through open recruitment and targeted assessment, breaking the solidified identity barrier. Third, formulate a unified framework for rights protection, ensuring equal standards in salary, social security, training, and career promotion for all faculty members based on unified labor contract management.

### **5.2. Strengthen Trade Union Empowerment**

University trade unions should expand membership coverage to fully include non-established staff and realize full coverage of rights protection services. It is necessary to strengthen the function of legal aid and pre-litigation mediation, providing professional services such as legal consultation, labor contract review and labor dispute mediation for non-established employees. In addition, university trade unions should transform from a traditional welfare provider to an active rights defender, participating in the formulation of relevant management rules and supervising the full implementation of rights protection policies.

### 5.3. Improve University Internal Governance

As the direct employer, universities should assume the primary responsibility for enhancing internal institutional construction. First, formulate scientific annual recruitment plans for non-established positions and standardize recruitment procedures to eliminate arbitrary recruitment and improper appointments. Second, strictly standardize the entire process of labor contract signing, performance management, and contract termination in accordance with labor laws. Finally, streamline the institutional promotion and conversion channels, providing a standardized development path for outstanding non-established staff to achieve career advancement and formal employment conversion.

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## 6. Conclusion

The protection of rights and interests of non-established university staff is not merely an issue of unequal salary treatment and blocked career development; it reflects deep institutional contradictions inherent in the personnel system reform of Chinese public institutions. The fundamental solution lies in abandoning identity-based segregation and constructing an equal rights protection system based on labor contracts and professional competence.

At present, both central and local authorities are continuously deepening the reform of public institution personnel systems, and the policy orientation of standardizing the management of non-established staff has become increasingly clear. Standardized management does not mean downsizing staff or reducing welfare benefits; instead, it brings flexible university employment into institutionalized and standardized operation. This provides a valuable policy window opportunity for promoting the systematization and standardization of rights and interests' protection for non-established staff in universities.

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## Compliance with ethical standards

### *Disclosure of conflict of interest*

No conflict of interest to be disclosed.

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