

Thoughts on Strengthening the Legal Construction of Labor Security

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Abstract: China's labor and employment market has undergone tremendous changes, and the forms of employment are flexible and diverse, and labor relations are increasingly complex, with the attendant "gaps" in the labor law. With the deepening reform of the employment system and the development of the labor market, the establishment of legal labor contract relations between employers and employees has gradually become the mainstream form of the employment market. In view of this, the legal system of labor security needs to be further strengthened.

1. Introduction

The labor law of our country still exists to a large extent. Compared with other laws and regulations, the labor security law guarantees the vital interests of workers and employers, and labor is the foundation of social activities and development. Therefore, the labor security law is related to the harmonious development of the whole society. The difference between the labor security law and other civil laws is that the two sides of the law belong to the subordinate relationship, and the employer has the right to manage the workers, plus the huge labor market in China. The situation of long-term oversupply is difficult to change, and the workers are still at a disadvantage even after the establishment of the labor law relationship, which causes tension in employment and the rights and interests of workers to be damaged. The most direct phenomenon is that more labor disputes have taken place. On the other hand, it also shows that China's labor security law is inadequate in supervision and implementation. Law enforcement is not strict.

2. Problems and deficiencies in the legal construction of labor security in China

Since the reform and opening up to the outside world, China has witnessed rapid social development and rapid economic growth. Social care placement and most of the blank. The national labor security law is lagging behind, and the local labor security law is scattered, which has greatly caused loopholes in social labor security.

At present, most people in cities and towns, especially government departments, state-owned enterprises and enterprises, they are enjoy social security. In some cities, the employees of private and foreign enterprises are just as usual, and most of them are not covered by social security.

3. Strengthen the legal construction of labor security measures

The introduction of a separate system of adjudication means that after the two parties have differences in labor relations, they can choose the way to deal with the dispute, and if they choose labor arbitration, the arbitration award will have final legal effect. No more lawsuits. In the light of the current situation, it is imperative to implement a system of separation of adjudication.

At present, China's labor dispute bill is mainly accepted by the civil court of the people's court, but because of the large number of cases and the complicated content, it is extremely difficult to deal with it. However, a large number of civil disputes have to be dealt with in the civil courts, leading to the failure to respond to and deal with labor disputes in a timely manner. It is possible to set up a special labor court to deal with labor disputes, or to set up a special labor court within the court.

To improve the arbitration supervision mechanism of labor disputes, an arbitration supervision

mechanism should be established and judicial supervision carried out. The author puts forward the following measures.

The labor arbitration commission should be established not only at the county and municipal levels, but also at the provincial and national levels.

First, the qualifications of arbitrators should be established, and the number of arbitrators should be greatly expanded. In this regard, the local labor arbitration commission may select suitable talents from among those who have passed the judicial examination to enter the labor security department and learn the professional knowledge of labor security. "When we have the ability to analyze and solve problems, we will try again to select people with good quality and decent work style to work in the labor arbitration commission," he said. Secondly, A comprehensive list of labor arbitration committees shall be established, and a system of selection of arbitrators by the parties shall be implemented. At the end of the day, the organization of the labor arbitration commission and the rules and regulations governing its handling were established.

The establishment of a tripartite mechanism is an organization composed of representatives of employers, trade unions and the state. The labor court and the collegial panel of the people's court may adopt a jury system. The jurors shall be appointed by the employer and the trade union. The trend of economic globalization, make tripartite mechanism become internationally accepted the way that handles labor dispute, coordinate labor relation. As a member country, China should also conform to the international practice in handling labor disputes.

It is a prerequisite for law enforcement, law enforcement and usage, and it is difficult to give full play to the legal effect if the relevant laws are not operational and seriously divorced from reality.

According to the law, the scope of application of the labor law will be decided by the main body of the labor market, including private workers and those who work in cities, and there will be legal guarantee for the realization of labor.

At present, China's labor law is not effective and does not adapt to its status as a basic law of labor. On the other hand, it will have an impact on the unification of the labor law, resulting in confusion in the use of the law.

Most of the provisions of the current law on labor security are limited to principles, and it also depends on the individual laws of various localities, including the absence of supporting laws and regulations, which will make labor disputes more difficult to follow. Therefore, if we want to further strengthen the legal system of labor security, we must improve the legislative content of labor security law so that labor disputes can be solved by law.

China's labor law has obviously lagged behind the pace of social development. China's labor security law has not yet reached the standards of international labor security. Enhance the authority and effectiveness of the labor security law. To expand the scope of application of the labor security law, In a timely manner, China will respond to the problems of foreign labor, temporary employment and labor dispatch as soon as possible. It is necessary to clarify the rights of labor and trade unions and to achieve fairness in the law.

4. Conclusion

The labor law is not only closely related to the working people, but also related to the stability and development of society. This shows that it is particularly important to strengthen the legal construction of labor security. In the implementation and supervision of the law, the relevant departments should strengthen their supervision and enforcement, so as to ensure that the law can be observed, the law will be followed, the law will be enforced strictly and the law will be prosecuted.

References

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