

Effects of the implementation of the 《labor contract law》 on the employment of college graduates

Zhang Guolin¹

Jilin Agricultural Science and Technology College

Abstract

In recent years, With enrollment expansion of colleges and universities and college students “independent career, two-way choice” system establishment, the situation of university students’ employment is becoming increasingly serious, the difficult employment of college students has become a new social problem. The implementation of the 《labor contract law》 brought opportunities for the employment of university graduates, but also challenges. This article through to the analysis of the “questionnaire of the understanding to the 《 labor contract law 》 ”, summed up the problems and countermeasures under the new situation of college graduates employment.

Keywords: 《labor contract law》 college graduates employment

1. Introduction

The 《labor contract law》 is a fundamental law that standard talent market and employer employ labour, it provides a good legal basis for both employers and employees behavior, Especially for college graduates, Their legitimate rights and interests can be effectively protected, But also to the enterprise human re-

sources management concept put forward new requirements. So, the implementation of the new law is both opportunity and the Gospel for the employment of university graduates, is also pressure and challenge. The law of the powerful protection for college graduates to create a better employment environment, Mainly manifested in several ways: (1) Increase penalties for not signing labor contract. (2) Stem abuse of the probation period. (3) restrict the short-term labor contract. (4) Change the both sides of information asymmetry

The implementation of the new law on the employment of college graduates while also put forward higher requirements, For example: The employment of college graduates facing competitive pressures may further increase; put forward specific requirements to the integrity of the graduates; Higher professional quality requirements to college graduates and so on.

2. The implementation of the 《Labor Contract Law》 effectively promote employment of college graduates

The 《labor contract law》 is a fundamental law that standard talent market

¹ Zhang Guolin, Male, Master of law in Jilin University, Jilin City, Jilin Province, The main research direction for the contract law.

and employer employ labour, For standardizing the behavior of both employers and employees to provide a better legal basis, Especially for the initial employment of college graduates is particularly important, Their legitimate rights and interests can be more effectively protected, Employment right to be respected, Labor compensation can be protected, In the event of bad business against legal interest can pick up the legal weapons to safeguard their legitimate rights and interests, Other, In the long run, College graduates as a high-quality workers, will get more jobs.

2.1. Regulated businesses to recruit college graduates in labor market

In the questionnaire of university teachers engaged in the work of employment and the employment data investigation results of six universities, The implementation of the 《labor contract law》 standards the enterprise to recruit college graduates in labor market.First, enterprises are no longer large quantities agreement with graduates, then in the process of batch out of employment, It lead to that every year large quantities of college students change dispatch;The second is to regulate the labor market as the main university, it conducive to colleges and universities explore new markets purposefully based on the professional the employment situation and employment needs of job.

2.2. Improve the employment signing rate of college graduates

In the questionnaire about graduates on “after the employment intention with the Employer
, the situation of signing labor contracts
“ who that initiated to sign labor contracts with employers accounted for

53% , employers Initiative requires to sign labor contracts with graduates accounted for 67% , 36% of graduates Don't care about whether to sign labor contract or not.In the 《labor contract law》 specific provision, From the date of employment, Month does not sign a contract with the graduates, will be fined twice the wages.If the actual work is full a year haven't sign the contract, just as the two sides signed a labor contract without a fixed term, Employers are still not to signed a labor contract with a fixed term to break the law, Since the date of the non-fixed term labor contract shall be signed for graduates to pay twice a month's salary.That is to say,Employers and college graduates to establish a labor relations are the basic legal fact is that employment, Even if the employer does not enter into a written labor contracts with college graduates, as long as there is the fact that employment practices, then the employer and the labor relations between graduates is established.College graduates to enjoy the rights enshrined in labor laws, These binding provisions of the new law will effectively regulate the employer's behavior with college graduates , Employers recruit the college graduates must sign a written labor contract with them, College graduates also know that only signed a labor contract that their own interests can be safeguarded.Therefore , With the implementation of the 《labor contract law》 , agreement of Employment will increase, It Promotes the improvement of college graduates signing rate.

3. The implementation of the 《labor contract law》, brings new difficulties and challenges for the employment of college graduates.

After the implementation of the 《labor contract law》, the carry out of the employment of college graduates are facing new difficulties and challenges. Mainly in the career guidance dose not suited to the needs of the new situation、the original college job market is affected and Further increasing the employment imbalance.

3.1. Employment guidance dose not suited to the needs of the new situation

First, the implementation of the 《labor contract law》. It exacerbated by the severe employment situation of Graduates that Employers plan to reduceing recruit college graduates, It is Urgent needed to be changed that their concept of employment of college graduates. The second is the lack of legal education. In the questionnaire about the understanding of 100 college graduates after the implementation of 《labor contract law》, There are 66 people know the 《Labor Contract Law》 was promulgated, There are 42 people know and understand it, There are 17 people not only know it, but also to learn it and use it to know to protect their legitimate rights and interests, Accounted for only 17% of the total number of surveys. Survey results show that most of the college graduates are not familiar with the knowledge on the labor contracts, Once a labor dispute, They do not know how to solve, Their awareness is poor. Therefore, From the point of view of the reality of the impact, The universities and colleges in the 《Labor Contract Law》 propaganda and organizational、training and learning aspects of the law is not enough. The third is the acts of bad faith

of college graduates to be bound, Integrity education has become an important content of career guidance.

The new situation put forward new requirements to the university employment guidance, But current university career guidance is still stuck in the manner and content of the original, Can not meet the requirements of the new law, Thus forcing universities to make corresponding changes and adjustments in employment guidance.

3.2 The college as the main body of the employment market is affected.

《labor contract law》 is bound to have some impact on the employment of college graduates in short term, Exacerbate the contradictions of oversupply of the Graduates in the job market; Many industry due to the impact of the international financial crisis, bankruptcy or restructuring, Resulting decline in labor demand in these industries, It is more difficult for Graduates to find professional counterparts. The original job market for graduates with the school as the subject changes, Performance in: (1) new law increases the cost of enterprises employing, Improve the risk of enterprise's employment, Some units Slowdown even stopped recruiting college graduates, original college graduate employment market demand affected. (2) The new law's provisions on labor contracts, Many companies pay more attention to social experience and practical ability during recruitment, Recruitment focus to the labor market. (3) The contradiction of area and industrial structure is not balanced is serious, original graduate employment market needs change, In this case of the research of S University, The structural contradictions of the employment of the graduates is very prominent, Focus on performance in: One is the employment of graduates of regional imbalance, Nearly four years, the school

has about 70% of the graduates are concentrated in the province of employment; Second, the professional needs very uneven, there is a large difference between supply and demand, The school has maintained in recent years the employment rate above 90%, But there are a lot of professional employment rate of 80% or less, Especially after the implementation of the 《labor contract law》, Professional employment imbalance is further increased. This fully shows, Area and industrial structure imbalance, Original job market has been unable to meet the demand for graduates of full employment.

3.3 Professional structure and personnel training mode is affected.

Training model refers to under the guidance of a certain modern educational theory, educational philosophy, Accordance with the specific training objectives and Talents, With a relatively stable teaching contents and curriculum、Management systems and assessment methods, The total process of the implementation of talent education. These include four meanings: Training objectives and specifications; the entire educational process to achieve a certain degree of training objectives and specifications; A set of management and evaluation system to achieve this process; Matched science teaching methods, methods and means. Currently existing in the development of higher education professional setting narrow, teaching content is too old, teaching methods too rigid, humanistic quality is too light, innovation weak, practical ability is poor and other issues. Colleges and universities there are unclear, unknown problems in personnel training. The implementation of the

《Labor Contract Law》, On the one hand, the will of recruiting university graduates Enterprises is reduce; On the other hand, At the same time that college graduates can not find jobs, companies can not recruit the talent that meet the develop requirement, Description universities cultivate talents with the needs of business and society there are deviations, Description the disciplinary structure, professional structure, personnel training level, training objectives and specifications, graduates practical ability can not meet the needs of business and society, Coupled with the impact of the financial crisis, Industrial structure facing enormous adjustment, Higher professional structure and personnel training mode needs to be adjusted accordingly.

4. Summary

《Labor Contract Law》 is an important law that our country formulated on the basis of making accurate judgments on the status and trends of labor relations in the new historical period of development. Development of 《labor contract law》 is the important content to implement the scientific concept of development, building a socialist harmonious society. The purpose of legislation is to regulate the legal relationship between the rights and obligations of labor, Safeguard the legitimate rights and interests of workers, Build and develop harmonious and stable labor relations. The implementation of the "labor contract law" and the spread of the global financial crisis at the same time, it forms a great influence on our labor market, The difficult problem of employment of college graduates more serious.

Colleges and universities as the department of cultivating and transporting talented person, In addition to actively explore the job market, to provide information services, providing a variety of

employment-related assistance outside, The school's fundamental duty is through education reform, improve training programs and training model, and comprehensively improve the quality of education, cultivate a higher quality, more capable graduates to better adapt to the requirements and needs of social development.

References

- [1] Du Yuanyuan. From the 《Labor Contract Law》 to see students' employment difficulties and legal protection[J]. Hengshui University Journal. 2009(02)
- [2] Duan Lian. 《Labor Contract Law》 and the employment of university students [J].
- [3] Journal of Chongqing University of Science and Technology(Social Science Edition) . 2008(12)
- [4] Zhang Yuhang. The implementation of 《Labor Contract Law》 influence on College Students' employment and Countermeasures [J]. Journal of Guangxi University(Philosophy and Social Sciences Edition). 2009(S1)
- [5] Liang Jiezhen, Li Bo. The influence of the implementation of the 《Labor Contract Law》 on College Students' Employment[J]. Law and Social. 2008(17)
- [6] Jiang Mei. College Students' employment rights and legal protection[J]. The study of Higher Education. 2006(10)
- [7] Yu Tao. Study on employment of grassroots of College graduates[D]. Jiangsu University. 2010
- [8] Du Bin. The effects and Countermeasures of the employment of college graduates on implementation of the 《labor contract law》 [D]. Sichuan Agricultural University. 2010
- [9] Wang Dongmei. Research on legal issues related to college students' employment agreements[D]. Jilin University. 2010
- [10] Luo Shengli. Research on the problems and Countermeasures of 《college graduates employment agreement》 [D]. China University of Political Science and Law 2009