

Research on Ways of Building Labor Contract Spirit for Students of Agriculture & Forestry Colleges

Taking Sichuan Agricultural University as an Example

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Abstract—Contemporary agricultural and forestry universities students as the future of society, the main force of modern agricultural construction, and the labor contract spirit directly affect the social contract spirit and harmonious labor relations. But the current students in agriculture and forestry universities have the concept of labor contract fuzzy, lack of spirit, lack of relevant knowledge and theory, legal awareness and lack of awareness of rights, through the labor contract to express free will too few opportunities, the article through in-depth investigation and analysis To adhere to the five combined as a path to comprehensively enhance the agricultural and forestry college students labor contract spirit.

Keywords—agriculture and forestry universities; college student; labor; contract spirit; building path

I. INTRODUCTION

Contract, sourced from Latin, means a transaction that is based on negotiation and free will of all parties concerned. Contract theory was earlier included economic relations, after Maine stated in his works *Ancient Law* that “All movements in progressive societies, so far, are a movement from identity to contract”, contract, as a tool, has been spreading in an unstoppable trend throughout the world.

The earliest contract spirit can be traced to ancient Greece, and rich contract spirits can be read in many theories and works of Aristotle, a famous philosopher of that time, who took the lead to raise fair exchange principle which refused to injure others to benefit themselves. Gaius, a distinguished lawyer in ancient Rome raised: debts should be divided into two types, namely contract and private right. Though the science of law was affiliated to theology in the Middle Ages, yet Thomas Aquinas still showed profound thought of law in his works, based on opinions of Gaius, he further stated the difference between paid and free contracts, thinking following contract is a necessary virtue. Theories and opinions that Aristotle and Thomas Aquinas held were bud and rudiment of modern contract spirit. Going with social development, contract spirit has been spreading to other fields, which gradually becomes social concept about democracy and rule of law, who connotation and range vary with the time, showing

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different spirits of the time. The Fourth Plenary Session of the 18th Central Committee of the CPC released Decision of the CCCPC on Some Major Issues Concerning Promoting Rule by Law, which fully reflected the deep knowledge and accurate grasp of the Party Central Committee upon contract spirit. In our opinions, main connotation of contract spirit shall include free will, performance, equality, fairness, honesty and good faith.

As the core concept of contract spirit, free will, considered as the most basic principle for private laws, is advocated and followed. It is mainly reflected on free to conclude contracts, free to select parties concerned, free to confirm contents, free to select contract type, free to select judges or forms.

With regards to ancient basic principles for civil and commercial law, contract performance means that after signing a contract, all parties concerned must be bound by the contract, which is a limit for free contract. Interpretation of contract text shall not be conducted out of the language of itself, besides, it cannot be modified or changed in private.

Equality and fairness mean that all parties concerned in a contract shall be taken as independent person, and all contents given in the contract must be fair. As for an agreement for independent parties, equality is a premise to establish contract relations between all parties concerned, which symbolizes equality in status, chance, benefit distribution as well as legal protection.

Honesty and good faith, king clauses in civil laws, are cores of contract spirit, it requires to fully execute the contract rights, properly fulfill and observe contract obligations, all of which are based on honesty and good faith between parties concluding the contract.

II. STATUS QUO OF LABOR CONTRACT SPIRIT OF STUDENTS FROM AGRICULTURAL AND FORESTRY COLLEGES

A. Vague Understanding of Labor Contract Spirit

Most students from agricultural and forestry colleges before admission by colleges lived a simple life, especially those coming from rural areas, who had few chances to the outside. The lack of understanding of labor contract and labor contract spirit has caused serious lack of labor contract spirit of

the students in colleges. The survey made at Sichuan Agricultural University shows, 52.3% of students heard nothing about labor contract before being admitted by the university, of whom, 80.6% from rural areas knew nothing about labor contract, 26.2% knew a little about labor contract, but receiving no systematic education and practice; 73.2% thought the relations between employees and employers are unequal, knowing little about their rights, responsibilities, obligations and how to protect themselves.

B. Lack of Labor Contract Spirit

To respect and fulfill contracts are important contents of contract spirit. However, the habits that students form in social affairs have caused serious lack of contract spirit. The survey made at Sichuan Agricultural University shows, 19.8% of students thought it is not important to fulfill contracts. Many graduates had no clear understanding of the effect when signing employment agreements, 30.4% held an attitude "sign a contract first and resign after meeting good chances". The survey made by Yanzhao Evening in 2015 shows, 38% of students selected to resign after working less than half a year. The survey made by Hebei Soucai Network shows, within just one year after graduation, 40% of the students will change jobs, 50% by those graduating for two years, 60% by those graduating for three years, that's to say, 60% of students will change their job once at least within three years after graduation.

C. Lack of Labor Contract Knowledge and Theory

Most know little about theoretical contents such as how to establish labor contract, legal effect of labor contract, legal consequence after breaking labor contract. Surveys show, in Sichuan Agricultural University, 78.3% of graduates know nothing about the difference between employment agreement and labor contract, just thinking that employment agreement is the same as labor contract, many conclude no labor contract after signing the employment agreement. When signing labor contracts with employers, many graduates do not carefully read contract contents, not being alert to the formularized contracts offered by employers.

D. Shortage of Legal Perception and Awareness of Rights Protection

Due to the lack of relevant legal knowledge, many don't know how to take laws to protect the rights of their own. Due to the poor awareness of rights protection, most have no feeling when their rights are violated by employers. Surveys show, when being discriminated in employment, 68.8% of students select to tolerate, 9.5% complain and only 10.68% make full efforts to fight for rights of their own.

E. Few Show Free Will for Labor through Labor Contract

Free will to conclude contract make laborers to show free will of their own through labor contracts. If permitted by laws and regulations, laborers may conclude labor contracts in order to protect rights and benefits of their own by law and keep the relations between employees and employers normal for communication. In modern society, contract spirit shall be widely practiced in employment agreement. However, most

students from agricultural and forestry colleges fail to conclude labor contracts with employers to protect the rights and benefits of their own after signing employment agreements.

III. SIGNIFICANCE OF IMPROVING LABOR CONTRACT SPIRIT OF STUDENTS FROM AGRICULTURAL AND FORESTRY COLLEGES

A. Help Further Strengthen Students' Awareness of Responsibilities

Market economy is also rule-of-law economy and contract economy, and rights, obligations and responsibilities are established between subjects of labor contract, and all subjects concerned shall bear responsibilities for the concluded contracts, and labor contract relations are established through labor contract by and between the parties concerned, which define the rights, obligations and responsibilities of the parties concerned. To foster the contract spirit of students and encourage them to carry it out in the labor relations will help them form awareness of responsibilities.

B. Important Part of Morality and Talent Cultivation

Modern agriculture is a key part of building an affluent society, which needs not only high level agricultural technicians but also comprehensive laborers with high overall quality and contract spirit. Nowadays, students from agricultural and forestry colleges are backbones for the modern agricultural development in the future, to strengthen their labor contract spirits has become important content for morality education and talent cultivation in colleges. The development of overall quality of students from agricultural and forestry colleges shall need not only solid basic knowledge and higher comprehensive abilities but also stronger contract spirit and awareness of rules. Only the labor contract spirits of the students are improved continuously, can they know the importance of fulfilling and observing labor contracts so as to make contributions to the construction of an affluent society.

C. To Improve Students' Labor Contract Spirits Is A Basic Guarantee for Law-Based Governance and Harmonious Labor Relations

Only when the contract spirit becomes a wide social belief and predominates the behavior of social subjects, can a legal state be realized. To keep harmonious labor relations requires that employers and employees should sign and fulfill labor contracts freely and equally and go in harmony according to the labor contract spirit.

College students are an important part of social citizens and backbones of the society in the future. The Quality Report of Higher Education in China released on Apr 7, 2016 by Ministry of Education shows, there were 37 million students in 2015, ranking the first around the world, and the gross enrollment rate was 40%, higher than the average level around the world. It is predicted that the gross enrollment rate of higher education will reach over 50% in 2019, the contract spirit of students represent that of citizens in the future to some degree, and the labor contract spirit of students directly

determine the construction of employer-employee relations of the country in the future.

D. Pursuit of Value to Adapt to Social Progress

“Good faith” was included in socialist core values at the 18th CPC National Congress. The Provisions on Administration of College Students (revision), released on Nov 18, 2015 by Ministry of Education first took good faith education to administration clauses, and colleges are required to carry out good faith education on students, make records of student good faith, study good faith and academic good faith, etc.

In order to roundly carry out the law-based governance strategy, it is stressed in the Report of the 18th National Congress that “We should carry out intensive publicity and education about the law, foster socialist spirit of the rule of law, and adopt the socialist concept of law-based governance. We should enhance the whole society's awareness of the need to study, respect, observe, and apply the law.” The Third Session of the 18th CPC Central Committee raised “Improve the popularizing-law education and strengthen law-based governance concept of the people”. The fourth Session of the 18th CPC Central Committee clearly pointed out that “We need to help all the society to develop awareness about the rule of law, intensify publicity and education in this regard, all our people will faithfully advocate, consciously observe, and firmly safeguard the socialist rule of law. The development of labor contract spirit, an important part of contract spirit, directly determine that of contract spirit, therefore, to cultivate students’ contract spirit is a pursuit of value for social progress.

IV. ANALYSIS OF LACK OF STUDENTS’ CONTRACT SPIRIT

A. Lack of Labor Law Education

Currently there are limited courses related to labor law in colleges, take Sichuan Agricultural University as an example, in addition to moral education and law basis, there are public courses such as marriage and family law, real estate policies and laws and economic law, each public course is set for two classes each term, and there are no courses related to labor law. Students have few chances to access to labor law education. Even the public courses, teachers have no high requirements on students who major in not law, who can get knowledge when following class rules. With regards to students, most students who major not law value professional courses, showing no interest to law-related courses, and most just recite some knowledge before exams, so most are poor in law; on the other hand, some students hold the opinions that law knowledge is far from life, and no one knows how to use what they learn in class due to lack of practice for a long time.

B. Vague Selection of Value in Social Transformation

Feudal culture still has huge impact in current society. Since the foundation of new China up to now, we have been exploring the socialist economy and political system reforms, and outdated systems still remain in the minds of the people.

During the period of natural economy, the country was self-sufficiency in economy, and everyone is connected

through family affection, country life and friendship, valuing inter-personal relationships. Starting from 1992, China launched its overall reform aiming at market economy, and the “big governments and small society” under a planning economy was changed gradually to a “small governments and big society”, rights were gradually returned to the society and individuals. During the transformation of planning economy to market economy, there were awkward status such as forced contract spirit and power unbalanced contract spirit in the society, which are basic reasons for the lack of labor contract spirit of students from agricultural and forestry colleges.

C. Utilitarianism-based Education

For educational resources in China cannot meet the demand of increasing population, “high enrollment rate” and “exam-oriented education” have become a have-to selection, students who are admitted to colleges through college entrance examination deeply know the importance of academic records, especially those coming from rural areas have apparent experience in this regard. Compelled management was a core of traditional administrative education, under which, students had to receive education passively, lack of fairness, equality and freedom. With regards to colleges, more and more colleges turn to quantified management increasingly, and teachers were focused on individual utilities, and the responsibilities of teachers for teaching were weakened gradually, besides, influenced by eagerness for quick success and benefits, they emphasized successive professional knowledge, ignoring the teaching of basic humanistic knowledge.

D. Student Management in Lack of Contract Spirit

College management systems have direct influences on students’ selections. Currently the agriculture and forestry are mainly supported by finance, and most personnel and property ownership are controlled by governments, which are in a strong administration, and the relations between students and colleges are still “managing and managed”, there are few awareness of service contracts.

E. Relatively Poor Social Rule of Law

Colleges are important part of the society, and the social rule of law will produce direct influence on students’ contract spirit. Whether the location is developed in economy, market subjects are active or legal environment is superior all will produce strong influence on students’ contract spirit, however, due to historic reasons, most of agricultural and forestry colleges are established outside of central cities, for example, Sichuan Agricultural University stands in Yaan city, Sichuan Province, Shanxi Agricultural University stands in Taigu county, Shanxi Province, Northwest A&F University stands in Lin’an city, Zhejiang Province, all of the cities (counties) have kind of differences in economy with central cities, the market subjects are inactive and the social rule of law needs to be further improved.

V. PERSIST IN FIVE COMBINATIONS AND REBUILD THE LABOR CONTRACT SPIRIT OF STUDENTS FROM AGRICULTURAL AND FORESTRY COLLEGES

Contract spirit cannot be formed naturally, which largely needs subsequent systematic engineering complicated and long to foster.

A. *Persist in the Combination of Improving Understanding and Transforming Educational Concept, Intensify the Contract Spirit Education*

To value the education of students' contract spirit is a promise for all measures to be taken, and the education of contract spirit may improve students' senses of social responsibilities and awareness of rule of law. First, agricultural and forestry colleges shall pay more attentions to education of contract spirit and humanistic science, adjust talent cultivation programs, and add law-related courses to all majors. Besides, teachers with professional law background shall be arranged for teaching Morality Education and Law Base. Second, during teaching, teachers shall have teaching concepts changed, not just adopting traditional duck stuffing mode, experimental teaching and flipped classroom modes can be used to increase interest in class. With some contract knowledge and theories about contracts imparted to students, they could know the universality and importance of modern social contracts. Only owning some contract knowledge, can students have solid basis for contract spirit, if ignoring the education of this point, there will be no chance for students to form contract spirit. Third, stress to cultivate students' contract emotion, as an important drive to produce and exert thought, emotion works as a promoter for turning knowledge into actions, which is highly working to adjust behaviors of the people. Contract practice is required to attempt in order to make students really feel the convenience brought by contracts and pleasure of getting praised due to fulfilling contracts.

B. *Persist in the Combination of Leading Governments and Social Subjects and Create A Sound Rule of Law Environment*

The state-level legislation, systems, legal punishment and free to conclude contracts mean that the parties concerned may express what they want through free contracts and get benefits. However, the freedom is not absolute, and the contract establishment and contents must comply with laws and regulations, not damaging benefits of the society and others. The state should regulate and bind contracts on legislation and punish those who or which break rules, severely punishing behaviors violating contracts on purpose. Legislations can be used to impose high punishment on violating behaviors so that those who or which violate contracts have to pay a high price and costs.

To create a good contract fulfilling and promise keeping social atmosphere is a key point to cultivate students' contract spirit. First of all, starting with governments, found a good faith valuing and responsible government. A state is not only a law maker but also a doer taking the lead to do as a model and follow laws and regulations. It is certain that a contract valuing and responsible government will cultivate quality citizens who

are equipped with strong contract spirit and keeping promises and dare to bear responsibilities.

Colleges and teachers shall keep promises and fulfill contracts, which will bring subtle influences to the education of students' contract spirit. Colleges shall work to be models of being honest and fulfilling contracts, and the establishment of college systems shall keep fair and honest, all systems and rules shall be carried out strictly, and all commitments to students shall be carried out as scheduled.

Strengthen consensus propaganda and instruction; actively create a good faith and legal consensus atmosphere. Insist on correct consensus orientation, launch publicity activities showing reputation to good faith and disgrace to promise breaching through media such as radio, bulletin board, campus network, Blog and WeChat and news clients, and campus network can be built into a good front for good faith education.

C. *Persist in the Combination of Promoting Traditional Culture and Improving Labor Contract Spirit, Get Essence from Traditional Excellent Culture*

Contract spirit originated from Western countries, and credit is contained in thought of contract theories, which contain rich contents. When borrowing Western excellent thought and culture, we must base all on local culture so as to localize the contract spirit and achieve the combination of contract spirit and local culture. Within traditional Chinese culture, there are lots of thoughts similar to contract spirit such as One must stand by one's words and must not stop one's action until success is achieved, A promise cannot be taken Back once it is made, good faith is a necessity for morality, every word carries weight, a promise is as good as a thousand gold and so on. "Good faith and keeping promises" have been a necessity for Chinese to live and work and a basic point for morality. Though eastern and western countries have differences in social foundation for good faith, yet we can borrow Chinese traditional good faith concepts when cultivating contract spirit and combine the two together, which will be included in college education.

D. *Persist in the Combination of Actively Instructing Active Points and Punishing Passive Inactive Points, and Cultivate Contract Spirit When Improving the Socialist Market Economy Mechanism*

China has thick spirit in human relations, besides, it is in the course of economic transformation, the market contract degree is not high, market subjects are not perfect, subjects have poor contract spirit, employers and employees are in a unequal position, discrimination in job can be found widely, and the basis for establishing contract relations are not solid. Therefore, when perfecting the socialist market economy, we should be focused on cultivating subjects' labor contract spirit, making clear of rights and obligations between subjects legally and working hard to eliminating unfair competition.

E. *Persist in the Combination of Renovation Thought and Innovation; Create A New Student Management Mode*

Innovate student management mode, respect students and enlighten students' subject position, when establishing

management systems, colleges shall guarantee students' rights of being information, doubt and participation. The continuous reforms of personal system in colleges in legal management, democratic management, students' independence and two-way selection have brought soils to cultivate students' labor contract spirit, saving management costs and improving management effect in colleges. In the meantime, we need to improve job assessment mechanism in colleges, reduce job assessment pressure in colleges, encourage students seek for jobs in good faith. Strengthen job instruction and improve students' labor contract spirit in employment.

VI. CONCLUSION

There are still many problems in the forming labor contract spirit of students in agricultural and forestry colleges, to which there are deep and complicated reasons, governments, the society and colleges should improve the education of students contract spirit, insist on the three-party linkage, aiming at labor contract, emotion and behaviors, explore new modes for construction of students' labor contract spirit and improve the students' labor contract spirit.

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