



罢工权入宪新思考——规制与处理集体争议（罢工）的法权依据

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New Thinking on Constitutional Status of Right to Strike——Legal Basis for Regulations and Handle Group Dispute (Strike)
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全文: PDF (450 KB) HTML (1 KB) 输出: BibTeX | EndNote (RIS) 背景资料

摘要 尽管我国已有许多人主张加强罢工立法，但是由于对罢工的认识尤其对罢工权的认识还不彻底，所以罢工立法仍迟迟没有进展。可是随着市场经济的发展，劳资冲突、集体争议（罢工）又时有发生，需要我们继续推动罢工立法，把罢工纳入法制轨道。这就需要对罢工权入宪做出新的更为科学的分析。罢工权实际是劳动者集体中止劳动的权利，罢工是劳动者实现自己劳动力权益和制衡雇主或用人单位财产优势滥用的行为。罢工权入宪有利于构建劳资政三方合作共赢关系，有利于科学地开发我国丰富的劳动力资源，有利于实现科学发展。

关键词： 罢工权 中止劳动 劳动力权

Abstract: Although there are many people who uphold to enhance the legislation of the right to strike, but the strike itself and the right to strike are not completely understood by the masses. That is why there is no progress on the legislation of the right to strike. By the development of market economy, hostility between capital and labor, group dispute are happening from time to time. There is a strong need to push the steps of legislation of the right to strike forward. Therefore, we need a more scientific analysis on the constitutional status of right to strike. The essence of the right to strike is the right to suspend the work by worker himself, it is the way he achieves rights and interests of labor force, and counterbalances abuse of right from employer. Under the status of constitution, right to strike will be helpful to establish the win-win relationship among labor, capital and government, which is beneficial to develop the manpower resources, and realize a real scientific development.

Key words:

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