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转型时期中国劳动关系 发展问题研究

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序

古语道：“天道酬勤！”

王阳博士是一个勤勤恳恳的耕耘者，来社会发展研究所以后，一直践行着书山有路勤为径、学海无涯苦作舟的古训。《转型时期中国劳动关系发展问题研究》一书，是她来国家发改委系统后出版的第二部专著。

转型时期中国劳动关系发展问题是一个热点难点焦点问题。近年来，我国经济社会各个领域都在发生深刻的变化，政府职能加快转变，企事业单位加快重组，越来越多的人从“单位人”转变成“社会人”，人们的就业方式和就业选择日益多样。与此同时，经过30多年的发展，我国也正面临着区域发展不协调、环境资源压力加剧、土地瓶颈制约突出、社会管理压力加大以及人口结构素质不够优化等一系列的问题和挑战。1978年以来，所有制的深刻变革诱发了中国劳动关系的深刻变化。

促进劳动关系和谐已经成为一种世界性的潮流。发端于资本全球化的经济全球化，对严重滞后的劳动全球化提出越来越多的挑战。2001年，国际劳工组织总干事胡安·索马维亚在其就职演说中首次提出了“体面就业”，其含义对普通劳动者来说，不仅意味着要获得一份工作，更重要的是，意味着要获得一个能充分发挥其劳动技能和得到尊重的岗位。现在，体面就业的精神内涵已经在国外得到了广泛的认可。2008年国际金融危机爆发后，我国劳动关系方面的一些不和谐因素突出显现，劳动争议案件持续走高，劳动监察投诉案件不断攀升，不少地区持续再现大规模“民工荒”，就业的结构性矛盾非常突出。当前我国正处于社会转型和经济转轨的关键期，经济社会发展的不相协调显示出了“三大矛盾”，即经济发展模式转型与劳动力素质的矛盾，产业升级与就业转换的矛盾，以及劳动力成本压力与就业质量的矛盾，而这些矛盾相互交织、相互影响又造成了大量社会不和谐现象的出现。2012年1月，我国7个部委联合颁布了《促进就业规划（2011—2015年）》，其基本精神就是以科学发展观为指导，以全面促进充分就

业、体面就业与和谐就业为目标,认真做好“十二五”时期就业工作,促进经济发展与扩大就业相协调,促进社会和谐稳定。

和谐劳动关系是指劳动过程中的主体与客体之间的和谐关系,包括人与人、人与物(自然环境劳动条件等)的关系。应该说,党中央、国务院历来高度重视解决和谐劳动关系问题,改革开放 35 年来,全国人大出台了一系列劳动保障方面的法律,国务院在劳动就业、收入分配、社会保障和劳动安全卫生等方面出台了一系列政策和行政法规,确保了我国的劳动关系总体和谐稳定。当然,中国在劳动力无限供给的条件下,一些地方政府为了追求政绩,将关注的焦点放在如何吸引稀缺的资本上,对资方过分袒护,缺少对就业弱势群体(比如农民工)权益的重视,导致国家出台的一些维护劳动者权益的政策措施流于形式,造成劳动者权益受损。随着我国劳动力从无限供给向有限剩余转变,劳动力短缺对地方经济发展的制约越来越明显。这会倒逼政府健全劳动关系方面的法规制度,完善教育、医疗等各种社会保障,加强对劳资关系的调节,督促企业改善劳动者的薪酬和工作环境,更加重视维护劳动者的权益,为其提供更好的劳动条件和发展前景。因此,我个人认为劳动关系的发展(以劳动争议数量来度量)与经济发展(以人均 GDP 来度量)之间也存在着一种倒 U 曲线的关系。

理论是灰色的,而生活之树是常青的。总结一般性的经验,一国经济社会快速发展的时期,同样也是社会领域矛盾问题的多发期;而从中国劳动关系发展的历史来看,相比西方市场经济国家,其自身的独特性十分明显。中国的劳动关系伴随着劳动力市场机制的建立和完善而产生与发展,随着经济体制改革的深入,劳动力市场主体双方地位逐步明确,市场机制在配置劳动力资源过程中开始发挥基础性作用。因此,要科学地看待今天中国劳动关系出现的各种问题,至少要在“环境论”“基因论”“系统论”和“实践论”的指导下进行,也就是说,要将劳动关系置于我国经济社会发展的大系统之中研究,要长远地透过历史、文化传统等线索来分析,要动态地将书本上的理论同我国的实际相结合,进而再上升为理论。

一个时代有一个时代经济社会演变的根基与目标。过去的 30 多年,中国实现了第一次转型与改革,改变了生产关系,做大了经济总量,提高了人们的生活水平。当前时代,中国发展的阶段性特征主要表现为消费主导、公共产品短缺和

人的自身发展。未来的一个时期，或者说未来的30年，中国要实现第二次转型与改革，就要着力改变经济结构，建设消费大国，提高人们的生活质量。为此，“十二五”乃至今后更长的时间，我国要建设幸福社会，和谐是基础，稳定是前提，而劳动关系的和谐与稳定是重中之重。

“三方机制”是近百年来在西方发达国家逐步形成并推广的一种社会关系和企业劳资关系的协调机制。所谓三方，一方指以政府为代表的国家（在许多国家是由政府的劳动部、社会部或就业部作为国家的代表），另外两方是雇主（企业主、工厂主）和工人的代表，而工人通常是由工会作为其代表。“三方机制”在调解社会矛盾，解决劳资冲突方面发挥着重要作用。随着经济日益全球化，“三方机制”已推广到许多国家和地区，三方原则成为各国协调劳资关系、处理劳资纠纷的共同准则。中国作为国际劳工组织的成员国，无疑应当使劳动制度，包括劳动争议处理制度尽可能地与国际通行的制度接轨或靠拢。中国要实现劳动关系的和谐与稳定，关键要发挥好“三方机制”中三方的作用。首先，政府应该发挥更大的作用，不仅要完善有关立法、加强执法、建立制度、完善劳动标准等，还特别要进一步培育市场主体，扶持弱者，加强企业民主管理建设，引导劳动者运用理性合法方式表达利益诉求，实现劳动关系双方利益关系的动态平衡。其次，企业应该承担社会责任，尊重劳动者的主体地位和首创精神，规范用工行为，将劳动者视为人力资源，进而转化为人力资本，取代物质资本成为推动企业发展的关键驱动力。最后，劳动者和工会应该有就业的质量意识，将良好的劳动关系作为择业就业的一个重要衡量标准。

和谐源于科学的妥协，没有妥协就没有和谐。当前，我国仍处于社会主义初级阶段，经济体制还不十分完善，制约科学发展的体制机制障碍依然较多，然而，经济社会发展的阶段却已然发生了重要的变化。实现公平与可持续发展的科学发展，努力促进社会和谐稳定，保障人民安居乐业已成为这一时代的呼唤。我们每个人都有自己的利益诉求，但是如果坚持自己的观点不做一点让步，那么这个社会就达不成共识。在劳动关系领域，就是要形成公平博弈与对话的制度环境，构建动态调整与协商的沟通机制，以及创立平等参与与利益分享的程序规则。

劳动关系的和谐与稳定本该不难，特别是西方发达市场经济国家的劳动关系演变已经提供了很好的经验和教训，揭示出劳动关系对应某一发展阶段所呈现出

的一般性规律。过去的一百年，资本主义之所以垂而不死，就是它们从经典社会主义的模式里面吸收了很多的东西，把工人阶级的暴力革命变成了工会的协商谈判。但是，我们在社会主义制度下搞市场经济，由于缺乏几百年的历史经验，劳动关系的和谐与稳定在现实中国却又是一大难点。无论政府、企业还是劳动者本人，主体意识没有完全到位，不同程度地存在越位、缺位，于是就业中的市场短视行为泛滥。

转变经济发展方式客观上要求我们必须转变就业发展方式。促进经济发展、扩大中国就业规模，究其根本是尊重和满足更多劳动者的就业意愿和权益，但是如若没有体面的就业与和谐的劳动关系，那么扩大就业也就失去了原本进步的政策意义。要知道，就业问题永远不单单是规模和数量问题，劳动关系涉及就业的幸福感问题，各方必须给予高度重视，绝对不能够掉以轻心！

卡尔·马克思的墓碑上镌刻着：“Proletarier aller Länder, vereinigt euch! (德语)”——全世界无产者，联合起来！平等、公平、和谐的劳动关系是劳动者的普遍追求。王阳博士的《转型时期中国劳动关系发展问题研究》归根到底是对幸福就业和幸福劳动的一种中间探索，很有必要；对于全国各地普遍重视的幸福指数构建和幸福社会建设，也很有现实意义。值得大家一读！



2012年7月31日星期二

写于西城区国宏大厦社发所办公室

引言

经过 30 多年的改革开放，中国经济体制改革取得了巨大进展，已经建立起比较完善的社会主义市场经济体制。适应社会主义市场经济体制的建立和完善，中国社会发展和体制改革也取得了重要成就，特别是在劳动就业领域的改革。但与此同时，中国劳动就业管理体制还面临着突出的矛盾和问题。总体来看，就业管理体制还相对滞后，与社会主义经济体制不相适应，还没有建立起适应现代社会流动（特别是劳动力的高流动）、充分激发社会自身（主要是市场主体）发展动力和活力、具有中国特色的现代化的劳动就业管理体制。

自 2003 年以来，中国进入了人均国民生产总值从 1 000 美元向 3 000 美元的过渡时期。该时期往往被国际社会称为“矛盾多发期”，其原因在于，这一时期的一个重要特征就是个人维权开始弱化，同时，社会上出现各种利益集团，谋求以集体的力量进行维权的现象增多，进而导致集体劳动争议事件的频发。

一、劳动关系发展的经验分析

观察西方国家劳动关系发展的历程，工资决定机制、就业保护立法、失业保险制度和积极的劳动力市场政策，是实现劳动关系和谐稳定发展的重要制度基础。尽管单一的制度安排对劳动力市场绩效的影响难以明确，但是合理的制度组合却塑造了欧洲国家特点各异、灵活安全的劳动关系状况。在长期的历史发展之下，欧洲国家已经形成了四种理论上的产业关系模式，而在现实中，尤以丹麦的“金三角”模式和荷兰的“政策丛”模式最为典型。以动态、开放、发展的眼光审视欧洲国家的劳动关系演变，可以注意到劳动力市场的成熟度实际上是在深刻影响，甚至是决定着劳动关系的基本特征，这些构成了劳动关系的基础条件，而诸如人力资本、社会资本、政策惯性、社会服务等与劳动关系主体相关的因素，却也能显著影响甚至是改变劳动关系的互动状况，这些构成了劳动关系的调节机制。要评判和展望劳动关系的发展趋向，首先应该带有历史纵深性和文化公德性，并且还应该注意政府与社会组织在协调劳动关系中各自扮演的角色和理应承担的责任。

随着经济全球化，以及经济结构、经济体制和经济增长方式的转变，中国的劳动关系发生了深刻的变化。劳动关系发展问题成为当前中国经济社会领域理论

性和政策性研究的一个共同聚焦点。一方面，劳动关系的演变直接影响到经济社会发展的微观领域；另一方面，劳动关系又直接受到宏观经济、社会、政治等环境的作用，与经济转型期的阶段性特征及经济增长方式关系密切。现有的研究文献已经就劳动关系发展问题的研究依据，影响中国劳动关系发展的因素及其作用，中国劳动关系发展的现状、问题与趋势，以及破解中国劳动关系发展问题的政策建议等进行了分析和探讨。立足于当前的研究成果，进一步的研究有必要着重从以下两个方面进行深化：一是综合分析影响中国劳动关系演变主要因素的变动情况，准确把握影响因素的变化路径是客观预期劳动关系发展趋势的根本依据；二是对破解中国劳动关系发展问题的政策建议的目标性、可行性及实施效果的研究。

中国劳动关系的发展有其独特的历史背景，从计划经济时期“终身制”的劳动关系正在走向市场经济条件下基于雇佣劳动的契约性劳动关系，在经济转型、体制转轨、城镇化、全球化、信息化等相互交织的宏观背景下，推动以往那种类型单一化、主体抽象化、内容同一化和运行行政化的劳动关系，朝向市场化、法制化、多样化和国际化的劳动关系快速演变。然而，在此变迁过程的背后，则是由经济体制改革推动的不断发展的劳动力市场和与社会体制改革相协同的处于变革中的劳动就业管理制度。

当前，中国正处于经济转轨、社会转型和社会矛盾多发的特殊历史时期，因劳资矛盾引发的群体性事件已成为这一时期群体性事件的一个显著特征，并且劳动者群体性事件所表现出的激烈程度、涉及的劳动者人数、冲突的表现形式以及所引发的社会效应等，都远远超出了以往的类似事件。由于深刻的社会原因和经济根源，现阶段劳动关系问题的集中爆发现象，实际上是中国多年来经济结构和就业结构积聚的内疾外发的体现，是长期以来低成本、粗放型经济发展模式的必然产物，它已经远远超出了劳动关系双方的领域，预示着劳动关系发展到了需要面对和破解深层次问题的时候了。

二、中国劳动关系发展的现状

在加快转变经济发展方式、积极提高经济开放程度、工业化阶段跃升、城镇劳动力结构变动、健全劳动力市场制度等因素的作用下，现阶段中国的劳动关系正在呈现类型多样、形式灵活，内容各异、格局复杂，主体明晰、利益分化，法制增强、博弈增多的发展态势。与此同时，劳动力成本的显著上升以及群体性劳动争议的频繁发生，揭示出劳动关系协调工作对法制的依存度正在大幅提高。于是，一些尚待破解的体制机制难题就成为当前中国劳动关系面临的主要挑战。那么，中国健全劳动关系协调机制的方向和路径何在？答案应该是：从集体层面开始。

2008年以来,中国陆续颁布出台了一系列劳动法律法规,使劳动者的就业权益获得了更多的法律保护。然而,国际金融危机和欧洲债务危机的持续蔓延,使得全球就业形势总体欠佳,中国也无法独善其身。在全球经济增速继续放缓的背景下,以世界主要经济体为考察范围,对中国劳动关系法制的立法以及执行情况作一比较性评估,有助于理性和客观地判断劳动法律政策、灵活劳动力市场与宏观经济绩效之间的内在关联性。研究得出的主要结论是:中国劳动关系立法的严格性适度,对于近年来日益凸显的失业问题,不应归咎于中国的劳动法制已经过于严格;并且实际上,中国劳动法律在执行环节还存在比较严重的“有法不依”现象,比如“事实劳动关系”问题。为此,中国一方面要继续坚持更加积极灵活的劳动用工政策,另一方面也应加快《劳动合同法》等就业保护法律的后续立法与政策制定工作;而对于不同就业形式的劳动者,比如非正规就业者,则要在法律制度安排以及执行监管两方面给予侧重考虑。

中国经济的市场化转型使劳动关系双方主体日趋明确和独立,不同利益主体之间的利益差异日益增大,由此导致的矛盾冲突不断增加。如何实现劳动关系和谐、让劳动者群体公平享有发展的成果是当前中国创新社会管理急需关注的重要问题,而探究影响劳动关系状况的因素及其作用正是始于这一初衷。选取1999—2010年期间我国除港澳台之外的内地31个省市作为样本,以劳动争议案件发生频率作为衡量劳动关系状况的一个综合性指标,实证考察该指标的变动情况、省际差异及变动机理,进而利用分地区的样本验证和比较基于总体样本的研究结果,全面、客观、深入地把握劳动关系影响因素及其效用是本研究聚焦和讨论的重点。结果表明,我国劳动争议案件发生频率存在较大省际差异,从全国样本考察结果看,经济结构调整、经济体制转轨、经济规模扩张显著,导致劳资关系紧张化;经济发展水平、经济增长速度、劳动关系市场化运行程度显著,有利于劳资关系趋向缓和;城镇登记失业率、劳动者受教育水平对劳动关系状况的影响复杂多变。从分地区样本考察结果看,多数因素的影响存在鲜明的区域差异性,在东部地区,经济增长速度有利于缓和劳资冲突;在中部和西部地区,经济结构调整会显著增加劳动争议,但劳动关系的市场化运行又可以降低劳动争议的发生频率;此外,劳动者受教育水平在中部地区是导致劳资冲突的一大原因。上述结论的直接意义在于,劳资矛盾尖锐是经济社会发展特定阶段的产物,尽管经济转型、经济下行等会加剧这种态势,但从长期角度看,实际能够增强经济增长对就业数量和质量的带动作用,有利于实现劳动关系的和谐。

在长期的历史演化过程中,欧洲国家的产业关系形成了以“灵活性”和“安全性”为特征描述的四种理论化的模式。这是劳动关系发展,同其主、客体相结合,所揭示出的内在规律性。要把握中国劳动关系发展的坐标,首要的任务就是

通过横向比较发现中国劳动关系发展中的客观规律性,即中国劳动关系的模式。研究的主要结论是:以一维指标“就业保护立法的严格程度”来衡量,表明中国的劳动关系不是北欧国家及荷兰模式或者盎格鲁—撒克逊国家模式,与同属亚洲国家的韩国和日本不是同一模式,并且“金砖五国”的劳动关系模式各异。以二维指标“劳动力市场效率”和“就业保护总指数”来衡量,表明北欧国家及荷兰模式是最佳劳动力市场实践和劳动关系状况,而中国劳动关系模式类属于大陆国家模式,其总体特征为“较低水平的灵活性”与“中等水平的安全性/稳定性”,代表国家是德国。中国要为发展改革创造稳定的社会环境,实现劳动关系和谐,首先应看到劳动力市场上依然存在的问题与不足,进而以提高就业安全为核心优化劳动关系状况。

三、中国劳动关系发展的趋势

作为一个正在建立完善的社会主义市场经济体制的转轨国家和正处于工业化进程中的发展中大国,相对于比较成熟的发达市场经济体制国家,中国的劳动关系状况将凸显其动态性、复杂性和高敏感性的特点。当前及今后一段时期,影响中国劳动关系的主要因素会呈现五个方面的变动趋向:一是产业结构调整使劳动关系处于多变状态;二是国外经济波动冲击劳动关系运行稳定性;三是劳动关系主体结构变化增加劳动关系波动风险;四是新兴媒体对劳动关系的影响日渐深远;五是劳动关系开始直接受到国际经贸规则和国际劳工标准的制约。

可以预见,新、老问题的相互交织,正在使劳动关系的发展变化日益对中国经济社会发展全局产生重大而深远的影响。展望“十二五”时期,中国一些行业 and 企业的劳动关系将处于多变状态,劳动关系双方的个体性矛盾累积叠加形成了集体性矛盾,劳动关系波动凸显频繁、剧烈、高敏感性和群体化特征;新生代农民工成为引发劳动关系波动的主要劳动者群体,制造业以及非国有单位成为发生劳动关系波动的主要经济部门。到“十四五”时期,劳动关系波动将进一步呈现常态化,劳动关系治理实现深度法制化;引发劳动关系矛盾纠纷的主要原因将从生存型诉求转向发展型诉求,劳动关系双方利益博弈格局形成,劳动关系的调整进入多方治理阶段。

针对劳动关系的发展趋势,中国应始终把握构建和谐劳动关系工作的总体思想和目标要求,在转型与改革中注重方法科学和过程稳妥有序;在推进产业结构调整中着力完善企业发展的政策环境;在“十二五”时期,加快建设集体劳动关系协调机制;在更长一段时期,积极构建劳动关系问题的多方治理结构。

Abstract

After 30 years of reforming and opening, Chinese reform of the economic system has been improved a lot, and has set up a comparatively perfect socialist market economy system. Meanwhile, Chinese social development and reform of the social system have also made vital achievements, especially the reform in the field of employment. However, the traditional employment management system is faced with prominent contradiction and problem. On the whole, the backward employment management system doesn't match with socialist economy system, because the former hasn't established the modern employment system with Chinese characteristics, which adapt to modern social flow (especially for the high flow of laborers) and could inspire the power and vitality originated from society itself (mainly the main players in the market).

Since 2003, China has been in the transition of GDP per capita from 1, 000 U. S. dollar to 3, 000 U. S. dollar, which always been called "Contradictions period" by the international community. During this period, there is a significant characteristic that the individual's right becomes weaker, and meanwhile various right groups will emerge to assert their right by collective power, and ultimately the collective labor dispute happens frequently.

1. The Empirical Analyses of Labor Relations' Development

Observing the history and course of western countries' labor relations, we could surely find four vital institutional basis for the sake of harmonious and stable labor relations, namely that, system of wage determination, employment protection legislation, unemployment insurance system and the active labor market policy. Sorts of system combination has been made up European countries' distinctive labor relations. For a long time, European countries have formed four industrial relations theoretically, and in the real world, the "Golden Triangle" model from Denmark and the "Policy Plexus" model from Netherland are both typical. Another important factor that is deeply affecting European

countries' labor relations is maturity of labor market, which been regarded as the basic condition and determines the basic characteristic of labor relations. But human capital, social capital, policy inertia, and social service are all relative intimately with subjects of labor relations, which also influence the interaction between employers and employees. So these factors are called adjustment mechanism. To judge and prospect the trend of a country's labor relations, firstly the historic study and cultural virtue are necessary, secondly, the government and social organizations should play their indispensable roles in coordination of labor relations.

Chinese labor relations have been deeply shifting as changing macroeconomic background, such as economic globalization and transition of economic structure, economic institution and mode of economic growth. Nowadays, the issues of development of labor relations become a common focus in both theoretical and political research concerning Chinese economy and society. On the one hand, the shift of labor relations has directly influenced the micro field of economic and social development, and on the other hand, labor relations have also been directly affected by macro economy, society and politics, and then are in a kind of intimate relations with the periodical characteristics and mode of economic growth. The existing documents have made a wealth of fruits and findings in concerned with researching bases, influencing factors, the current situation, urgent problems, trends, and political suggestion in according to development of labor relations. Resting on the above progress, the further research may as well focus on the following two aspects and deepen and widen their study fields. Firstly, it should comprehensively analyze the key influencing factors' changing path and situation, and then more scientifically understand the trends of labor relations. Secondly, it ought to dwell on the target, feasibility and effect of political suggestions of labor relations.

Chinese labor relations have a distinctively historical background. During the planned economy period, it was a tenure mode that appeared the single kind, the abstract subjects, the same contents, and the political adjustment. But now, Chinese labor relations is more or less a market mode for wage labor, and appears during the conditions of a market economy the various kinds, the specific subjects, the different contents and adjustment by both the rule of law and politics. On the light of a series of macro backgrounds, such as economic transition,

institutional transform, urbanization, globalization and information technology, Chinese labor relations have made a rapid shift, however, the underlying problem behind this change is that a developing labor market and a reforming employment management system. The former one is suitable for the reform of economic system and the latter one cater to the reform of social system.

Currently, China is in the period of multiple social contradictions, during which there are a large number of collectively labor conflict events, and the intense of antagonisms, the number of workers involved, the manifestation of conflict, and social influences are far beyond the preceding events. Because of profound social causes, the recently high-density labor conflict events actually lie in the long-term rub of Chinese mismatched structure between economy and employment, and the low-cost and extensive economic growth mode. It has been far beyond the field of between employer and employee, and heralds a new time is coming when China has to deal with the institutional problems in relations with labor relations.

2. The Current Situation of Chinese Labor Relations

At the present stage, there are at least five mainly and macro factors influencing Chinese labor relations, namely that the fastening change of economic growth mode, the actively improving openness of economy, the jump of industrialized stage, the significant change of structure of urban labor force, and the sound system of labor market. Chinese labor relations are turning to a kind of development trend that could be simply generalized as the following four characteristics: firstly, various kinds and flexible forms; secondly, different contents and complicated patterns; thirdly, distinct subjects and differentiating benefits; fourthly, strengthening legislations and multiply contradictions. Meanwhile, the dramatically increase of labor costs and frequently occurrence of collectively labor conflicts has revealed that the dependence from Chinese labor relations to the rule of law is largely expanded. That is to say, China has to face up those troublesome systematical problems. And so where is Chinese labor relations' mediation and arbitration system going to? The answer is to begin from collective level!

Since 2008, China has promulgated and enacted a series of labor laws to increasingly protect the employment rights of laborers. But the continued spread of both the international financial crisis and European debt crisis has wholly made

low performance of current global employment, and then Chinese employment either. Under the slowdown of global economic growth and based on the world's main economies, the research systematically and comparatively assesses the strictness and carry-out of Chinese employment legislation, in order to rationally and objectively judge the correlations among the labor policies, labor laws, flexible labor market and macroeconomic performance. We chiefly conclude that, firstly, the strictness of Chinese employment legislation is not over-rigid, but moderate, and so that it could not be the major error in increasingly severe unemployment in recent time; secondly, Chinese labor law is not carried out well actually, and there is a more serious phenomenon of "failure to abide by law", such as the problem of "the factual labor relations". Therefore, china on the one hand could continue to stick to more active labor market policies, and on the other hand, may as well fasten the improvement of employment legislation and strengthen the completion and perfection of labor laws. The last but not the least, facing up with the various employment forms, China should put specially legislation arrangement and strict the supervision and management to those disadvantaged employment group, such as informal employees.

During market-oriented transitioning period, the position of subjects of labor relations have been differential and so that contradictions especially for the intense ones' multiplied. How to improve labor relations to harmony and make laborers share out development results are our key point. Based on provincial panel data ranging from 1999 to 2010 and making the frequency of labor dispute as the dependent variable, this research also analyses the impact mechanism and influencing reason for this index, and then tests and compares the results with three regional samples. The empirical findings show that, firstly, the frequency of labor dispute is diverse largely; secondly, in the whole sample, the transition of economic structure and institution and the expansion of economy make labor relations tense, the development level of economy, the economic growth rate and degree of market-oriented of labor relations make labor relations moderate, the impacts of unemployment rate and educational background are complicated; thirdly, in three regional samples, most factors' impacts are regional differences, for instance, in eastern China, economic growth moderates labor conflicts, but in the central and western China, its impact is not significant, instead of transition of economic structure, it may raise labor dispute. Further-

more, the educational background is an essential factor. The deep sense of this study is that we should understand the acute labor-management conflicts rationally and calmly, although economic transition and economic downturn may deteriorate this condition, but in the long run, they are helpful to strengthen economic growth's driven effects on both quality and quantity of employment, actually, they are in favor of harmony of labor relations.

After a long historical shift, the industrial relations in European countries have formed four distinctively theoretical models which could be described with a matrix of flexibility-security, such as “high flexibility and high security”, “high flexibility and low security”, “low flexibility and high security” and “low flexibility and low security”. This is a sort of development regularity of labor relations that meets the inner law of coordination between subjects and objects. In order to understand the path of Chinese labor relations, the primary task is that find the objective and inner law of Chinese labor relations by horizontal comparison, and turns out “the model of Chinese labor relations”. The evaluation is carried by two criteria, namely that one-dimensional index and matrix of two-dimensional indices. The research mainly concludes that: firstly, based on one-dimensional indicator —— “the Strictness of Employment Protection”, Chinese labor relations are not North European countries and Netherland Model, nor Anglo-Saxon Countries Model; secondly, Chinese model isn't same with another eastern countries, such as Korea and Japan, and then the model of “the BRICS” five countries are also different; thirdly, based on two-dimensional indicators—— “the Efficiency of Labor Market” and “the Strictness of Employment Protection”, North European countries and Netherland Model is the best practice of labor market and labor relations; fourthly, the model of Chinese labor relations is more similar to the Continental Model likes German's, whose characteristics could be described as “low flexibility and medium security/stability”.

The improvement of institutional frame and policy arrangement has led to Chinese labor relations model's shift from security to flexicurity. Holding the philosophy of “employment security first”, China may optimize flexicurity model as following four means: 1) establishing the philosophy of “employment security first” and advancing laborer's employability in pursuit of labor market's “the protected flexibilization”; 2) enhancing labor market policy's effectiveness and interpreting “employment security” flexibly, but above all, emphasizing

policy's implement; 3) enforcing employment protection law tactfully and regulating labor market moderately in order to set up flexible protection systems; 4) enhancing function of social dialogue mechanism and strengthening three-level's communication configuration, especially, highlighting the regional or industrial. Tripartite Coordination Mechanism, wage negotiation and system for handling labor disputes.

3. The Development Trends of Chinese Labor Relations

As a transitional country which is establishing perfect socialist market economic system and a developing big-country which is in the course of industrialization, Chinese labor relations must be appear dynamic, complicated and high-sensitive, in comparison with more mature and modern countries with market economy system. In the current and even longer period, there are five major factors that could deeply affect the trend of Chinese labor relations: firstly, the adjustment of industrial structure will make labor relations in the dynamic situation; secondly, the economic fluctuations from foreign countries will impact the stability of labor relations; thirdly, the change of subject structure will increase and intense risk of labor contradictions; fourthly, the new media will influence labor relations far-reaching and profoundly; fifthly, the international trade regulations and the international labor standard will directly limit and constrain labor relations.

It can be predicted that under the interaction of new phenomena and tradition problems, Chinese labor relations may well affect overall situation of economic and social development increasingly and profoundly. Looking forward Twelfth Five, firstly, some typical industries and enterprises' labor relations will in dynamic situations, and then the individual contradictions is accumulating to collective ones, which cause labor dispute to be more frequent, intense, high-sensitive and collective. Secondly, the new generation of migrant workers will be the main laborers who lead to labor disputes, and then the manufacturing and non-state units will be the main fluctuation economic sectors of labor contradictions. To the "Fourteen" periods, firstly, labor relations' fluctuation will be a normal phenomenon, and then the adjustment of labor relations may well more depend on the rule of law. Secondly, the major cause that inspires labor contradictions may turn survival demands to development aspirations, and then the interest game pattern of labor relations formed, and ultimately, the coordination of labor