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From Labor-Capital Antagonism to Mutual Achievement Rethinking and Transforming of the Countervailing Labor Law System

SHI Jichun ZHAO Zhonglong

Abstract: China's current labor law system is affected to some extent by the labor law system of Western capitalist countries, which is logically based on worker's countervailing power against capitalists. The background was the serious opposition of employment relationship and severe physical labor in the age of machine production and class antagonism. There is no fundamental contradiction in the relationship between workers and enterprises in socialism. The public and collective capital is dominant in our country, while the workers are far beyond the scope of "labor". The widespread mental labor and light physical labor, highly marketization and flexible production under conditions of technological advancement are impacting the rigid labor law system. Along with the social progress, more and more people are no longer working simply to make a living but out of interest and ambitions. There are no "interest groups" in China under the leadership of the Communist Party of China. On the basis of the new historical conditions and national conditions, a harmonious labor relationship of mutual achievement between workers and enterprises and an inclusive and flexible socialist labor legal system should be constructed, which is applicable to all kinds of business employment and collaborative labor, and the risks of labor accidents and unemployment should be borne by social insurance and the society to solve the worries of individual business and its market competition.

Keywords: Labor-Capital Antagonism; Mutual Achievement of Workers and Enterprises; Labor Law System; Business Employment; Labor Collaboration