Study on Labor Right Protection and Countermeasures in Mergers and Acquisitions

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Abstract: *Laborers must enhance the overall quality of their own and cultivate the protection strength positively. Laborers should make full use of trade unions, staff representatives and even the non-governmental organizations to safeguard their rights. In order to avoid infringement to the right of labor, laborers should utilize anti-M&A measures to prevent the process of M&A. Laborers need to develop their own capacity effectively from various aspects to safeguard their rights.*

Key words: *Merger and acquisition of enterprises; Laborers; Safeguard right of labor; Anti-M&A*

Introduction

In the practice of corporate mergers and acquisitions, China's laborers' ability to defend their rights is relatively limited, and many workers are unaware of their rights when they are violated, or they do not know how to maintain their rights even if they know that their rights have been damaged. Interest advocates and rights defenders. There is generally a lack of labor organizations that can effectively play a role in various types of enterprises.Therefore, it is particularly important to implement multiple measures to promote the development of labor rights protection capabilities.

Cultivating the Right to Defend Human Rights by Improving the Comprehensive Quality of Workers Themselves

Improving the labor skills of workers

"Every citizen is not enough to have a sense of social responsibility. He should also have the means and skills to be responsible for society and individuals" (Lin, 2007). As a market economy subject, enterprises to enhance their own competitiveness is usually a problem for corporate workers. There are higher requirements for labor quality, and workers with poor cultural quality, low modern education and weak labor skills are often the first choice for dismissal. Even if such workers have not been dismissed from the labor relationship, the labor obtained Income is also generally low, and sometimes it is even difficult to maintain a livelihood. In

this harsh living environment, it is difficult for workers to plan their own future development.

No matter how to make full use of the existing means of labor rights relief, everything must be based on the premise that workers have labor skills that match the job. Only by effectively improving work skills and forming their core competitiveness can it be possible to cultivate themselves. Workers should actively collect various training information, actively participate in vocational skills training activities organized by enterprises, and provide training courses, vocational lectures, and skills exchanges in their communities or by local governments. And short-term training classes, etc., should choose suitable types to participate in according to their actual conditions, especially to participate in training courses that can be learned and applied, and pay attention to practical results, and create their own space for growth and development through multiple training methods. Workers with low and weak foundations should improve from both the cultural level and working ability, aiming at training basic skills and mastering simple labor skills; for managers and professional technicians, to further improve professional skills and promote their careers Literacy-oriented; for workers who have been unfit for a long time, they can consider participatingAdd specialized retraining training to cultivate new professional skills; for workers who want to improve their professional quality in a comprehensive and systematic way, they can consider off-the-job learning when conditions permit. Workers have improved their working ability through training programs of different types and types. Not only can the training be qualified for the job, but it can also be stimulated to its potential, and the mental outlook is renewed, which can give full play to its initiative, enthusiasm and creativity in the labor process.

Strengthening workers' awareness of rights

"From a sociological point of view, 'the awareness of rights' is a sense of 'how people should be treated by others and society' and 'what people should actually be treated'" (Lin, 2004). Governing the country must regard law as Concept, each worker should also strengthen his own legal consciousness, but the more important of legal consciousness is the awareness of rights. Legal culture needs to be bottom-up, and civil rights consciousness also needs to be bottom-up. Driven by various channels to express interest claims, the culture of rule of law has gradually become a deep part of the blood of each worker. Through top-down legislative procedures and laws formed by the legislature, it cannot leave the rule of law from the bottom up Only the combination of culture and civil rights awareness can achieve the real rule of law.

Right consciousness involves multiple dimensions of human cognition, judgment, emotion, attitude, and needs. Workers need to know that they should be treated reasonably and need to know whether the employer has violated their specific rights. In terms of subjective determination of your rights, you must first understand what rights you should get; emotionally, only by knowing what rights you enjoy and being aware of which rights you have violated can you produce a satisfactory or unsatisfactory emotional state. There are differences in the level of this emotional state; in terms of attitude, we must actively defend our own rights; in terms of needs, we must learn to actively fight for our own rights, and we cannot wait passively for the gifts or alms of the employer.

In addition to the above subjective factors, the formation and development of workers 'right consciousness is also affected by objective factors such as legal factors, economic factors, social factors, and political

factors. In terms of legal factors, the degree of recognition of workers' labor rights in domestic and international legislation appears to be It is very important.In addition to protecting domestic workers' labor rights, in addition to domestic legislation such as the country's constitution and labor laws and regulations, international law, international organizations, and other non-legal factors such as international labor standards and corporate production codes that follow international practices are also important. The protection of laborers 'labor rights in our country plays a supplementary and promotional role. In terms of economic factors, the level of social and economic development in our country and the maturity of the market economy determine the existing ability and degree of protection of laborers' labor rights. Being protected in turn can promote the sustainable development of society and economy, and practical experience has proven countless times that developing the economy at the expense of laborers' labor rights will ultimately fail to achieve the expected social effects. In terms of social factors, economic prosperity and development have formed Strong market forces have created a civil society.The optimization of entry-level and service-oriented governments in the exercise of administrative functions and the continued activeness of the private economy will further accelerate the development of civil society and thus make the concepts of rule of law in socialist market economies such as equality, fairness, democracy, and openness more popular. Workers' awareness of citizenship, rights, and law will also be continuously strengthened in the process. In terms of political factors, with the increase of the degree of political democratization, the majority of workers, including vulnerable workers, will have more Opportunities to participate in politics, discuss politics, and express their claims for rights, and further gain the ability to defend their rights.

In corporate mergers and acquisitions, the rights awareness of workers will require effective communication between the leaders of the organization and employees. The acquirer needs to explain to its employees the motivations and expected effects of the implementation of mergers and acquisitions, explain the company's future development plans and market prospects. Let employees understand the company's operating environment and organizational changes, onvey respect for workers so that they can pinpoint their goal positioning in the future. When the acquirer announces the acquisition of the target company, it should promptly announce the merger and acquisition integration plan so that workers can Understand the entire process and latest progress of mergers and acquisitions, help workers adapt to the new enterprise organization as soon as possible, minimize their uncertainty, and eliminate anxiety of workers. In addition to the workers' awareness of rights reflected in the process of enterprise integration In addition to coordinating the mentality of workers and assisting workers to have adequate psychological preparations for facing mergers and acquisitions, it is more important to guide and train workers through various methods so that they can have the potential value of being hired. The awareness of workers' rights makes labor Players pay more attention to personal participation in the integration process of mergers and acquisitions, such as participating in the planning and implementation of integration, andThe leading group for purchasing and integration should include workers' representatives from both sides of the enterprise. This can not only show the company's respect for employees, increase the fairness and equality of the integration process, but also facilitate the communication and understanding between business operators and workers. Promote mutual support and collaboration between the two parties in the process of corporate integration.

Guide workers to be good at using law to safeguard their rights

The ability to defend rights is closely related to a person's cognitive ability. The level of cognitive ability will affect the strength of the ability to defend rights. Therefore, the use of legal rights to protect workers must first have basic qualities such as culture, labor skills, interpersonal communication, and so on. It also carried out publicity of laws and regulations and training of legal rights protection. The prerequisite for legal rights protection is to learn and understand the law. Many ordinary workers do not know the laws and regulations that have been published, and the legal knowledge is relatively poor. When signing a written labor contract, unreasonable labor compensation, overtime work, poor labor conditions, and no labor protection, many workers have not realized that their labor rights have been violated. "The German law-abiding ideas have led German scholars to Chinese law It has been stipulated and often produces illegal phenomena, requires strong administrative law enforcement and is inexplicable" (Zheng, 2008). And Eastern culture has always promoted the Confucian doctrine of doctrine and Taoism's thought of inaction, and some workers know that they are affected by the traditional thought of our country. The infringement of labor rights still adopts negative attitudes such as silence, avoidance, concession and patience. Among the activist groups, the consciousness of using legal means to fight for their own interests has not yet spread, and the parties clearly lack a positive and proactive attitude towards rights protection. To this end, it is necessary to increase the publicity of the rule of law, the grassroots governments of administrative agencies and their staff and local law enforcement Personnel should "send the law" to workers through various effective channels, establish the concept of workers' rights protection in accordance with the law, and educate and train workers on their rights and their realization channels.

In the process of guiding workers to use the law to safeguard their rights, they must pay attention to preventing the failure of judicial remedies caused by the improper application of the law. If they do not know how to collect relevant evidence when they are infringed or if the evidence is lost due to failure to properly preserve the evidence, Know the time limit for litigation and miss the opportunity for judicial remedy. According to the survey report of the Hubei Federation of Trade Unions, although labor laws and regulations have been promulgated, there are still problems in implementation. "Overall, the labor contract system is used in state-owned, collective, and foreign-funded enterprises The implementation of the company is better than that of non-public enterprises; the implementation of large-scale and good-benefit companies is generally better than that of small-scale and poor-benefit companies; for example, a sample survey of 600 employees by 30 enterprises in Huangshi City shows that state-owned, collective, The labor contract signing rate of employees in foreign-funded enterprises reached 95%, the labor contract signing rate of employees in private, private and private enterprises was 81.5%, and the labor contract signing rate of employees in the service industry (retail trade and restaurant industry) was only 59%" (Xu & Zhang, 2010). The government and Social organizations such as trade unions, Communist Youth Leagues, women's federations, lawyers associations, and related social organizations are educating workers on legal knowledge and protecting their rights.While training, they should use their own resources to provide free legal advice on various labor rights issues or legal disputes that workers care about.Relevant organizations can establish long-term and effective telephone or online labor legal consulting systems to enable workers to easily access the law Consulting services, through legal knowledge education, legal rights training and difficult problem consultation to cultivate the ability of workers to solve their rights damage through legal means. For labor dispute cases that

are still difficult for workers to handle by themselves under the guidance of professionals, pass the law the aid system is settled by an attorney appointed by the aid agency.

Expanding the Ability to Defend Rights by Improving the Degree of Self-organization of Workers

Give full play to the role of labor unions in protecting laborers' labor rights

On July 24, 2009, some workers of Jilin Tongsteel Group Tonghua Iron & Steel Co., Ltd. gathered in the factory area because they opposed Hebei Jianlong Group's capital increase and share expansion of Tongsteel Group, which once caused the 7 blast furnaces in the factory to stop production. Jianlong Group Chen Guojun, the general manager of Tonghua Iron & Steel Co., Ltd., was beaten and eventually died. This mass incident triggered the labor-capital contradiction that had accumulated to the "critical point" due to corporate reorganization. The labor-capital grievance was too deep and the workers' interests were not expressed. Unblocked, labor-management relations began to show violent tendencies, which eventually led to the loss of both labor and management. This incident highlights the serious absence of labor unions in the management of labor-management relations such as interest coordination, appeal expression, conflict resolution, and rights protection. Many workers are actually unorganized and unrepresented, and unions play an irreplaceable role in forming collective labor relations.

A. Strengthen the construction of trade unions in enterprises

In our country, the size of the role of trade union organizations in different employers is quite different. Compared with state agencies, public institutions, and state-owned enterprises, the trade unions of foreign-funded enterprises and domestic-funded private enterprises not only have low formation rates, but also affect the labor of enterprises. The protection function of rights is also weaker. Some multinational companies' investors and managers are reluctant to establish trade union organizations in China, fearing that the strength of employees is involved in the internal management of enterprises, lest their rights and interests be restricted by trade union organizations, there is a sense of resistance. It is difficult to form a trade union in non-public economic organizations, on the one hand because of the opposition of business owners, and on the other hand because the workers are too scattered, the willingness to join the union is generally not strong, and the function and role of the union is not strong. Too understand and so on.

When a worker is in the labor market, he often feels that he is just a pure commodity for the employer to choose arbitrarily.The terrible economic power makes it sometimes difficult for the worker to feel the human characteristics such as freedom, equality, independence, dignity; It is inevitable for workers to survive in the enterprise with only a single force, and they will inevitably become insignificant small roles. Only when they work together and act together can their collective will make the employers face the interests of workers. The union as a collective can give workers a strong sense of belonging and the sense of security can not only provide help and support in realizing the interests of workers, but also help workers to prepare psychologically for mergers and acquisitions, soothing their isolated mental state and obtaining spiritual comfort.

B. Ensure the independence of the union

In order for the trade unions to carry out their activities properly, they must have sufficient funds as a prerequisite. The source of funds appears to be particularly critical. Due to the non-profit nature of the unions, tight funding is a common problem. Most of the trade unions in China's enterprises lack independence in terms of personnel and finance. Trade unions of enterprises generally become vassals or furnishings of enterprise administration, while trade unions of private enterprises and foreign-funded enterprises are more directly controlled by business owners, "administrative" of state-owned enterprise trade unions, and "entrepreneurs of trade unions in non-public ownership economies" "Memberization" makes it difficult for trade union organizations to truly represent laborers and to play an effective role in protecting their rights. In addition to a significant proportion of union funds coming from corporate finances, labor remuneration of trade union staff also needs to be obtained from enterprises. In terms of labor relations, union organization leaders are still affiliated. As a result, the trade union of the enterprise has a very strong dependence on the employers. Not only is it difficult for the unions to exercise checks and balances on the employers, but sometimes they have to obey the arrangements of business owners and management departments. Become a powerful representative of laborers, with a weak overall influence and a subsidiary position in the enterprise.

In order for the trade union to truly reflect the will of the majority of workers and effectively safeguard the rights and interests of workers, it is necessary to ensure the independence of the union's status in the construction of the union. "This independence refers to its independence from its opponents. People It is called opponent purity (Gegnerreinheit) or opponent independence (Gegnerunabhaengigkeit) (Dutz, 2005). Trade unions are laborers' organizations with clear interests, and in the organization of union members, it is forbidden the company's "representatives" participate, including department managers, personnel directors, and financial directors employed by the employer, such as managers who have personnel, financial, and supervisory authority over workers. In the composition of union workers, they must Good-quality, courageous, courageous workers with certain negotiation and communication skills are entrusted with heavy responsibility. In the daily operation of the union, it is necessary to prevent capital from infringing the interests of union managers in various ways to reduce their checks and balances. Labor remuneration, welfare benefits, rights and obligations, dismissal conditions, etc. of union workers need to be clearly defined and reported to the relevant labor department for approval. Take the opportunity to weaken the strength of the union by firing union leaders or working activists. In addition to the independence of the union members, the union's finances should also be relatively independent. The funds allocated by the enterprise to the union may be better distributed directly to the employees of the unit. For the effectiveness of the exercise, the workers themselves decide whether to give this part of the funds to the trade unions. This will not only make the workers feel a close connection with the trade unions, but also have the effect of motivating and supervising the workers. Enterprise investors have a misunderstanding of "owning their own money to set up an organization that opposes themselves." Trade unions must expand the channels of funding sources, get rid of their own business and corporate The management department is too dependent, and only when the finances are relatively independent can the union's autonomy be improved. Under the condition that the union's funds are abundant, the labor remuneration of union workers can mainly come from the union funds, thereby enhancing the work of union leaders and organizers. Motivation and independence to avoid being restrained everywhere.

C. Ensuring the effective display of labor union protection functions

The existing working model of enterprise unions is difficult to meet the needs of protecting laborers' labor rights.Some union organizations lack awareness of their job responsibilities, have a weak willingness to participate in the struggle for labor rights, and have a negative attitude because of weak strength or even dare to protect workers Or the inability to protect. In the process of corporate mergers and acquisitions, it is the time when unions need to give full play to their protective functions, and union organizations often appear to be helpless and helpless. Many enterprises' trade unions are simply formed at the request of local governments to complete tasks or respond to inspections. It exists simply because "needs to exist", and the work is just doing what it does. The main function of the union, which has a slightly better work effect, is nothing more than assisting the employer to issue welfare materials, carry out corporate cultural and sports activities, or participate in social activities on behalf of the enterprise. Workers' substantive interest needs in improving labor conditions and labor benefits. There are also some unions whose nature has slowly changed or has become a management department to help companies implement personnel management or has persuaded workers to obey all aspects of the enterprise. Lobbyists of this system, some evenHelping enterprises to implement monitoring, control, and squeezing of workers, has become a complete "assistant" of the employers. Facts have proved that "the labor union is almost absent in the protection of the basic rights of workers in employment. This is the design of our system. A tragedy. Only after more workers can't get the help of statutory agencies, the most of them seek private ways" (Zhou , Zhao & Song, 2007). In this case, the union's inappropriate behavior should be corrected in time to promote its protection. The due function of the labor right of the people seems urgent and important.

The trade union shall effectively exercise all the rights it enjoys, such as the right to know, the right to make suggestions, the right to raise objections, the right to make joint decisions, and the right to collective bargaining, etc.The enterprise shall notify in advance before the merger and acquisition transaction or the implementation of other programs that may cause significant changes to the enterprise Trade unions. Enterprises need to make explanations and commitments to labor unions on issues such as labor resettlement plans and economic compensation standards. They must carefully explain the questions raised by the trade unions and give them opportunities to express their opinions. The plan is adjusted or revised in a timely manner. The trade union has the right to understand and consult relevant information on the organizational composition, management operation, profit sharing, investment marketing plan, long-term planning, personnel arrangements and other aspects of the enterprise. The right to participate in management and even joint decision-making.These matters generally include: salary system, social insurance and welfare benefits, working time arrangements, vacation systems, vocational training programs, labor discipline, reward and punishment systems, etc., and the employers must not refuse when the union proposes a negotiation and negotiation request. Avoid inadequate personal strength of workers when they occurWhen labor disputes occur, the trade union must intervene to provide assistance to the workers as soon as possible, and the trade union organizations should conduct collective negotiations on behalf of the workers and the employers, dispute and negotiate different interests, and finally reach collective contracts through collective bargaining. If a company violates labor laws and regulations and actively participates in labor dispute mediation, laborers must actively support laborers who apply for arbitration and bring suits in court. To ensure the effective functioning of union functions, the union's communication and management meetings must be

conducted at least every month. Guarantee once and many times in special circumstances. Trade unions are the representative bodies of laborers. China should grant unions the right to sue to courts in their own names and provide the unions with facilities to exercise their rights from the litigation system. Attorney fees will be reduced or exempted, and litigation fees will be reduced or directly exempted.In the case of proof, the burden of proof of the union shall be appropriately reduced; members of the union participating in the lawsuit will be given legal protection, and enterprises will not be allowed to retaliate against them in any way.

Make full use of the workers' congress to protect the labor rights of workers

Enterprise workers' congress is the authority for workers in enterprises. When the number of workers reaches a certain level, workers' congresses can be convened after the election of workers' representatives. Enterprise unions are the working bodies for workers' congresses to handle daily affairs. Different matters have different rights. Some issues are only discussed and discussed at the Workers' Congress. The workers' congress provides a platform for workers to express their opinions. Although the Workers' Congress has the right to express opinions, is it necessary for employers to adopt opinions after hearing opinions? The law does not enforce it.

On August 14, 2009, the All-China Federation of Trade Unions issued the "Notice on Further Strengthening Democratic Management in the Process of Enterprise Restructuring, Reorganization, Closing and Bankruptcy", stating that enterprises should implement workers' right to information, participation, decision-making and supervision. The results of financial audits and asset evaluations of the main financial indicators of the company's total assets, total liabilities, net assets, and net profits should be made public to workers and subject to democratic supervision; the company's restructuring plan, merger and bankruptcy plan, layoffs, and diversion resettlement plans, etc. Decisions must be announced in a timely manner and the opinions of workers must be fully listened to. The notice emphasizes: "Restructuring plans are submitted to the workers' congress or the workers' congress for deliberation, and important issues concerning the vital interests of the workers, such as reduction and resettlement plans, are submitted to the workers' congress for consideration and approval. It shall not be implemented without the consideration of the workers' congress; decisions that are neither public nor adopted by the workers' congress shall be considered invalid. Adherence to the standardization of the workers' congress system shall be adhered to. Two-thirds of the workers' congresses required by restructuring enterprises shall be held the attendance of the above employee representatives shall be valid only after approval by more than half of all employee representatives. "Congress will find ways to incorporate corporate governance mechanism, use one unit in formulating rules and regulations directly related to the interests of workers, must go through legal democratic process, through the workers' congress approved the internal regulations or equal consultation with trade unions.

The "Company Law", "Labor Law", "Provisions on Mergers and Acquisitions of Domestic Enterprises by Foreign Investors", and "Interim Provisions on the Reorganization of State-owned Enterprises with Foreign Investment" clearly stipulate that the resettlement plan for employees in mergers and acquisitions must be reviewed and approved by the Staff Representative Conference. The resettlement plan is formulated by the management. Although the Workers' Congress has the right to collectively reflect the true wishes of the workers, the workers are usually excluded from the design and revision of the program. Not only can they

passively exercise their voting rights, but even if they exercise their veto power, the current The legislation also does not clearly stipulate whether the M & A contract will continue to be valid when the resettlement plan is rejected by the Workers' Congress, and whether the employers need to bear legal responsibilities. In enterprise mergers and acquisitions, workers must rely on the Workers' Congress to fully exercise their right to participate and to know. The various matters that may be affected by mergers and acquisitions must not only be understood, but also actively participate in decision-making to maximize the interests of workers and protect their legitimate rights and interests. To ensure the occupational safety and stability of most workers Labor can clearly require the acquirer to bear the employment of a certain percentage of the target company's employees, urge both parties to the mergerDue diligence on workers 'obligations. Admittedly, workers' right to information and participation are not exactly the same as final decision-making and decision-making rights, and sometimes despite the labor's great efforts and exhaustion of various legal rights, However, laborers still cannot substantially prevent the progress of mergers and acquisitions. Some scholars believe that "enterprise employees have formed a special interest community. In the actual operation process, whether an enterprise is acquired by mergers and acquisitions needs to be approved by the employee congress" (Yang, 2005). The law should give the workers' congress the joint decision-making power on corporate mergers and acquisitions, and merger and acquisition resolutions must be reviewed and approved by the Staff Representative Conference before they can take effect. The current legislation should confer more rights to the Staff Representative Conference, and the Staff Representative Conference has the right to participate in pre-merger acquisitions. Deliberate, have the right to negotiate with the management, have the right to inform employees of mergers and acquisitions information, resettlement plans, etc. related to workers' rights and interests. Workers' congresses have the right to make comments and suggestions throughout the merger and acquisition process, and even set up resistance to mergers and acquisitions through the exercise of veto power, Thus "forcing the acquirer, the target enterprise, and the employees of the target enterprise to re-enter the negotiation process, if the negotiations are still not reached, andTermination; if employers do not respect the workers do not accept or reject collective employee collective recommendations, Jing-line continuous mergers and acquisitions, employee representative organizations may ask the court to invalidate the merger agreement, the court is entitled to withdraw merger contract" (Chen & Huang, 2012).

Protecting Laborers' Labor Rights Through the Protection of Social Organizations

Social organizations have their own advantages

While the state is unburdening enterprises, if the state's finances bear all the issues that need to be resolved, it will not only make the financial and manpower burdens unprecedented, but also hinder the normal development of social organizations such as non-profit social groups. It is necessary to focus on the functions of the state, but the function of social organizations must not be ignored. Public services invested by the government do not necessarily have to be provided by the government themselves." The government directly manages social undertakings and it is difficult to overcome the ills of bureaucracy and costlessness. Therefore Modern social undertakings often introduce market mechanisms to reduce costs and improve efficiency in their operation. Non-governmental social institutions have emerged. These undertakings operate in

accordance with the laws of the market, but because they provide non-market social public goods and Public services, so they enjoy various preferential policies granted by the government, such as tax exemptions, government subsidies, commissioned agents, etc" (Ma & Yang, 2002). From the perspective of international trends, the state's monolithic subject has shifted towards the "welfare pluralism" Transformation is a common feature of modern western developed countries (Liu, 2006). Social organizations adopt morality, volunteerism, and kindness. Good governance, voice and collective action play the role of social governance, and the participation of social organizations in governance has injected momentum into the provision of better services by government departments.

On March 19, 2012, the 13th National Civil Affairs Conference was held in Beijing. Premier Wen Jiabao of the State Council pointed out at the symposium that the government's affairs management work and public services suitable for the market and society can be delivered in an appropriate manner. Social organizations, intermediaries, communities and other grass-roots organizations are responsible for improving the efficiency and quality of services. "Compared with the country, groups engaged in social construction have distinctive characteristics: First, they are highly professional and can provide special services that some governments are unable to refine. Service; second, strong flexibility, can fill the dead ends and details of government work, and timely adjust to the special needs of the audience; third, low cost, these groups are often simple organizations, capable staff, and mainly volunteer or semi-voluntary work the expenditure is not large" (Chen, 2009). Social organizations can contract the supply of public services and have the ability to undertake government functions to achieve market autonomy. Social organizations can optimize the setting of government agencies and the allocation of functions and provide resources directly to the grassroots, community-oriented, Organic and unified management services for the masses. Social organizations have open affairs, transparent policies, efficient convenience, and a mechanismOrdinary workers can understand their operating mechanisms more quickly, and can choose different institutions and organizations for different service levels. In the process of providing services, social organizations have their staff attitudes, service methods, working methods, management capabilities, Social effects, public satisfaction, etc. will all be included in the service object evaluation system, and workers can promote their continuous improvement of service quality through a rigorous evaluation system.

The company's courage to assume the responsibility of protecting laborers' labor rights can bring a more positive image and influence to the company, which will help it gain public recognition during the merger and acquisition process, and also help its business development and market expansion after merger Social support can closely monitor whether the company complies with labor laws and regulations, whether it meets social expectations, and whether it has a good image of social responsibility in bearing obligations to workers. "When companies conduct cross-border or cross-region mergers and acquisitions, or mergers and acquisitions When the degree and scope of event design is large, authoritative social public organizations will pay sufficient attention. At this time, these public organizations' positive perception of the company and whether they recognize or support the merger and acquisition behavior will have an important effect on the success and performance of corporate mergers and acquisitions. Influence. Because these social organizations have some power to make rules, standards, principles" (Le, 2012).

Ensuring the effective protection of the labor rights of social organizations

The ability of individual workers to protect their rights and interests is very limited, and social organizations can organize the value demands and interest expression of workers under the market economy, form a corresponding labor management mechanism and a horizontal labor order in a society with diversified interests. It plays an important role in the expression of the interests of workers in economic aid, legal consultation, consultation and mediation.

With regard to the establishment of relevant systems for the protection of labor rights by social organizations, the "non-governmental labor monitoring mechanism" represented by the United States provides a valuable reference for China. The so-called "non-governmental labor monitoring" is "relative to the traditional government-led In terms of labor monitoring, it refers to the monitoring behavior of the working environment of enterprises implemented by civil organizations" (Lin, 2007). Social organizations pass the enterprise's commercial supply chain.[1] The company is subject to monitoring. Once the company violates the relevant rules to protect the legitimate rights and interests of workers, social organizations will impose penalties on the offending companies through market means, such as canceling the purchase contract or terminating some of the cooperative relationships through the supply chain relationship between the companies. Or, by launching a consumer campaign to achieve resistance to violating companies. "Non-governmental organizations have developed better in these countries, and have an early start, more scientific management, and have a certain influence. In the United States, some organizations can even start To supervise the role of the government, there are also some organizations that act as government advisers, indirectly affecting American politics, and have high social credibility" (Guo, 2009). Enterprises must abide by the social norms and requirements that meet the expectations of the public, and the supervisory role of the institutional environment Will promote enterprises to take appropriate social behavior with appropriate organizational behavior. "Public interest groups, local associations, professions, or expert associations, etc., are all part of the institutional environment. These institutional environmental factors determine the spread or force corporate compliance to be generally accepted. Specifications and requirements" (Dimaggio & Powell, 1983).

China should support social organizations to participate in the cause of protecting laborers' labor rights, further improve policies and measures, actively support the development of social mutual assistance groups and organizations, encourage workers to seek help from social organizations. For example, in key areas with serious labor disputes and frequent labor disputes, With the help of social organizations in terms of personnel and funds, a part-time labor inspection inspector team is established to strengthen daily supervision of enterprises and prevent labor-management conflicts from evolving into vicious incidents. For another example, "a number of citizen agents are active in the Pearl River Delta region. And grassroots rights protection organizations, which specialize in providing rights protection services for migrant workers. This phenomenon shows that there is still a big barrier between government services and the actual needs of workers. The various services provided by grassroots ngo organizations, including education, often can Freeing workers from being overly introverted, overly timid, and overly closed to themselves can encourage

1 If the relationship between the target market and the upstream and downstream manufacturers is a key position in the corporate value chain, the target company's good upstream and downstream relationships, and the upstream or downstream manufacturers' recognition or support of the company's mergers and acquisitions, and the company's own understanding will affect the mergers and acquisitions. Business development of post-enterprise enterprises.

the majority of workers to look at the surrounding life and the world with their own capabilities and eyes" (Zhang & Deng, 2009). Shenzhen City, in 2011, specifically formulated a policy that will 80% Of government affairs management and service functions were transferred to social organizations to undertake, Shenzhen Civil Affairs Department took out 3500The 10,000-yuan lottery public welfare fund purchases its services, creating space for social organizations to implement government public services.

Of course, it is also necessary to supervise and guide social organizations, so as to prevent them from operating in the dark or carrying out illegal acts that harm the interests of workers. In addition, labor unions should be reformed in a timely manner to give workers freedom of association only when they are committed to social justice When democratic unions and civil society groups activate the law, the constitution and labor laws and regulations can become a powerful weapon to protect the right to work.

Laborers Use Anti-merger Measures to Innovate Rights Protection Methods

An enterprise's "anti-merger and acquisition" can also be referred to as an enterprise "merger and acquisition defense", which refers to "a variety of protective measures taken by an enterprise to prevent it from being acquired and merged by other enterprises" (Wu, He & Di, 2009).The use of anti-merger measures is generally targeted by the target enterprise. The main purpose of laborers and laborers to prevent mergers and acquisitions is to prevent the occurrence of mergers and acquisitions or to prevent ongoing mergers and acquisitions, whether it is the pre-existing prevention before the merger and acquisition transaction process has been started, or the counterattack in the process of mergers and acquisitions, which may result in the termination of corporate mergers and acquisitions. Effect. The target company's management sometimes implements anti-mergers and acquisitions, but the starting point is significantly different from the laborers' anti-mergers and acquisitions. The target company' s management-led anti-mergers and acquisitions may have multiple purposes. More lucrative income, and the purpose of laborers' anti-M & A is relatively simple, either worrying that the merger will lead to layoffs, or worrying that the prospects of the company after the merger are dim and cause their own business development to be more distant, so it is generally to maintain their own occupational safety and stability purpose.

In practice, the case of laborers successfully preventing the merger and acquisition process by adopting anti-merger measures is not absent. For example, the reorganization of Jinan Department Store, which had been so popular, finally forced the acquirer Huajian Electronics Co., Ltd. to exit due to the success of the laborer's anti-merger. M & A transactions. In this incident, the workers' anti-merger attitudes and actions were very resolute. A total of more than 1,000 Jinan department store employees jointly signed and strongly opposed Huajian Electronics to enter Jinan Department Store through restructuring. Promote many company management personnel to join the ranks of workers' anti-M & A. Among the company management, 13 of the 14 deputy or higher managers are opposed to the restructuring of Jinan Department Store by Huajian Electronics, and 7 of the company's directors Six firmly opposed M & A (Wu & Liu, 2007).

Use of employee shareholding and "parachute" plans to prevent mergers and acquisitions

Some developed countries' trade unions have a prominent position in enterprises. Trade unions and corporate

workers can often become an important anti-M & A force, and the "Employee Shareholding Plan" and "Parachute" plans are important measures for anti-M & A by workers.

A. Employee stock ownership plan

The Employee Stock Ownership Plan is designed with the decentralization of corporate equity as the starting point. When a company merges, if most workers hold shares and form a large shareholding ratio, a portion of the company's shares can be carried out in this way. Control, exert influence on the decisions made by enterprises, increase the right to speak in corporate mergers and acquisitions, and thus play a role in anti-mergers and acquisitions. Through the employee stock ownership plan, the close interest relationship makes it more difficult for workers and enterprises to give up. Emotional bonds can strengthen workers' sense of belonging and loyalty to the enterprise. The number of companies in China that implement employee shareholding plans is not as good as that of western developed countries. Issuing internal employee shares and promoting their listing and circulation is often a major benefit for companies. Only the senior managers of the enterprise or important core technical backbones can enjoy it, and it is difficult for ordinary workers to obtain shareholding opportunities. Even in the enterprise where full-shareholding is implemented, due to the low economic income of ordinary workers, the total shareholding of employees is generally The ratio is low.

In order to effectively implement the M & A defense strategy of the employee stock ownership plan, China's trade unions should use their influence to negotiate the issue of shares by employees with employees as a benefit that workers should enjoy, and actively create opportunities for workers to hold enterprise shares If employee shareholding is difficult to achieve, the union must strive to hold the shares for the workers, and through the union shareholding, it is more difficult for the acquirer to acquire and fully play an anti-merger role, so as to avoid a large number of workers losing their jobs due to mergers and acquisitions.

B. The "parachute" plan

The management of the target company in corporate mergers and acquisitions often faces personnel adjustments, and the ordinary workers of the target company are more burdened by the potential for layoffs. To alleviate the concerns of corporate management and ordinary workers, many companies in the United States have implemented " Parachute "plan. The target company makes a commitment to managers and general workers if the target company's managers or general workers are terminated from employment due to mergers and acquisitions, positions are reduced, or the working conditions given by the acquirer are too low to force them In the event of his resignation, enterprise managers and ordinary workers have the right to receive corresponding compensation based on their positions, qualifications, and performance. Because the compensation is generally more generous, the benefits are as if a parachute can make the management of the company safe the ground retreated from the higher positions, so it was called the "parachute" program.

China ’s labor legislation stipulates that companies need to pay economic compensation to workers who have been dismissed from employment. In the practice of corporate mergers and acquisitions in China, the layoffs paid by enterprises to dismissed ordinary employees are somewhat similar to "parachutes" in form. Plan, but the nature is quite different. The current national standard for economic compensation is based on the

average wage of the worker. In terms of the amount of compensation and the role it provides to the worker, the standard of economic compensation set by China is significantly lower and it is difficult to provide protection. The role of workers' basic life. Although the state's public power intervenes in the form of laws and regulations, as long as the compensation of the enterprise reaches the basic line of the national standard, the worker will be in a very passive position and has basically lost the space to bargain with the management. In fact, the focus of the "parachute" plan is not to compensate employees. Its more important purpose is to increase the acquisition cost of the acquirer and thus hinder the acquisition. By increasing the high cash payment of the target company, the acquirer's The surge in M & A costs has created huge financial pressure on M & A squares.In view of the heavy takeover costsOften the meeting will be discouraged and take the initiative to exit, so as to successfully achieve anti-M & A. The rights that employees actively exercise in the "parachute" plan are of a private law nature, and the amount of compensation provided to workers is large, far exceeding the standard for layoffs and placement fees.

The enterprises that implement the "parachute" plan in China are not widespread. The trade unions should actively promote and exert pressure to urge enterprises to adopt agreement protection similar to the "parachute" plan before mergers and acquisitions to protect workers from infringement of interests in mergers and acquisitions. Management of target enterprises People can sign agreements and take collective resignations to avoid any one of them being demoted or dismissed. The stronger and more capable the management, the more obvious the effect of this strategy. Ordinary employees are insignificant to the acquirer and it is difficult to form an alliance. Put pressure to fight for their own interests, so ordinary workers in enterprises must try their best to sign a right protection agreement with the company they belong to before the merger and acquisition, and stipulate that once the layoffs in the merger and acquisition will get a relatively good compensation fee. The agreement protection not only plays a role in stopping the M & A process. Even if the acquirer finally successfully acquires the target company, the laid-off workers can obtain a certain amount of compensation fees according to the protection agreement, thereby ensuring their basic life without worries and smooth future job search activities.

Strive for government support for anti-M & A

In the development process of the market economy, in order to carry out rapid market and scale expansion, the increase in mergers and acquisitions of enterprises is a normal phenomenon in line with the laws of the development of the market economy, and it is also one of the ways to promote economic development. M & A activities not only violate economic laws, but also lack realistic feasibility, but may be unreasonable M & A transactions such as administrative-led M & A transactions with a view of performance as the starting point, state-owned enterprises with domestic development potential or domestic private enterprises being forced to acquire by foreign capital, etc. Causing serious social problems such as massive layoffs, drastic reductions in employment, and a sharp increase in unemployed people. "According to the results of medical research in the United States, every 1% increase in the unemployment rate leads to a 2% increase in mortality and an increase in the number of mentally ill patients. 3.4% and the number of suicide deaths rose by 4% " (Paul Savchenko, 1987). Companies must pass sufficient positive information to the public and upstream and downstream manufacturers and customers to prove the legitimacy of their mergers and acquisitions, and to the target market Of governments or even competitors prove that mergers and acquisitions have not infringed

on the rights of most people, otherwise companies have no right to obtainTake the rights and qualifications necessary to conduct business. "In the process of labor, capital, and politics, the government is the most powerful, and its position and attitude are also the most important. Which side the government stands on, the balance of interest will fall. Which party, therefore, in a three-party game or negotiation mechanism, the government often becomes the object of struggle between employers and employees" (Li & Qiu, 2009) and workers should actively seek government support for anti-mergers and acquisitions.

Generally speaking, the government will support mergers and acquisitions that have development prospects that can increase employment in the future, and the government will not approve mergers and acquisitions that have no development potential and affect local employment. When the development prospects may be rejected, some companies will passively oppose the government's policies and measures to curb their development, and more companies will brainstorm how to win government power and capital support and invest human, material and financial resources for "public relations" "The government, driven by its self-interest motives, has instead intervened in the merger and reorganization of local enterprises in an attempt to expand its size through mergers and acquisitions to obtain more revenue.

"Since the reform and opening up, most of the early corporate mergers and acquisitions were led by the government and realized the mergers and acquisitions of disadvantaged enterprises by superior companies through free allocation or debt. M & A activities have optimized resource allocation to a certain extent. In this case, he employees of the target companies are generally welcoming to mergers and acquisitions and hope that their companies are integrated so that they can get re-employment or better development opportunities" (Xie, 2012). However, with the continuous advancement of merger and acquisition practices in China, Administrative-led M & A transactions that gradually start with the concept of performance have gradually appeared. Relevant government departments sometimes adopt administrative orders to forcefully sell low-priced state-owned enterprises or domestic-funded private enterprises to foreign investors in order to prevent future corporate profitability. Weakened or difficult to sell due to risks and affecting political performance. Some operating conditions have not yet deteriorated or even well-run private enterprises have been acquired due to the expansion of mergers and acquisitions by main and merger companies.This type of mergers and acquisitions often result in large-scale layoffs, greatly reduced employment, The sharp increase in the number of unemployed has been strongly resisted by workers in the enterprise,Conflicts and oppositions between career development and corporate expansion strategies.

When the company where the worker is working faces the situation of being acquired, if the acquisition does not increase employment, it may significantly reduce jobs and cause many workers to lose their jobs.The local government generally supports workers' anti-M & A for the purpose of increasing employment rates. Once the government's support is obtained, the success rate of laborers' anti-mergers and acquisitions will be greatly improved. The government should focus on the two issues of "national security" and "promote employment" in the review process of corporate mergers and acquisitions. Institutions, target companies' violations of hearing procedures, and corporate mergers and acquisitions endangering national security will not pass the government's merger and acquisition review. In terms of promoting employment, corporate mergers and acquisitions not only cannot reduce the employment opportunities provided by existing enterprises, but also create new employment. The appearance of corporate mergers and acquisitions has increased the employment

opportunities of the target company, but at the same time, it has caused other companies in the same industry or upstream and downstream companies associated with the target company to go out of business, go bankrupt, or go bankrupt, thereby reducing social employment opportunities in substance.The merger and acquisition project should be Listed as a type restricted or prohibited by the government.

In the process of corporate mergers and acquisitions, the government department responsible for labor and employment security usually has certain decision-making power over the merger and acquisition matters submitted for review.The government makes or allows corporate mergers and acquisitions based on the prospective nature of the merger and acquisition project and the impact of the merger and acquisition transaction on the local employment rate. Different decisions, or restrictions, or prohibitions. In addition to coordinating relations with government departments through trade unions or using petitions to reflect the situation to fully explain the reasons for anti-mergers and acquisitions, workers must also be good at using social public opinion to impose on the government. Impact: If public opinion gives a positive and positive evaluation of workers 'anti-M & A, the government will generally choose to support workers' anti-M & A, and even introduce a series of anti-M & A measures or public policies. With multiple reports and strong publicity efforts, workers may also get the sympathy of other social groups, social organizations, etc., thereby obtaining social forces 'support for anti-mergers and acquisitions, further increasing the possibility of workers' successful anti-mergers and acquisitions.

The government must pay attention to the efficiency of corporate mergers and acquisitions. Benign mergers and acquisitions can bring the economic value of mergers and acquisitions to economic entities and society or increase employment. However, scholars Schweiger and Weber have found that "about one-third of the acquired companies within five years It was sold again, and about 90% of mergers and acquisitions have never achieved the expected goals" (Schweiger& Weber, 1989). "Mergers and acquisitions and reorganizations should follow the principles of market-oriented operation and the role of corporate entities. After mergers and acquisitions and reorganizations, management synergy and financial synergy can be generated, Economies of scale and scope of economic benefits, Pareto improvement of resource allocation, increase the competitiveness of enterprises and industry competitiveness, this is the original intention of corporate mergers and acquisitions and reorganizations. Therefore, the establishment of 'Lalangpei' M & A responsibility should be investigated System to fundamentally curb the local government's short-term interest tendency in corporate mergers and acquisitions and reorganizations" (Cui, 2012).

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