

## Theoretical Logic Research on the Protection of the Rights and Interests of University Students in Combination of Work and Study

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### Abstract

At this stage, most colleges and universities (especially higher vocational) personnel training require students to complete the engineering process in the form of "internship". The combination of work and study involves students' work time, work environment, work salary, work overtime, etc. This is bound to cause relevant The discussion of the labor rights of engineering students and the risk of labor rights and education rights being violated. According to the frontier legal theory, social law is positioned as a "third jurisdiction" and aims to favor the protection of vulnerable groups. In other words, examining the content of the legal relationship between work and study from the perspective of social law not only accords with the cutting-edge legal theory, but also provides a new perspective for the interpretation of work and study, and provides a new perspective for the integration of industry and education and the protection of student rights in the production management may.

**Key words:** Combination of work and study; Protection of rights and interests; Social law; Theoretical logic

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With the in-depth development of the integration of industry and education, the integration of work and learning has been given new content. The process of integration of work and learning is the process of combining learning and work, and the importance of its research is self-evident. Students are the "protagonists" of the combination of work and study. In the process of work and study, the protection of students' rights and interests almost directly reflects the quality and effectiveness of the combination of work and study. At this stage, most colleges and universities (especially higher vocational) personnel training require students to complete the engineering process in the form of "internship", especially the "mid-term internship" and "graduation internship" phases. The process of combining work and learning takes a long time and reflects the engineering unit. The affiliation relationship with engineering students even forms a "non-standard labor relationship" in a sense. Furthermore, the combination of work and study involves students' work hours, work environment, work salary, work overtime, etc. This will inevitably lead to discussions about the labor rights of engineering students and the risk of labor rights and education rights being violated. For example, some college students report, The engineering process is often required to work overtime (including night shifts), the average daily working time is far more than 8 hours, and the calculation of overtime expenses is "discounted".

### 1. OVERVIEW OF RELEVANT RESEARCH RESULTS AT HOME AND ABROAD

Looking at similar research results at home and abroad, most of them start to study the rights of students from the perspectives of "undergraduate colleges" and "student internships". Lack of research results from the unique characteristics of "integration of industry and education",

“high vocational colleges”, and “integration of work and study” to analyze student rights and interests. For this reason, the author uses “integration of work and study” as the key word and uses “HowNet” Platform retrieval, after screening the retrieved texts, analyze the current research status of the protection of the rights and interests of college students in the integration of industry and education.

### **1.1 The Actual Situation of Infringement of Students' Internship Rights**

At this stage, some scholars are investigating the degree of standardization of student internships and the severity of infringement of rights and interests. Generally speaking, the research results of this kind are based on their own logic to demonstrate opinions from different aspects. Some scholars used the regulations of 60 universities in Zhejiang Province as sample data to collect and analyze the basic situation of the protection of internship rights and interests in the regulations of the colleges and universities, and found that the sample universities have “unclear, incomplete and unspecific regulations on rights and interests in the protection of student internship rights. “And other questions (Jin Jinbiao). Based on SWOT-PEST model analysis, some scholars found that the internship rights of higher vocational students face policy environmental disadvantages, economic environmental disadvantages, social environmental disadvantages, technological environmental disadvantages, etc., and their rights and interests are infringed (Li Yuanquan).

### **1.2 Research Results on the Categorization of Student Internship Rights**

Some scholars try to legally classify students' internship rights. Some scholars divide the internship rights into 11 categories, including the right to study promotion, the right to know, the right to choose, the right to sign agreements, the right to safety protection, the right to rest and leave, the right to obtain remuneration, the right to property, the right to fair evaluation, the right to compensation, and the right to receive assistance. Rights and interests (Wang Xianmin); some scholars are more refined and generalized, tending to summarize the risks of student internship rights as personal rights, property rights, and labor rights from the perspective of private rights and civil law (Xuan Gang, Zhang Siwen). In general, most of the existing research results have studied the categorization of students' internship rights and interests from a “point” level, and the legal principles based on the research are relatively weak.

### **1.3 Research Results on the Methods of Guaranteeing Students' Internship Rights**

Facing the actual situation of infringement of students' internship rights, some scholars have also conducted

research on specific methods of rights protection. Some scholars analyzed the problem and believed that measures such as “the internship tripartite agreement should be signed, the internship insurance mechanism should be improved, the legal system for combining work with study should be improved, and the government should actively coordinate” and other measures (Zeng Jianfei, Jin Cong); some scholars from the perspective of interest-related, Put forward countermeasures and suggestions, including measures such as “enhancing the awareness of community of interests, improving relevant legal systems, and expanding channels for infringement rights protection” (Huang Yayu); some scholars also engage in pre-, mid-, and post-event logic for countermeasures, including “improving relevant legislation, Strengthen advance prevention, enhance self-protection, and improve relief channels” etc. (Zhang Hongke). In general, the existing research results form methods and strategies from different levels and aspects.

## **2. TYPES OF RISK OF HARM TO STUDENTS' RIGHTS AND INTERESTS**

On the basis of the literature review, the author further retrieved the types of infringements on the rights and interests of students combining engineering and learning through platforms such as “Baidu”, “Zhihu”, and “Weibo”. The school has participated in interviews with engineering students, and collected and summarized specific risk types for the rights and interests of students in combination with engineering.

### **2.1 The Combination of Work and Study Has the Risk of Infringing on the Labor Rights of Students**

In the process of integration of work and study, students and units form a subordinate relationship in essence, show subordination characteristics, and form a “non-standard labor relationship” in the sense of labor law. Although the subordination formed by student engineering is not like standard labor relations, it also restricts and restricts students economically and organizationally. The work-study integration involves students' work-study time, work-study environment, work-study salary, work-study overtime, etc., which may further evolve into actual cases of infringement of student rights. For example: long working hours of students, poor working environment of students, cheap wages for students, serious overtime work of students, etc. These are typical manifestations of infringement of students' labor rights and interests in engineering. In the actual cases retrieved, some college students were used as cheap labor in the engineering process, and the engineering salary was very low (some or even no salary) and there was no engineering agreement to guarantee it.

## **2.2 The Combination of Work and Study Has the Risk of Infringing on Students' Right to Education**

The combination of work and study is the process of combining study and work, and has a strong "education" attribute. Considering the circumstances, the engineering process should protect students' right to education as much as possible, that is, not only the right of students to participate in engineering education, but also the conditions and implementation of students' participation in engineering teaching, including the facilities that students can use in the engineering process, Equipment, materials, etc., and effectively enjoy the education provided by engineering units. However, some cases at this stage show that the combination of work and study has the possibility of infringing on students' right to education. For example, some college students report that the content of the combination of work and study is not compatible with the major, and the internship process is just a simple repetition of some manual labor. Although the students have participated in engineering, the students have not obtained enough rights to use the facilities and equipment in the engineering. The engineering units hardly provide so-called practical education.

## **2.3 The Combination of Work and Study Has the Risk of Infringing on the Civil Rights of Students**

In addition to the main violation of labor rights and the right to education, the risk of infringement of the combination of work and learning also represents the violation of property rights. In the cases collected on the Internet, some engineering units, and even schools, used the combination of work and study to collect fees from students, which in fact violated students' property rights. For example, some engineering companies require students to pay the so-called "work-study tuition" in exchange for the opportunity to continue the work-study integration in the enterprise. Since the work-study integration is linked to student credits and graduation, students often "passively accept".

## **3. THEORETICAL LOGIC OF THE PROTECTION OF STUDENTS' RIGHTS AND INTERESTS IN COMBINATION OF WORK AND STUDY**

The combination of work and study includes at least two core types: labor and education. From the perspective of labor or education, students can be included in the category of "vulnerable groups". According to the frontier legal theory, social law is positioned as a "third jurisdiction" and aims to favor the protection of vulnerable groups. In other words, examining the content of the legal relationship between work and study from the perspective

of social law not only accords with the cutting-edge legal theory, but also provides a new perspective for the interpretation of work and study, and provides a new perspective for the integration of industry and education and the protection of students' rights and interests in production management. may.

### **3.1 The Basic Concept of Normative Protection of Rights and Interests**

The process of students' work-study integration centers on "labor rights" and "education rights". According to the latest rights classification system, both "labor rights" and "education rights" belong to the category of "social rights", and both reflect the buffering attributes of public and private jurisdictions. Characteristics, it is reasonable to study the combination of work and study with social law theory. On this basis, it is further confirmed that the normative protection of rights and interests should be based on "inclined protection of students' rights and interests", that is, to protect the rights and interests of engineering students as the core, while taking into account the interests of other subjects as much as possible. Of course, in some special circumstances, civil rights and interests must be used to determine the disputes.

### **3.2 The Hierarchical Model of Normative Protection of Rights and Interests**

If the concept and logic of social law are applied, then the path of normative protection of rights and interests will be clarified using a layered model. Specifically, the construction of the rights and interests regulation system will form a normative framework of "compulsory law + collective law + individual law". Among them, the compulsory law determines the minimum and guarantees of student rights and interests in the process of combining work and study in a bottom-line and bottom-line manner; collective laws regulate agreements between collective subjects, such as agreements reached between universities and enterprises on student rights, or student collectives An equity agreement reached between enterprises. There are often differences in strengths and weaknesses between individual students and enterprises in negotiation, but the collective form is beneficial to achieve substantial fairness; individual law is the final confirmation of rights and obligations in the negotiation between individual students and enterprises. Among them, the mandatory law has the highest legal effect, and the collective law takes the second place. The individual law should be established on the basis of the first two.

### **3.3 The Specific Content of the Protection of Rights and Interests**

Aiming at "labor rights risks, education rights risks, and civil rights risks", the concept of specific rights protection is carried out from the level of "formal elements + substantive elements" based on the concept of social law.

Since the individual law is dominated by the autonomy of will, the content of this section uses “compulsory law and collective law” to demonstrate countermeasures. With “inclined protection of students’ rights and interests” as the core, the specific content includes: the responsibilities

that the school should assume, the minimum requirements for the engineering unit, the supervision of the performance of the minimum requirements for the unit, and the knowledge requirements for students in the engineering institute.