

江三角·劳动法论坛——网络与新媒体时代下的劳动关系管理

**RDL —Managing Labour Relationships in the Era of
Internet and New Media**

——新问题·新思维·新对策

New issues·New thoughts·New solutions

北京：9月12日，苏州：9月16日，上海：9月17日，

深圳：9月24日，成都：9月26日

**Beijing/Sept.12th, Suzhou/Sept.16th, Shanghai/Sept.17th,
Shenzhen/Sept.24th, Chengdu/Sept.26th**

语言：中文 Language: Chinese

课程背景：

随着互联网与新媒体的发展，企业的人力资源管理不知不觉跨入了“以网络为中心”的时代。然而，高效率意味着高风险，“无纸化”办公固然节省了大量成本，也产生了相当数量的劳动纠纷。

高效的 e-HR 系统软件给 HR 工作带来便利的同时又隐藏着哪些法律风险？

模糊的工作时间和地点，旷工、加班、工伤以及劳动关系应如何界定？

开放的言论和信息环境下，企业应如何维护名誉、保护商业秘密，如何妥善处理集体争议？

“总是在线”的生活方式下，劳动规章制度介入员工私人时间的边界在哪里？

这些互联网时代下的新型劳动争议正困扰着每个企业，也不断改变着各位 HR 的传统思维。

为此，江三角律师事务所精心整理编排最新现象及案例，分析网络与新媒体时代下劳动关系管理的新问题，探讨企业人力资源管理工作的新思维，并提供最新的实务对策。

课程目标:

- 一、 通过最新案例介绍, 了解新时代下劳动关系的特点和发展趋势;
- 二、 通过案件总结归纳, 识别劳动关系管理各环节的新型法律风险;
- 三、 通过裁判要旨解读, 培养互联网时代下的劳动关系管理新思维;
- 四、 通过比较以往案例, 掌握处理新型劳动争议的实务经验和对策。

参会对象:

人事总监、人事经理、公司法务、工会干部及其他高级管理人员。

论坛日程 Agenda:

08:30--09:00	签到 Reception
09:00--12:00	网络与新媒体时代下的劳动关系管理(上) Managing Labour Relationships in the Era of Internet and New Media
10:30--10:45	茶歇 Tea Break
12:00--13:30	午餐 Lunch
13:30--16:30	网络与新媒体时代下的劳动关系管理(下) Managing Labour Relationships in the Era of Internet and New Media
15:00--15:15	茶歇 Tea Break

课程大纲:

引言: 网络与新媒体时代下劳动关系的特点和发展趋势

一、网络与新媒体时代下的工作时间管理

现象案例: 1、47.3%受访者直言微信模糊了工作生活界限

- 2、微信成了被加班神器, 你被社交软件“绑架”了吗
- 3、公关业者深夜收上司微信赶工作, “过劳死”后工伤认定惹纠纷
- 4、法律分析及实务建议

二、网络与新媒体时代下的工作地点管理

现象案例: 1、不按规定“自拍”, 员工拒绝“微博打卡”, 被辞退后告公司

- 2、网上招聘、网上工作、微信支付, 劳动关系确认引纠纷
- 3、家中上班外出摔伤, 员工工伤认定成困难
- 4、法律分析及实务建议

三、网络与新媒体时代下的劳动纪律管理

现象案例: 1、中信证券董事长王东明论坛发言批工行, 公司认为影响业务罚百万

- 2、上海地铁咸猪手男子被行政拘留, 锦江集团解除劳动合同引争议

3、员工代驾遭解雇，公司称网上接单构成双重劳动关系

4、法律分析及实务建议

四、网络与新媒体时代下的员工隐私管理

现象案例：1、房产中介禁止员工发表世界杯比赛信息，球迷员工遭解雇后提起仲裁

2、偷看员工 E-mail 称其泄密将其解雇，法院判决解除违法

3、上网管理软件侵犯隐私，数名员工索赔上百万

4、一条微博引发数千人“骂战”，小伙不当言论遭解雇

5、法律分析及实务建议

五、网络与新媒体时代下的劳动争议管理

现象案例：1、员工微信朋友圈抹黑老东家，公司索赔 5 万元

2、员工向私人邮箱发送商业秘密被解雇，法院判决解除合法

3、东莞裕元罢工中的 QQ 群和网络论坛，新媒体成罢工维权新途径

4、法律分析及实务建议

六、EHR 及电子证据管理

现象案例：1、女子微信“诉苦”引发离职纠纷

2、朋友圈跪求迟到理由，领导点赞后将其辞退

3、微博晒出游照成翘班证据

4、空姐“吐槽”飞机餐遭解雇，法院判未尽忠诚义务

5、法律分析及实务建议

- EHR 系统法律风险识别：招聘管理模块、劳动合同管理模块、入职管理模块、考勤管理模块、休假管理模块、薪资福利管理模块、离职管理模块
- 新型电子证据类型：电子邮件、QQ 聊天记录、微信聊天记录等
- 新型电子证据的效力认定和实务建议
- 各地电子证据采信裁审口径及比较

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讲师介绍:

陆敬波---首席合伙人，江三角律师事务所

著名劳动法专家，资深执业律师，资深高级培训师。上海江三角律师事务所首席合伙人、主任。陆敬波律师是中国大陆劳动法律师服务市场的先行者和开拓者。早在 2002 年，陆敬波律师就创立了中国第一家劳动法律服务在线平台—“劳动法苑”（laodongfa.com）；2004 年，陆敬波律师创办了中国第一家以劳动人事法律服务为主的律师事务所。在陆敬波律师的带领下，江三角事务所已成长为中国大陆律师团队规模最大、服务网络最完善的劳动法律服务机构。陆敬波律师受众多大型跨国集团、国内外企业、各政府行政部门聘请担任常年法律顾问、培训讲师，提供各项法律服务。在劳动法专业领域的突出表现为陆敬波律师在业内赢得了很好的口碑和声誉。不论是在律师服务还是培训市场，陆敬波律师都是中国大陆劳动法律服务的标杆性人物。

法律实务工作之外，陆敬波律师同样重视劳动法律理论研究，担任上海大学等四所高等院校的兼职教授；先后出版有《维权课堂—劳动者维权实战攻略》、《劳动合同法 HR 应用指南》、《纷争与和谐—劳动争议的预防和处理》、《企业招聘管理法律实务》等专著，再版多次，销量累计达数万册；陆敬波律所主编的期刊《劳动法苑》更是成为企业学习、使用劳动法律的重要资料。

Course Background:

Following the development of the internet and new media, the HR management of the enterprises has unconsciously entered into the ‘network-centric’ era. However, high efficiency also means high risks. There is no doubt that ‘paperless office’ reduces costs in a large number, but it can also generate an equal large number of labour disputes.

Which are the hidden legal risks when high-efficient e-HR software systems render HR job easier?

How to define the unclear working time and place, and absenteeism at work, overtime payment, industrial injury and labour relationships?

In an environment where opinions and information are open to the public, how can the enterprises maintain their reputation, protect their trade secrets, and how can they properly deal with collective disputes?

In the living mode of ‘always online’, which are the limits imposed when the labour internal rules and regulations issued by the employer intervene with employees’ time for private issues?

The new types of labour disputes with which every enterprise is perplexed in the internet era, and the constant changes occurred in the traditional thinking of every HR professional.

Therefore, River Delta Law Firm arranges the new phenomena and cases meticulously and systematically; it analyses the new issues arising in the management of the labour relationships in the era of internet and new media; it discusses the new thoughts on the work of enterprise human resource management and it offers the newest practical solutions.

Course Objective:

1. Understand the characteristics of the labour relationships in the new era and the development trends, through the presentation of the most recent cases;

2. Identify every link with new types of legal risks in the management of labour relationships, through the summary of judicial cases;

3. Cultivate new thoughts on the management of labour relationships in the internet era, through the interpretation of the main ideas of the judgments;

4. Grasp the practical experience and pick up solutions for dealing with the new types of labour disputes, through the comparison of the new cases with the former ones.

Subject of Participants:

HR director, HR manager, legal counsel, trade union cadre and other senior management.

Course Outline:

Introduction: The characteristics and development trends of the labour relationships in the era of internet and new media.

1. Management of the working time in the era of internet and new media

Case: 47, 3% of the interviewees clearly stated that WeChat has made the boundaries between people' work and personal life unclear.

WeChat has become the device for overwork; have you ever been 'kidnapped' by social networking software?

Person working in the PR received WeChat message from company's boss in the deep night to rush for work, after 'death from overwork' the identification of industrial injury has generated dispute.

Legal Analysis and Practical Suggestions

2. Management of the working place in the era of internet and new media

Case: Taking 'selfie' against the regulation, the employee refused to 'punch card through weibo', and after the employee got dismissed he/she filed lawsuit against the company.

Online recruitment, online work, payment through WeChat, verifying the existence of labor relationship leads to dispute

In the case of working at home, injuries happen when employees are going out, the identification of injury accidents has become difficult.

Legal Analysis and Practical Suggestions

3. Management of labour discipline in the era of network and new media

Case: The CEO of CITICS, Dongming Wang, posted on forum comments about ICBC, and the company imposed a fine of round 1,000,000 RMB because it considered it affected its business.

A groper man on the subway got administrative detention; Jinjiang Group dissolved his labor contract thus leading to disputes.

An employee was fired due to drive for other people; a company deemed the action of doing business online to establish dual labor relationship.

Legal Analysis and Practical Suggestions

4. Management of the privacy of employees in the era of Internet and new media

Case: A real estate agency forbade its employees to post news about World Cup, after the football fans-employees got dismissed, they applied for arbitration.

An employee peeking e-mails was dismissed because it was deemed as divulging secrets; the court decided that the dismissal was illegal.

Internet management software was considered as privacy infringement; many employees claim millions for compensation.

One post on Weibo can make many thousands of people 'being at war'; people posting improper comments are dismissed.

Legal Analysis and Practical Suggestions

5. Management of labor disputes in the era of Internet and new media

Case: Employee's posting on WeChat moments brings shame on company's boss, and the company asks for compensation of 50,000 RMB.

Employee that forwarded trade secrets to their personal mail box was dismissed; the court ruled that the dismissal was legal.

The QQ group and internet forum of the strikers in Donguan Yu Yuen; new media have become the new methods with which strikers protect their rights.

Legal Analysis and Practical Suggestions

6. Management of EHR and electronic evidence

Case: A female employee's action of using WeChat to air her complaints triggered a dispute over dismissal.

Director terminated one employee who posted his reason on why he was late on work on the 'Moments' in Wechat because of the same reason after he pushed the 'like' button on this posting.

Photo posted on Weibo during sunbathing on a trip has been used as an electronic evidence of neglect work.

Air stewardess was dismissed after expressing her complaints on the airline's meal; the court decided that it was within the duty of loyalty.

Legal Analysis and Practical Suggestions

- ▶ Identification of the legal risks on EHR systems: management modules for recruitment、labour contract、hiring、inspection of work attendance、leaves、payment and benefits、separation.
- ▶ New forms of electronic evidence: e-mail, record of QQ conversations, record of WeChat conversations etc.
- ▶ Retaining the effectiveness of the new types of electronic evidences and practical suggestions.
- ▶ Requirements of each type of electronic evidence for their admissibility by the court and their comparison.

收费标准 Charging standard

Standard Fee/person	一人参会费用	3800 RMB/位
Standard Fee/person	两人参会费用	3500 RMB/位

备注：全天会议包含上、下午茶歇及午餐

Note: All-day meeting covers morning and afternoon tea break, and lunch.

报名注册请填写以下信息

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[公司名称] Company Name	
[公司地址] Address	
[邮政编码] Zip Code	
[参会人姓名] Name	
[职位] Position	
[电话] Phone	
[邮箱] Email	
[手机] Mobile	

2nd DELEGATE

[公司名称] Company Name	
[公司地址] Address	
[邮政编码] Zip Code	
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[电话] Phone	
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