

2010年12月ACCA考试考官报告(F4)(2) PDF转换可能丢失图片或格式，建议阅读原文

https://www.100test.com/kao_ti2020/645/2021_2022_2010_E5_B9_B412_E6_c52_645639.htm 点击查看：#0000ff>2010年12月ACCA考试考官报告汇总 具体意见：问题三要求#000000>考生列出劳动管理部门在行使其监督和检查职能时所拥有的权利，并指出四种劳动管理机关可以对违反劳动合同法的雇主发布行政指令的情况。问题四要求考生解释名词“合同终止”，并说明合同解除和合同终止的主要区别。 Question Three This question required candidates to state the various powers of the labour administration in exercising its supervisory and examining functions, and state any FOUR kinds of situations under which the labour administration may issue administrative orders to an employer for its activities in violation of the Labour Contract Law. On the whole, the performance of candidates in this question was unsatisfactory. Part(a) of the question required candidates to state the powers of the labour administration. The answer to this part of question could be found directly from the relevant provisions of the Labour Contract Law which includes the authority to review any documents relating to labour contracts, conduct an on-the-spot inspection of the work premises, etc. Most of candidates were unable to state the power of conducting an on-the-spot inspection of the work premises, and the obligation of the employer to provide truthfully relevant information and materials. Part(b) of the question required candidates to state some situations that violate the Labour Contract Law and will be ordered to rectify by the relevant labour

administration. Most of candidates were able to state two or three points. They mainly focused on the relevant provisions of labour contracts that should be deemed as a violation of the Labour Contract Law, but did not state various illegal activities in the process of operation of labour contract. For instance, all the following activities conducted by an employer shall be regarded as the illegal activities and be ordered for rectification by the labour administration: an employer illegally detains the ID cards of the employees. an employer collects the personal properties as security or under some other guise. or an employer fails to issue a certificate of dissolution of labour contract or certificate of termination of labour contract to the employees, etc. Many candidates merely stated the illegal activities committed by the enterprises, failed to state relevant orders for rectification issued by the labour administration.

Question Four This question required candidates to explain the term termination of contract, and state the major differences between dissolution of contract and termination of contract. Part(a) of this question required candidates to explain the term termination of contract. Under the Contract Law termination of contract refers to such a situation or a state where the rights and obligations arising out of a contract dissolve due to various circumstances as prescribed by the law or agreed upon by the parties to the contract. For instance, a contract is terminated when it is fully performed by the parties. a contract is terminated if one party declares the dissolution of contract under the condition of the other party 's fundamental breach. a contract is terminated if the two parties to the contract

merge which results in the right and obligation absorbed by one party.or a contract is terminated if the two parties to the contract mutually agreed upon,etc.Therefore,the key point to termination of contract rests that the legal consequence of the termination is of no any contractual right and obligation between the two parties.The contract should have no binding force upon the two parties.

Performance on this part was not as expected.The common errors for this part of question included: 100Test 下载频道开通，各类考试题目直接下载。详细请访问 www.100test.com