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## Discussing On Non-competition After Demission System In China Under The View Of Labour Law

Yang Xianbin Hou Liwei

**Abstract:** Non-competition after demission is regard as a kind of mechanism which balances the interests between employers and employees, not only does it protect employer's business secret, but also it ensures the labor rights and the right of choosing a career freely in the context of right of existence that the constitution endows. But because the relevant provisions in Labor Contract Law of China are too general, so that the labor rights and the right of choosing a career freely employees who are in a weak situation owns are infringed frequently, the ideal balance often is broken, which deviates from the original intention of the legislators. We should reconstruct towards the subjects, the sign of contract or agreement, the fied, the term, the standard of compensation, the liability for breach of contract, the scope of the legitimate commercial interests of non-competition after demission, which makes it can maintain the labor rights and the right of choosing a career freely when it protects the employers' commercial secret.

**Keywords:** non-competition after demission analysis reconstruction

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