

從勞動三權觀點論 公共部門教師會協商權與罷工權

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團結權、協商權和罷工權是民間部門勞工基本權利，1970 年代之後這些權利逐漸賦予公共部門員工。對於教師而言，團結權已普遍適用，但由於公共部門具有主權、獨佔性產品，以及公共利益等三大特質，協商權和罷工權仍受到不同程度的限制。我國教師已享有團結權和部份的協商權，但罷工權仍完全受限制。本研究調查發現，公立學校教師會理事長和校長都支持教師會擁有協商權，但罷工權部份校長表示強烈反對，而教師會理事長也有四成反對比率。本研究認為協商權應賦予教師，但協商範圍要加以適當地限制，至於罷工權則不宜行使，但要有申訴和爭議處理制度予以配合。

關鍵詞：公共部門、教師會、協商權、罷工權

一、前 言

勞資關係研究的焦點一般都是在民間部門 (private sector)，隨著政府角色和職能的擴充，公共部門 (public sector) 受僱者日益增多，有關這一部份受僱員工的相關問題也日益受到重視。公共部門係指不同層級的政府單

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Rights to Bargain and Strike of Teachers' Associations in the Public Sector

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ABSTRACT

Rights to organize, bargain and strike are three fundamental rights of the workers in the private sector. These rights were extended to public employees beginning in the 1970s. The public sector's three characteristics are: to guard the public interest, to guard government sovereignty, and to guarantee the public control of the distribution of goods and services. Taiwanese teachers in the public schools have the right to organize, but rights to bargain and strike are still restricted to some extent. From this survey we find that the presidents of teachers' associations and principals of public schools in Taiwan generally agree that teachers have the right to bargain. The principals of the public schools strongly disagree however that teachers have the right to strike that forty percent of the association president respondents also disagree. This study suggests the right to bargain should be extended to teachers but with a properly limited bargaining scope. The right to strike is not a proper means for teachers to pursue their economic and social benefits.

**Key Words: Public Sector, Teachers' Associations,
Right to Bargain, Right to Strike**