

Employee's Competence Assessment and Dismissal — Taking Chinese Law and Japanese Law as the Material —

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Under the background of economic globalization and fierce competition, employers tend to dismiss workers with poor performance or ability evaluation in order to improve their productivity and competitiveness. With the pervasion of the personnel assessment system based on fruitfulness, this problem is deepening, and it is also becoming a common problem in the world. This paper takes the dismissal of incompetent workers in China as the main line, and compares it with the relevant problems in Japan. It analyses how to regulate the issue of dismissal based on the evaluation of worker's ability. This paper points out that although this issue needs to take into account the differences between the two countries in the regulation of dismissal, in view of the awareness of this issue, we need to deal with the above problems from the aspects of properly handling the relationship between consensus in the labor contract and dismissal, and formulating the procedural norms in the process of dismissal.