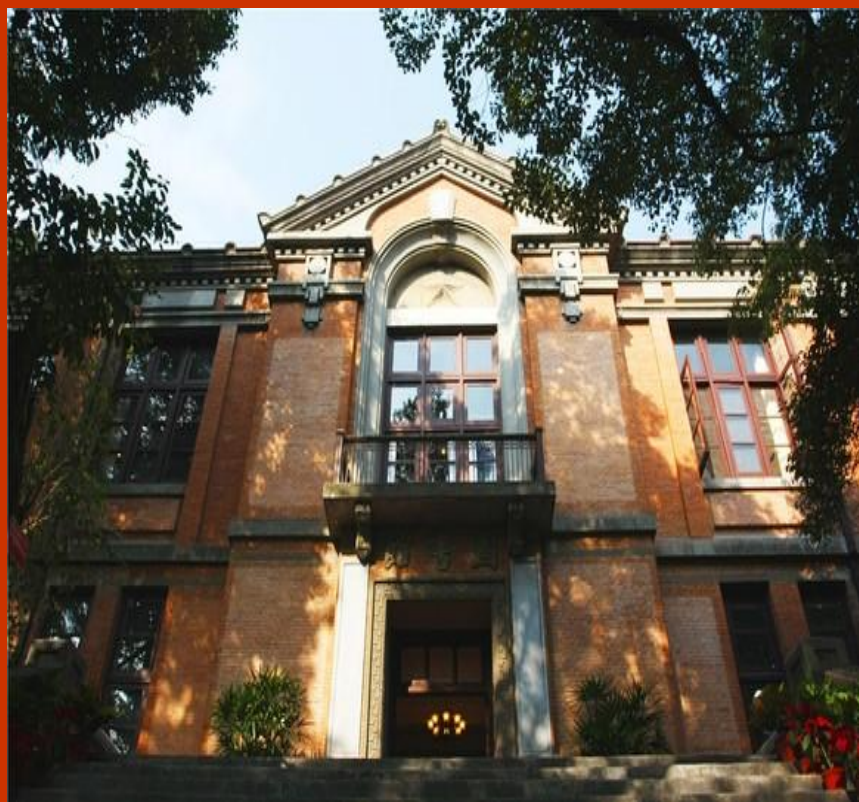




法律文献检索 课程汇报

马俊彦 民商法学本科直博
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公司社会责任问题研究



引言

涉及法学、经济学、管理学、社会学等诸学科

关于**社会责任期待点**的动态模型

为法官、律师以及学者提供资料索引



5W的思考进路

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WHAT: 什么是社会责任

公司社会责任的内容有哪些

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WHERE: 公司在什么范围应承担社会责任

WHY: 为什么公司应承担社会责任

相关的法条、理论等依据



2010

企业内部控制应用指引第4号——社会责任（财会[2010]11号，2010.04.15）

2009

食品安全法（2009..2.28） § 3

中国银行业金融机构企业社会责任指引（2009.01.12）

2008

企业国有资产法（2008.10.28） § 17

国务院国资委关于中央企业履行社会责任的指导意见

浙江省人民政府关于推动企业积极履行社会责任的若干意见

嘉兴市人民政府关于推动企业积极履行社会责任的若干意见

2007

企业所得税法（2007.03.16） § 9

劳动合同法（2007.06.29） § 41

中国银监会办公厅关于加强银行业金融机构社会责任的意见

2006

合伙企业法（2006.08.27） § 7

2005

公司法（2005.10.27） § 5

1993

消费者权益保护法（1993.10.31） § 49

案例

刑事

- 石家庄三鹿集团股份有限公司及相关责任人员生产、销售伪劣产品案(河北省高级人民法院, 2009.03.15) CLI.C.187971

行政

- 徐明才与爱克发(无锡)影像有限公司劳动争议案

民商事

- 郑花阁诉张鹏等见义勇为补偿案
- 章剑华等11人诉黄嘉玮损害公司利益案
- 北京百度网讯科技有限公司诉上海很棒信息技术有限公司等不正当竞争和侵犯著作权案
- 陈德勇诉南京轻研机电发展有限公司解散公司案
- 绍兴时代物业管理有限公司诉杨佳昕物业管理案
- 徐海全诉五峰众鑫责任有限公司损害赔偿案
- 徐某等诉南京中燃城市燃气发展有限公司财产损害赔偿纠纷案(司法建议)

Principles of Corporate Governance: Analysis and Recommendations (ALI-CORPGOV)

As Adopted and Promulgated by The American Law Institute at Washington, D.C., May 13, 1992 Current through June 2010

S 2.01 The Objective And Conduct Of The Corporation (Approx. 17 pages)

A business corporation should have as its objective the conduct of business activities with a view to enhancing corporate profit and shareholder gain, except that, whether or not corporate profit and shareholder gain are thereby enhanced, the corporation, in the conduct of its business

(a) is obliged, to the same extent as a natural person, to act within the boundaries set by law,

(b) may take into account ethical considerations that are reasonably regarded as appropriate to the responsible conduct of business, and

(c) may devote a reasonable amount of resources to public welfare, humanitarian, educational, and philanthropic purposes.

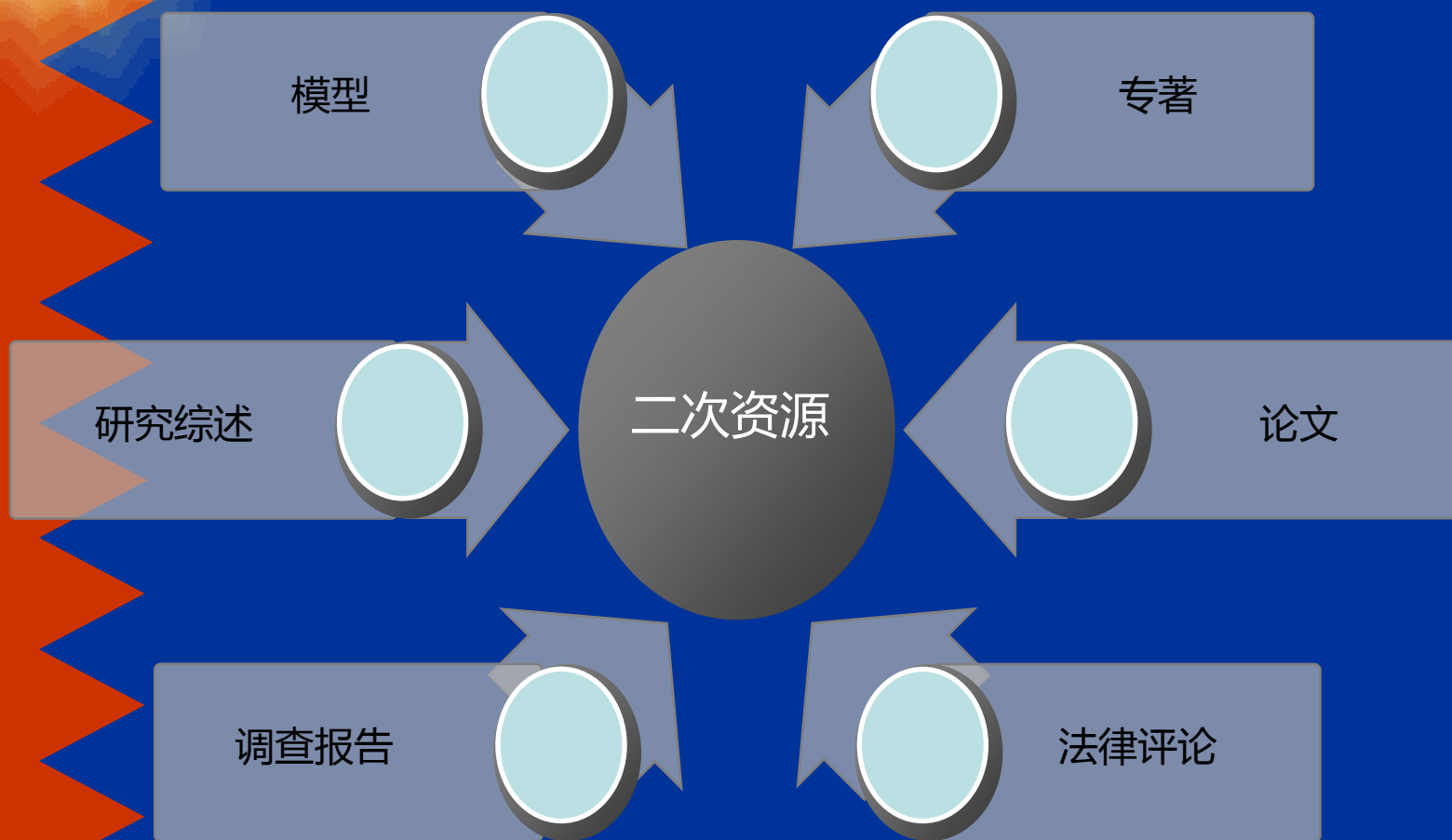
美国案例

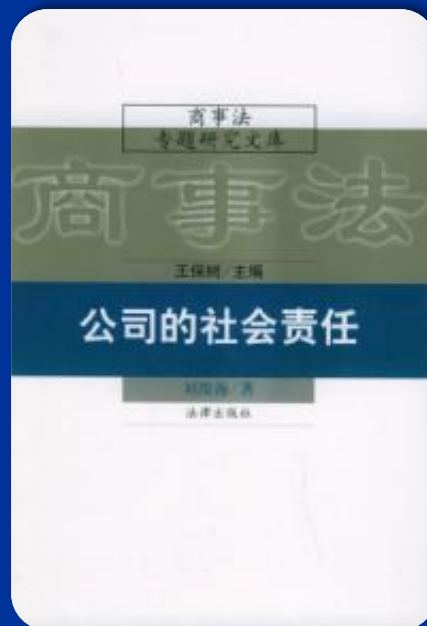
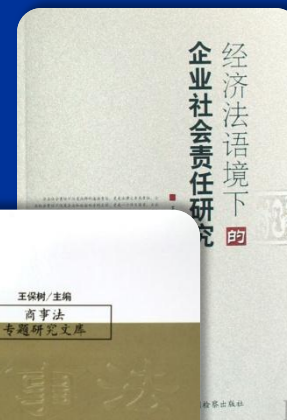
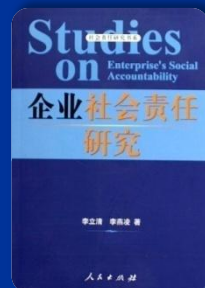
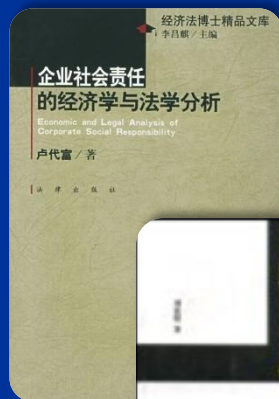
C Steinway v. Steinway & Sons, 17 Misc. 43, 40 N. Y. S. 718 (N. Y. Sup. May 1896).

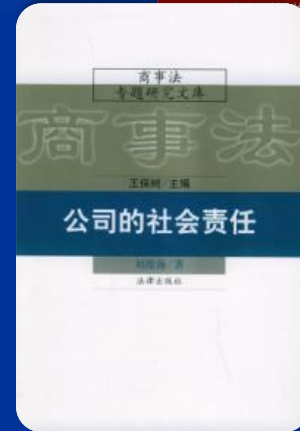
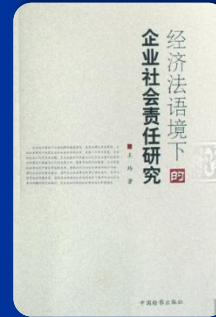
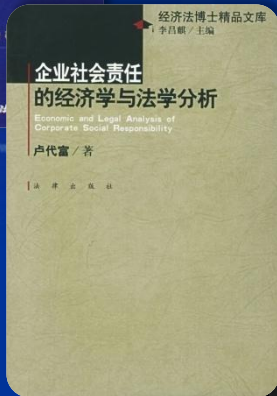
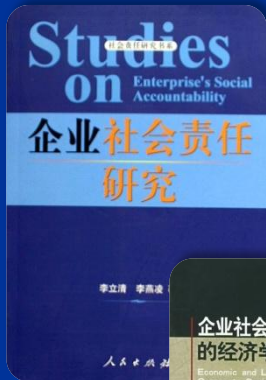
C Brinson R. Co. v. Exchange Bank of Springfield, 16 Ga. App. 425, 85 S. E. 634 (Ga. App. Jun 11, 1915) (NO. 5876).

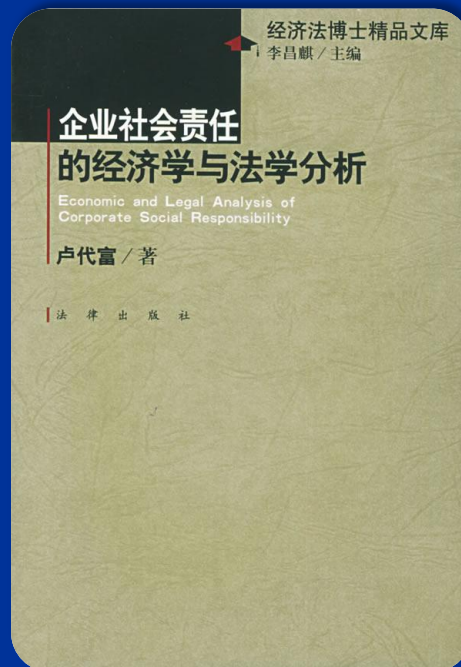
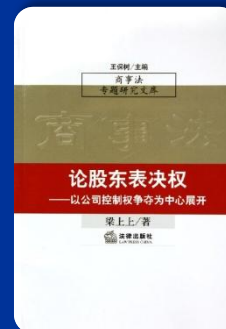
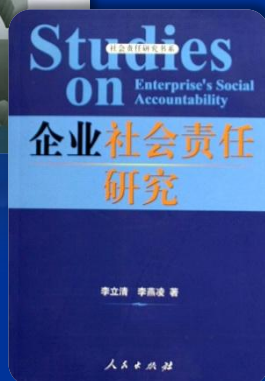
Dodge v. Ford Motor Co., 204 Mich. 459, 170 N. W. 668, 3 A. L. R. 413 (Mich. Feb 07, 1919) (NO. 47).

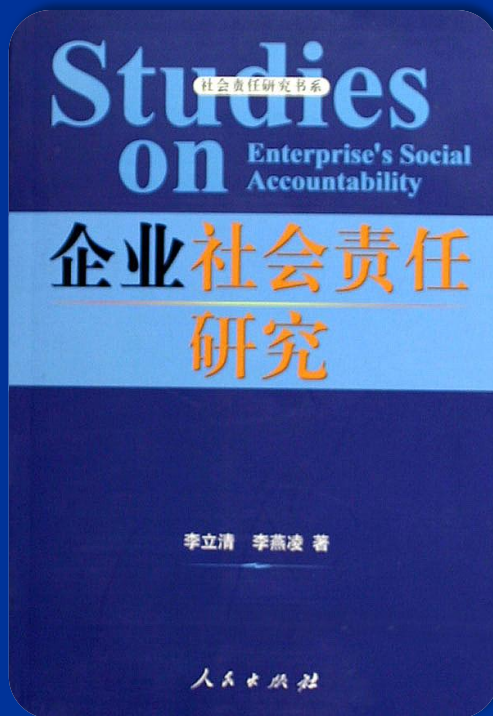
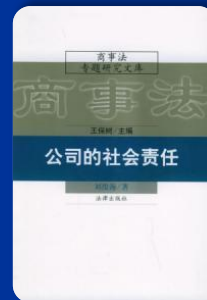
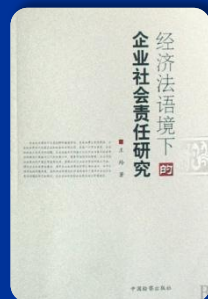
C A. P. Smith Mfg. Co. v. Barlow, 26 N.J. Super. 106, (1953 N.J. Super), LEXIS 435.

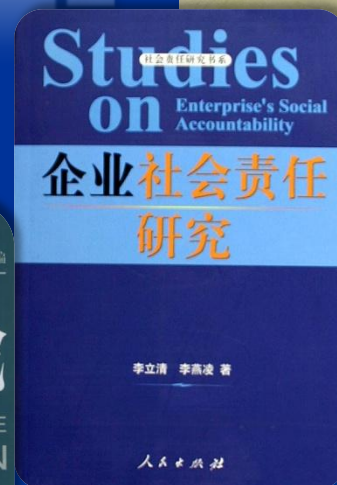
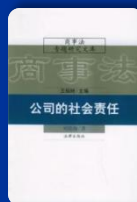
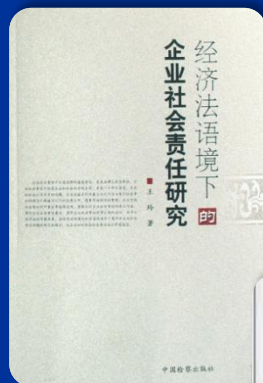


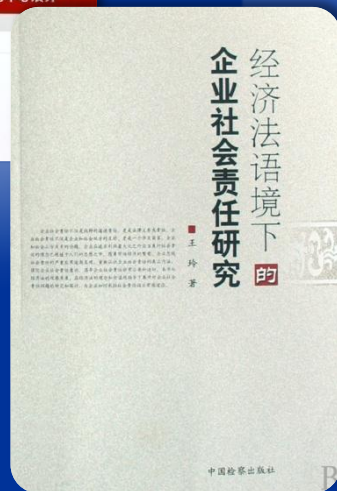
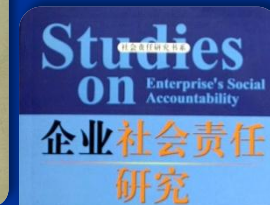
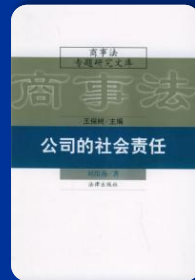
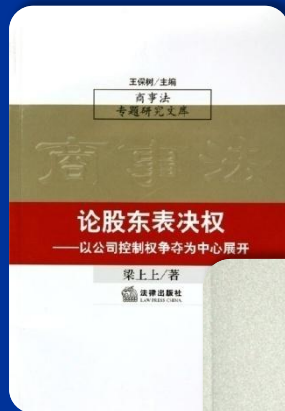


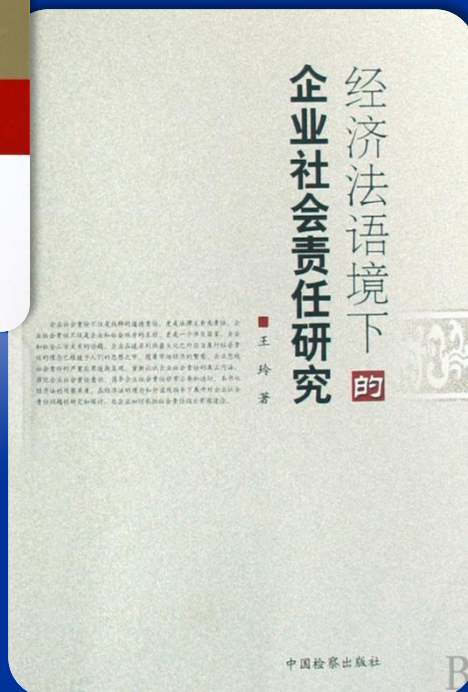
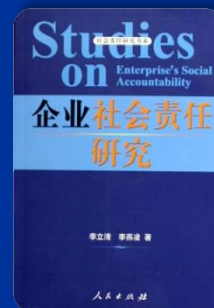
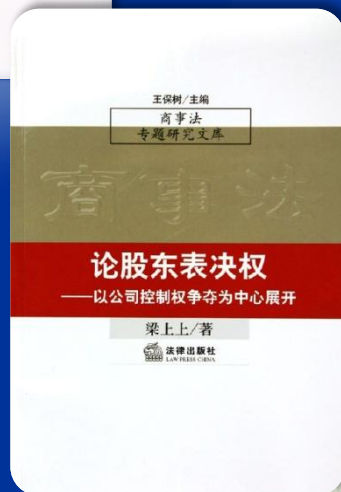
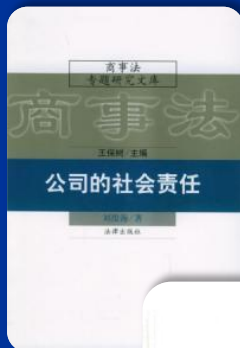












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Saleem Sheikh	<i>Corporate Social Responsibilities: Law and Practice</i> , Cavendish Publishing Limited(1996).
David Ruder	<i>Public Obligation of Private Corporation</i> , 114 U. Pa. Law Review (1965) . (?)
AMJUR	Corporations Summary § 134 § 493 § 498 § 511 § 544 § 549 § 555 § 566 § 724 § 741 § 745 § 758 § 2163
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