

## **Migrant Labour in China: A Case Study of Labour Discontent, Unrest and Protests**

Manganelly **Sumesh\***

*Department of Politics, East China Normal University*

### **Abstract**

Labour unrest has been the major source of political and social instability in China since the 1990s. China has been known as the global epicentre of labour unrest. Migrants are vulnerable to exclusion and social dilemmas. Here in China, migrants are only seeking the quality of employment, their socio-economic rights as well as well-being. They are treated as second-class or secondary citizens in the urban spaces, and they have to face discrimination at work place and humiliation by local urban residents. Reduced monthly wages coexist with the violation of the labour rights even when they sign a labour contract. The migrant workers are increasingly fighting against labour unrest by using different means such as legal channels, strikes, protests, violence and so on. They are willing to bargain collectively and so the rate of protests has increased rapidly in the recent years. The rising political awareness among the migrant workers led migrants to organise themselves to fight against discrimination. The maximum number of protests is visible in the manufacturing sectors, especially in China's southern province of Guangdong.

**Keywords:** *China, migrants, labour unrest, discrimination, protest*

## **1. Introduction**

As migration process, labour protest is also a new phenomenon in China since 1978. China has witnessed thousands of migrant labour protest demonstrations all over the cities in the last few decades. The rising labour unrest is the major factor for these protests and strikes. The so-called socialist way of “organised dependence” of labour system has evolved into “disorganised despotism” in which employers and managers use the measure of coercion with the unorganised labour. China has been called the “global epicentre of labour unrest” (Becker, 2014). Migrants are now willing to bargain collectively by the use of protests and strikes against discrimination. Here in this article, the author argues that the denial of citizenship rights (urban *hukou*)<sup>1</sup> leads to labour unrest as well as discrimination in the Chinese cities. Also, the author argues that migrants fight against discrimination with different means like demonstrations, strikes, legal channels and sometimes in certain cases they choose violent way too. So certain questions need to be addressed at this point: How are migrants easily discriminated and marginalised in the cities? What are the different kinds of workplace discrimination faced by migrant workers in the urban space? How do migrants fight against such discrimination? How does the Chinese state deal with labour protests and how does the state respond to such protest? What are the solutions and policies brought by the government to resolve the rising labour protests in China?

## 2. Migrants and Labour Unrest

Millions of migrants who work outside of the state-owned industries are the victims of the major labour rights violations. They work in private or informal sectors and they number about more than 250 million (Becker, 2014). These migrants are a vital part of the entire urban labour force. The arrival of massive supply of younger and cheaper labour reduces managerial dependence on the old work force. For example, in Guangzhou, about 50 percent of all textile workforce and one third of those in the plastic industry were migrants and most were inter-provincial migrants in 1995 (Lee, 1999). There are many advantages of employing such workers: (a) they do accept low wages compared with local worker; (b) enterprises can easily under-report their number, so that they can make substantial savings by evading social insurance contributions; (c) being younger and less experienced, migrant workers can be allocated to the most labour-intensive and strenuous jobs on the shop floor by replacing veteran workers.

As the economy develops and employment opportunities increase, the income of urban and rural residents keeps rising. From 1990 to 2003, the disposable income per capita of urban residents rose from 1,510 yuan to 8,472 yuan, an increase of 460 percent or a rise of 160 percent in real terms; and the net income per capita of rural residents increased from 686 yuan to 2,622 yuan, an increase of 280 percent, or a rise of 77 percent in real terms (according to a white paper on *China's Employment Situation and Policies* published in March 2004 by Information Office of the State Council of the People's Republic of China). Still, this is the major factor which leads to rural to urban migration. This income gap continuously keeps on widening year by year, but migration can help rural people earn a better income than that they get from their villages. However, on the other hand, they are not properly paid by urban

employers. This unpaid condition is primarily a large reason for labour unrest by migrant workers in the cities.

As the white paper on *China's Employment Situation and Policies* published in March 2004 by Information Office of the State Council of the People's Republic of China says:

The Chinese Government has gradually improved the administration of labour contracts for rural migrant workers in cities. Any work unit that employs rural workers must sign labour contracts with them according to law to clarify the rights and obligations of the respective parties. The government has reorganized the labour market, strengthened supervision over and inspection of the employing units and intermediaries, enhanced management in such areas as wage payment and labour conditions, carried out a special inspection of law enforcement regarding the protection of rural migrant workers' rights and interests, and severely dealt with illegal job agencies and fabrication of false employment information to deceive rural migrant workers, thus effectively safeguarding the rural migrant workers' legitimate rights and interests and the order of the labour market. Active efforts have been made to develop ways to extend social insurance to rural migrant workers, and in the major localities that bring in rural migrant workforce, such as Guangdong, Fujian and Beijing, the coverage of social insurance has been extended to include rural migrant workers, relevant policies and regulations have been worked out and active efforts have been made to provide social insurance to rural migrant workers in work-related injury, medicare and old-age pension.

In this part of the white paper many good policies and recommendation have been given, but one has to analyse the validity of this white paper statement after a decade of its proposal. How much have these policies been implemented in the cases of rural migrant labour in the cities and to what extent these policies have helped to overcome labour unrest and workplace discrimination in the urban space?

### ***2.1. Migrant Workers and Their Lack of Rights***

Rural peasants working in the cities have a very different status, which distinguishes them from the urban people. Migrants' residential status is similar to foreign nationals living as "guest workers" (Chan, 1998). Floaters have very minimal rights in the urban area because they are not eligible to stay in the cities permanently. Apparently, they are required to return to their place of origin when the need for their labour has ended. Migrants are not entitled to any social insurance, property rights, any social welfare like schooling and employment for their children and even any right to residency.

At this juncture we can just have a look at protection of labourers' right to employment stated in Chinese government's white paper on *China's Employment Situation and Policies* published in March 2004 by Information Office of the State Council of the People's Republic of China:

- **Protecting labourers' right to employment.** Chinese law stipulates that workers must not be discriminated against in the matter of employment because of ethnic identity, race, sex or religious belief. Chinese law strictly prohibits the employment of people under the age of 16. The state strictly investigates and deals with the illegal use of child labourers and the recommendation of children for work. The

Chinese Government has, by intensifying law enforcement and supervision, urged enterprises to earnestly implement the stipulations specified in laws and regulations concerning equal employment, rectified all acts of discrimination in the labour market, and banned all employment advertisements containing discriminating content in the media. Simultaneously, the Chinese Government strives to enhance the labourers' awareness and ability of protecting their own rights and to create a sound public opinion environment, supports and encourages labourers to use the law to protect their own employment rights and interests. The Chinese Government has continuously improved the state, industrial and local standards in respect of job safety and hygiene. It promulgated the standards for the job safety and hygiene administrative system in 1999, and carried out certification work in an all-round manner. In 2003, the State Council promulgated the "Regulations Concerning Insurance for Work-related Injuries," which became effective as of January 1, 2004.

These are rights which are manifested in the white paper and its implementation is destitute in condition. Till date, China has not reached the 100 percent insurance coverage for work-related injuries. Still, a large number of migrant workers are outside of any such social insurance scheme. In most of the informal or private sectors migrants have to take insurance with their money; no employer is paying a single penny for their insurance coverage. Indeed, there is workplace discrimination occurring in different manners, at least in the name of rural-urban partiality. Apart from these violations of rights migrants are not paid properly. Migrant workers do not have any specific leave and they can hardly get leave opportunities. Over time workloads and child labour are other violations evident in the urban industrial sectors. For example, to show the violation of labour rights have a look at the letter

below. This is a letter written and sent to the official trade union newspaper editor in 1995, which illustrates violations of Chinese workers' rights, co-signed by more than twenty workers:

Dear Comrade Editor:

We are staff and workers of Guangdong's Zhaojie Footwear Company. The company docks our pay, deducts and keeps our deposits, beats, abuses, and humiliates us at will.

Zhaojie Company is a joint venture. It sends people to Sichuan, Henan, and Hunan Provinces to recruit workers. Even children under 16 are their targets. Those of us who came from outside the province only knew we had been cheated after getting here. The reality is completely different from what we were told by the recruiter. Now even though we want to leave, we cannot because they would not give us back our deposit and our temporary residential permit, and have not been giving us our wages. This footwear company has hired over one hundred live-in security guards, and has even set up teams to patrol the factory. The staff and workers could not escape even if they had wings. The only way to get out of the factory grounds is to persuade the officer in charge of issuing leave permits to let you go. A Henan worker wanted to resign but was not allowed to by the officer. So he climbed over the wall to escape, but was crushed to death by a passing train. Although it means forfeiting the deposit and wages and losing their temporary residential permits, each year about 1,000 workers somehow leave this place. Being beaten and abused are everyday occurrences, and other punishments include being made to stand on a stool for everyone to see, to stand facing the wall to reflect on your mistakes, or being made to crouch in a bent knee position. The staff and workers often have to work from 7 a.m. to midnight.

Many have fallen sick. ... It is not easy even to get permission for a drink of water during working hours.

Signed: Guangdong, Zhaoqing City Zhaojie Co., Yang Shuangqi, Li Shashua and some 20 others.

(Chan, 1998: 888)

This letter shows not only the violation of labourers' rights but also an indication of an extreme violation of human rights for living as a human being with dignity, life and labour. This letter represents the thousands of such case in the different workplaces in all over the Chinese cities. There is always coercion in the workplace where migrants either to work with all these sufferings or they have to leave their job. In such a vulnerable situation migrants have gone for the first option for their income and survival.

The vast majority of mining workers are generally migrants. An average 6000 of them die each year in accidents that occur during mining. Compensation is very low and it varies across the country. Relatively more than 70 percent of the main industrial accidents take place in informal or private (non-state-owned) small enterprises due to the lack of training, and employers' negligence in health and safety protection for production (Cooke, 2007: 563). Working environment is always a barrier to the migrants in which they are more vulnerable and struggle to avoid accidents. Even such vulnerable working conditions challenge the right to life of a migrant. But migrants are willing to do any kind of highly risky work in such dangerous working environment for better income and to protect their family. Migrants enjoy very few labour rights and if they protest for rights then they have to leave their job. So in most of the cases, they remain silent or happy being in employment.



## 2.2. Rising Inequalities and Discrimination

It has been more than three decades since China started economic reform and began to transform its economy from a closed economy into a market-driven economy. During this period China experienced rapid economic growth and peoples' lifestyle also changed. This growth, however, has been accompanied by widening peoples' income inequality. When the migrants from countryside find employment in the cities, it would be giving them higher income than they would have earned if they had worked in the rural employment sector. Migrant workers from rural areas, whose numbers are growing considerably in recent years, can only obtain lower paying jobs than urban workers. Therefore urban inequality will be higher if the migrant workers are included in calculating urban inequality (Kim, 2010: 36).

**Table 1** Average income per capita by region, 2002 and 2007 (yuan)

Region	2002				2007			
	Urban	Rural	Migrant	All	Urban	Rural	Migrant	All
Large municipalities	9577	3477	4617	7930	16876	8103	12161	14867
Eastern	6836	4076	4986	5153	15278	6418	11701	10742
Central	5535	2640	4230	3552	11063	4380	9824	7031
Western	6129	2039	4853	3162	10707	3630	11648	6106

Source: Shi *et al.* (eds.) (2013).

Table 1 shows the average income per capita by region in two different years (2002 and 2007). This data illustrates the region-wise and average incomes of three different categories (urban, rural and migrant). There is always a huge income gap between people from urban and rural areas, and migrants stand between these two categories of people. The average incomes of all categories have doubled with five year period. The migrants in all the regions and larger municipalities earn a better income than rural people from respective regions. This data is evident that why rural to urban migration is continuously increasing in China. But if one sees the difference between the average income of migrants and local urbanites, it is revealed that the vast income gap is widening in these years even though both categories do the same work. However, in the Western region migrants have more average income than local urbanites in the year 2007. There are huge income disparities in the larger cities and highly developed Eastern region. This income difference led to rising inequality in urban China.

Unlike earlier stage of migration, now females are also migrating in large number. The migrant workers are vulnerable groups in the urban workplace especially female workers, as most of them are discriminated against because of both their sex and their migrant status. Recent research conducted by Chinese Academy of Social Science (CASS) reveals that the average male migrant workers' monthly wage is 1100.24 yuan, while female migrant workers are getting only an average of monthly wage 910.78 yuan. According to CASS, only 37 per cent of this income difference can be explained by the quality of labours (such as education), and the rest is the result of gender-based discrimination (Yang and Li, 2009: 296). The white paper on *Gender Equality* in 2005 in China declared that it had developed a legal system which would protect woman's rights and interests in the workplace and in general.

However, this strong political declaration has to face an uncomfortable reality check. A 2006 All-China Women's Federation article revealed that an investigation by the All-China Federation of Trade Union (ACFTU) noted that "sex discrimination is the norm in today's workplace. The progress made in the early decades of the People's Republic of China has in many cases been abandoned in the years since economic reform began" (Yang and Li, 2009). With these legal protections and different reports, still, migrant women face discrimination in their work in various things. As they are vulnerable and afraid of losing their job, they decide to stay quiet at the workplace. These factors are the leading contributions to the increasing number of protest demonstrations in China.

### ***2.3. Forced and Bonded Labour***

There is a kind of situation of forced or bonded labour in the urban China faced by migrants in different occasions when they are new to cities due to lack of awareness. This type of labour unrest was very much there in the 1990s when the movement of people increased rapidly. What is forced or bonded labour here? Forced or bonded labour is a type of circumstance migrants falling in and they have to do the work with a lot suffering. In detail, workers are required to pay for a temporary work permit in the cities to get a license to work in the urban industries. In many cases, the cost of the permit is too high and migrants cannot afford to pay for it. In that situation the factory pays it for the migrants as an advance wage for migrant. This arrangement is immediately trapping those migrants in a bonded relationship. Thereafter the employer dictates the terms and conditions of employment and cut half of the employee's wage as the "deposit" to further bonding the migrants. The worker would be losing this deposit if they wanted to quit

without employer's permission before the contract expires or if they are fired. In some factories, the management simply keeps the salary with them and promises to return the money at the end of the year. Because of all these conditions migrants have to work even if the working conditions are terrible. Also, they cannot afford to lose the "deposit money" and they have to finish the contract tenure.

In some cases, the management keeps the migrants' identity paper, work permit and residential permit as for safekeeping, so that they cannot easily leave the work; the management does so even though it is an illegal practice. So in this situation, migrant workers cannot go to any other place or even the streets without their permit. It is becoming vulnerable for them in case of any police identity check. Despite these conditions, they have to live in the cities to build their career and better earnings. However, once migrants are bonded by any one of the methods explained above, the factory can be assured to keep a stable workforce with low-wage workers. All of these are in blatant violation of Article 4 of the *Universal Declaration of Human Rights*, which states: "No one shall be held in slavery or servitude" (Chan, 1998: 891). Here, Chan (1998) criticises that China's *hukou* system also creates a situation of forced or bonded labour. Migrants are treated very badly in such situations and they are also humiliated severely by the management if the industrial outcomes are less than they expected.

#### **2.4. Low Wages**

Migrants always have an issue of low wage for their respective work. But at the same time, the urbanite gets more wage than migrants even though they work fewer hours than migrants. In many cases, the migrants are not paid for their overtime duties. In 1997, the Chinese government had introduced some standards on wage for its urban workforce. This standard measure says there is a wage mandatory in

Labour Law. There is forty-four hours work in a week and the minimum standard per month wage for the workers working in the Shenzhen Special Economic Zone was set at 420 yuan (290 yuan for Beijing and 315 yuan for Shanghai). These standard wages were lesser than when compared to the cost of living in the Chinese cities (Chan, 1998).

It was reported (*Workers' Daily*, 6th December 2004) that migrant workers' wage had only increased by 68 yuan in the last 12 years in the Pearl River Delta economic zone. A migrant worker in this area typically earns 6000 yuan a year, while the average annual wage of all workers in the urban area has been increased by more than 1000 yuan per year in recent years to 14040 yuan in 2003 (*China Statistics Yearbook*, 2004). Taking into account inflation, the wage level of the migrant workers has decreased (Cooke, 2007). The wage scale had increased if we compared these two periods (1997 and 2004). But it has not increased in a better way in which labour can earn decent amount for their work efforts. However, Chinese government's white paper on *China's Employment Situation and Policies* published in March 2004 by Information Office of the State Council of the People's Republic of China describes that as the economy develops and job opportunities increase, the income of urban and rural residents keeps rising. From 1990 to 2003, the disposable income per capita of urban residents rose from 1,510 yuan to 8,472 yuan, an increase of 460 percent or a rise of 160 percent in real terms; and the net income per capita of rural residents increased from 686 yuan to 2,622 yuan, an increase of 280 percent, or a rise of 77 percent in real terms.

All the above facts show that there are clear wage inequalities which still exist in China between migrants and local urbanites. Apart from these wage inequalities, many private or informal industries are not properly paying their promised salary to the migrants. Migrants are fighting for these unpaid wages not in direct protests but also by using

legal means in the present China. In many factories, management has their laws and regulations to control workers which include fines, penalties and punishments. In most cases, management charges fine to the migrants whenever they are under any disciplinary action. In such cases, fines will be taken from workers' wage. Also, management uses violent methods to assure workplace discipline and increase production.

### ***2.5. Fines, Penalties and Punishments***

The factory management using private security guards widely in factory premises and dormitories is very common in private and informal industries in China. Internal rules of many factories stipulated wage deduction and dismissal of workers if they failed to show up at work for two consecutive days in a month or 10 days in a year, forcing workers "to work like real robots manipulated by others". Besides, workers were made to work in overcrowded, hot and suffocating work sites, with inadequate dust-, poison-, and fire-prevention facilities and water supply. Dormitories were crowded: a "70-square-meter dormitory in a Zhuhai-based garment factory housed 86 people, while more than 180 staff and workers of a Zhuhai-based electronics factory were forced to live in a very small dormitory of a little over 100 square meters... Some female staff and workers even complained about being insulted and sexually harassed" (Lee, 1995). In factory regimes, labour control works through coercive manner more than consent, and Lee refers to such condition as "despotism" in factory regime. Most of the factories are fenced on all the four sides by high concrete walls and the main gate is guarded twenty-four hours by security personals with batons. Just have a look at fines in a factory which are written in factory's rules and regulation book which is totally filled with many despotic codes and penalties to workers:

Workers must put a factory identity card on their uniforms. Violators are fined 5 yuan. Workers who wear slippers at work, spit or litter are fined 10 yuan.... Workers punching cards for others are fined three days' wage. Workers who do not line up for punching time cards, do not change shoes according to rules, do not wear headscarves, have long nails, or roll up uniform sleeves are fined 1 yuan. Workers must apply for a "leave card" when going to the bathroom. Each violation is fined 1 yuan.... Leave of absence without prior permission is fined 30 yuan for the first day and 15 yuan for the second. Leave of absence with prior permission is fined 15 yuan...

(Lee, 1995: 15.6)

The above rules and regulations in the factory during the early 90s reveal how hard migrants life was in factory regime. For going to the bathroom also they need prior permission or leave card from the manager. It is in very much pathetic conditions migrants had to work. This factory example is an outlook of most of the private-owned factories in China. The migrant workers are not only working hard but also they are paying money for each and every disciplinary action. Some factories impose a fine of 60 yuan if workers go to the washroom more than twice in a day (management restricts the frequency and length of time allowed for going to the bathroom) (Chan, 1998). As millions of migrants are roaming in the cities desperately looking for a job, so the demand for job is high; in such conditions migrants are always thinking of termination if they speak against any atrocities against them. The migrants try to adjust and control their pain in the workplace to avoid any such dismissal and secure their income.

The above details describe the labour unrest and management atrocities. There is a high level of labour unrest visible in most of the private workplaces in China. However, the migrants are now collectively

or in some other way reacting against such unrest and atrocities. The next part of this chapter discusses in detail the migrant labour protests through demonstration and legal mechanism.

### **3. Migrants and Labour Protests**

China is being known as the “world factory”, and assumes to act in a pivotal role in the global political economy in the twenty-first century. China is also notorious for its increasing labour rights violation, labour unrest and protests. Indeed, the trajectory of China’s increasing labour protests has generated interest among international policymakers, labour rights activists and different international agencies. On the one hand migrants are collectively bargaining through the use of protests and strikes and on the other hand individuals are fighting through the legal mechanism. The Chinese government does not provide statistical data of the number of protests and strikes. However, anecdotal evidence strongly reveals that migrant workers’ strikes have been relatively increasing over the past two decades (Becker, 2014). How are migrant workers organising? What are the methods they use for protesting and safeguarding their rights? How does the Chinese government looking into labour disputes? Sometimes migrants may resort to violence whenever legal and protest methods fail. This violence as a protest strategy is common among migrant labour nowadays.

The introduction of market reforms in the 1980s provided opportunities for peasants to leave the land in search of higher wages in urban areas, while legal labour protections in the early and mid-1990s provided new channels for workers to protest through the courts. The 1994 Labour Law, the first comprehensive labour law in the nation’s history, removed many of the differences between workers in the private and the state sector (*ibid.*). There are basically two laws providing



individual legal rights to the workers: (1) the individual Contract Law of 2008; (2) Labour Arbitration and Mediation Law of 2008. The first law says that all employees in the state-owned (SOEs) and foreign-owned enterprises individually agreed to terms of employment. The second law provides for voluntary mediation and mandatory arbitration of statutory as well as individual contract disputes involving contract breach (Zack, 2012). In many cases, neither employer does not sign any contract with migrant worker nor do migrants care about such contracts in the beginning. But later, when issues come in with a case of wage or working hour workers cannot have substantial evidence to fight against it. However, Contract Law of 2008 mandated the compulsory employment contract to any worker who is going to work in public or private industries.

Most of the protests are on unpaid wages and discriminatory treatment. So, here we can understand the evolution process of migrants from peasants to becoming workers and workers becoming protesters in the contemporary China. The common ways to resolve the migrants' demands are going for legal mechanism, use of protests and strikes and at the most extreme condition taking violence as a means to achieve their need.

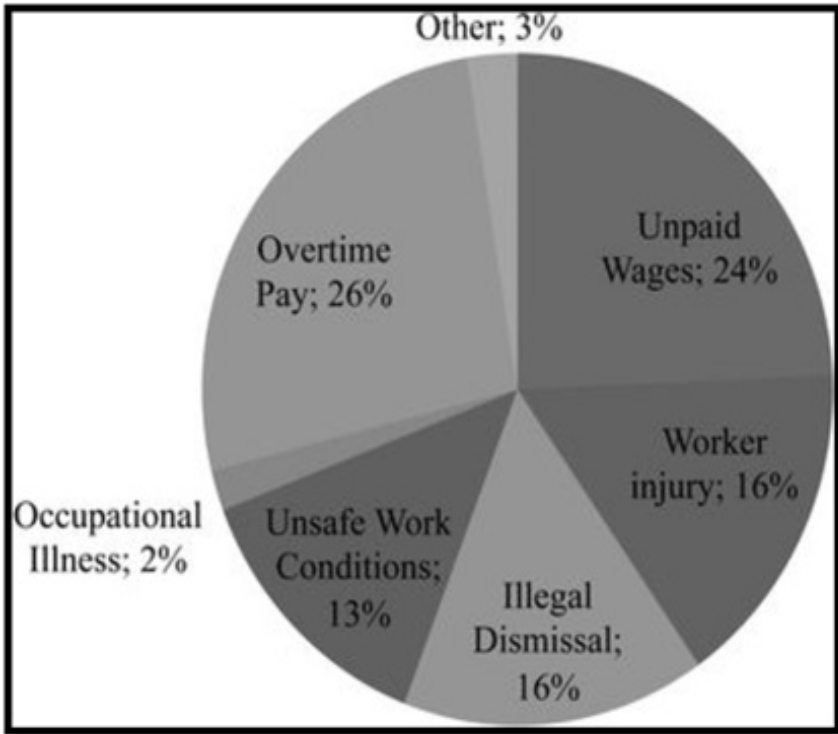
### ***3.1. Why Do Migrant Workers Protest?***

As we discussed above, there are many reasons for labour disputes in Chinese industrial workplaces. We can broadly classify labour disputes by four major categories: unpaid wages (including overtime payment), illegal dismissal, labour injuries and unsafe and dangerous working condition. The frequency of disputes varies from industry to industry and region to region.

Unpaid wages are a severe issue in China especially in the construction sector, and illegal dismissal and labour contract violations

remain common in the manufacturing industry. Also, disputes over a lack of social benefits, such as pension and medical insurances, appear to be growing in China.

**Figure 1** Labour Disputes



Source: Becker (2014).

### 3.1.1. Unpaid wage disputes

Unpaid wage issues are the most common form of labour disputes faced by migrants in which management is refusing to pay wages, failing to

pay overtime or paying only a portion of the promised wage. Figure 1 shows that 26 percent of disputes take place due to wage disputes. In this 26 percent either migrants are receiving none or only a portion of their promised salary or not getting overtime pay. Since 2001, the National Bureau of Statistics in China started publishing national-level statistics of different labour cases entering arbitration and the courts. Table 2 reveals that around one third of all labour arbitration and court cases are related to unpaid wage problems.

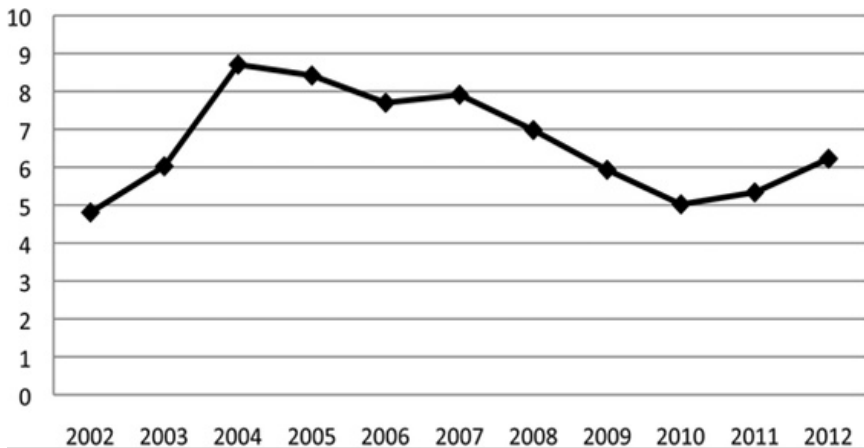
**Table 2** Labour Remuneration Cases as a Percentage of Total Labour Arbitration and Court Cases, 2001-2011

Year	Total Cases	Cases caused by remuneration issues	Percentage of total cases
2001	154621	45172	29%
2002	184116	59144	32%
2003	226391	76774	34%
2004	260471	85132	33%
2005	313773	103183	33%
2006	317162	103887	33%
2007	350182	108953	31%
2008	693465	225061	32%
2009	684379	247330	36%
2010	600865	209968	35%
2011	589244	200550	34%

Source: National Bureau of Statistics (2013).

The trend of the unpaid wage issue increased slightly over the period. Delay of salary payment is another issue related to migrant workers. This situation is mainly seen in the construction industry where the developers or builders often delay contractual payment to the construction workers. What is shocking is the fact that the local governments are often among the worst offenders for not paying construction firms for the work they have done on governmental investment projects. The issue has become so extensive and damaging to the migrants and their families that in late 2003, the government issued an order that all outstanding wage payments must be paid within three years. Certain administrative measures were also introduced by the local government.

**Figure 2** Number of Workers Receiving Back Wages, 2002-2012  
(million)



Source: National Bureau of Statistics (2013).

Some local governments ordered that construction firms must pay an advance wage as insurance by deposit before the start of a new project in order to guarantee the wage payment for the workers. But all these measures only have had some tangible effects, and the issue of delayed salary payment continued in China. On the other hand, trade unions alone are not able to solve this problem with the absence of strong and direct intervention from the government at the grassroots level. *Workers' Daily* reported that a large number of the migrant workers still did not get their wage on time after the Central Government-led campaign of delayed wage payment (Cooke, 2007).

Figure 2 illustrates the number of workers receiving back wage during 2002-2012. The highest number of workers received their back wages in 2004 which is around nine million. The years 2002 and 2010 show lowest number of workers receiving back wages when compared to other years' data (between four and five million). However, the trend becomes declining from 2004 onwards. With these data, still unpaid wage issues remain problematic, and the government needs to give more attention to monitor. Indeed, as China is a big country it is tough to deal with this unpaid issues at the grassroots level.

### 3.1.2. Labour and work-related injuries

Migrant labour facing work-related injuries is very common in Chinese industries. However, such injuries limit the migrants' opportunities for future job and earnings and if the injury is serious enough, then it can throw the worker from his/her job and the entire family will fall into poverty. Unsafe and dangerous working condition, long duration of continuous duty, the use of heavy machinery without any proper training or safeguards and consistent pressure for greater productivity all contribute to workers' injuries. The State Administration of Work Safety of China reported around 80000 labour-related casualties and over

363000 labour injuries nationwide in 2010 (China Labour Bulletin, 2014). Migrants are the majority of the workforce in the most dangerous industries like chemical production and coal mining in China. A State Administration of Worker Safety Circular found that the rate of life loss in China's coal mining was approximately 0.374 deaths per million tons of coal in 2012. This number is too high when it is compared to 0.02 deaths per million tons in all developed countries (*ibid.*).

Most of the migrants do take work-related injury insurance, but in practice migrants always have difficulties in certifying their injuries. So migrants have to fight for certifying their injury with management and in most of the cases managements deny migrants' access to paperwork necessary to follow a case. Migrants' struggle for getting compensation is another difficult situation to them. In most of the time, employers pay a lower compensation or none. Migrants suffer from their injury with no money for their treatment. There are two kinds of injuries migrants experience in industries, which are minor and major injuries. Workers can recover from minor injury whereas major injury is always a threat to their life and livelihood.

Figure 1 shows around 16 percent of labour disputes happened in China due to work-related injuries. Most of the work-related injuries of migrants are dealt with in courts. Migrants prefer legal means than any other protest option. While in the case of massive accident occurring and management need to pay for a large number of employees and management denies paying then migrants go for a direct protest demonstration in the factories.

### *3.1.3. Illegal dismissal of migrant workers*

The Labour Law of the People's Republic of China in 1994 specifies the condition for the termination of any contract. It says a thirty day notice to the worker or the trade union of details of the contract termination

**Table 3** Labour Arbitration and Court Cases Caused by Illegal Dismissal, 2001-2011

Year	Total Cases	No. Caused by Ending the Labour Contract	Percentage of Total Cases
2001	154621	29038	19%
2002	184116	30940	17%
2003	226391	40017	18%
2004	260471	57021	22%
2005	313773	68873	22%
2006	317162	67868	21%
2007	350182	80261	23%
2008	693465	139702	20%
2009	684379	43876	6%
2010	600865	31915	5%
2011	589244	118684	20%

Source: National Bureau of Statistics (2013).

before a management may dismiss its workforce. These regulations were buttressed in the 2008 Labour Contract Law, which stipulates how much compensation is owed to workers based on the duration of their service (Becker, 2014). But in China, most of the private and informal industries do not enforce such Labour Law regulations. Many times migrants got dismissed immediately after their appeal for some grievances like injury insurance, overtime pay, or injury compensation. Figure 1 shows 16 percent of migrant workers faced illegal dismissal and that led to workers' protest.

The official data on the number of labour disputes due to illegal dismissal are limited to the national level. Table 3 illustrates the central government's data on labour arbitration and court cases caused by illegal

dismissal during 2001-2011. The number of labour arbitration and court cases due to “relieving or ending the labour contract” (*jiechu, zhongzhi laodonghetong*), has inclined significantly over the past decade, ranging from a high of 23 percent in 2007 to a low of five percent in 2010. However, such cases further increased by 20 percent in the very next year (2011). These given data are on the basis of registered cases, but the actual number will be very high. The government should pay more attention to enforcing the labour laws in industries; otherwise, this illegal dismissal trend will increase in the near future and that would be a thorn in government’s day-to-day program.

### *3.1.4. Poor and unsafe working environments*

The poor and unsafe working conditions are another factor of disputes in Chinese industrial sectors. The migrants adjust even with awful working condition, but in certain cases, they also suffer from unsanitary and hazardous conditions. They are more vulnerable to such condition to escape from any injury. Some hazardous conditions lead to long-term occupational illness. Many get lungs issues like breathing problem, especially those who work in mining industries. On the one hand migrant workers’ workplace is in poor and unsafe conditions and on the other hand their living dormitories are pathetic in nature. Due to unsanitary conditions in both workplace and dormitory, migrants get varieties of epidemic health issues. In most cases, migrants go to work with such epidemic diseases and they would spread to co-workers. They have to spend money on their health care as well as in extreme cases they have to stay away from the workplace. In such situation also, employer do not give leave sanction to those workers and either they have to work or go on leave without pay or be fined. Some surveys reveal that respiratory disease is the most common health problem found in migrants work in mining and construction industries (survey



conducted by Health Net). An article published by China Labour Bulletin says that there are approximately one million occupational illness cases found in China, of which 90 percent are pneumoconiosis, a lung disease caused by inhaling a large amount of dust, smoke and other particulate matter.

Employee and employer relationship is always severed if there is any case of such illness treatment and employer has to pay for it. Obtaining compensation or reimbursement for medical treatment can become very difficult and it leads to ending with the termination of an employee. Migrants also face difficult situation whenever they go for treatment claims because they used to work with multiple employers at different times. The Chinese government has been concerned with prospects of wage issues, which have always been a source of collective action among migrant workers. But the desperation of many migrants affected by occupational illness can lead them as a catalyst for violence against the employer. In the next part, we shall discuss the protest and strike scenarios in China.

### ***3.2. Labour Protests in China***

The number of migrant workers in China is vast and expanding, and at the same time, the rate of labour unrest is also increasing. The first decade of the twenty-first century witnessed a massive number of labour protests and strikes in all over the Chinese cities. The labour protests geographically concentrated in the coastal and Eastern region of China. A survey finds that more than 70 percent of workers' protests were in manufacturing enterprises (China Labour Bulletin, 2012). The disputes and protests are widely concentrated in manufacturing industries; it is described by the fact that economic growth of China immediately after its accession to World Trade Organisation in 2001 was driven by export-oriented manufacturing that relied on a huge volume of low-cost labour.

The laws do not specify strike actions in China. However, any such strike is neither legal nor illegal. The migrant workers use both informal and formal bargaining methods such as arbitration, the courts, strike, protest, violence and so on. Workers may attempt to bargain informally with their employer in the beginning, either alone or in groups. If this informal talk fails, then only they go for further strategies to air their grievances.

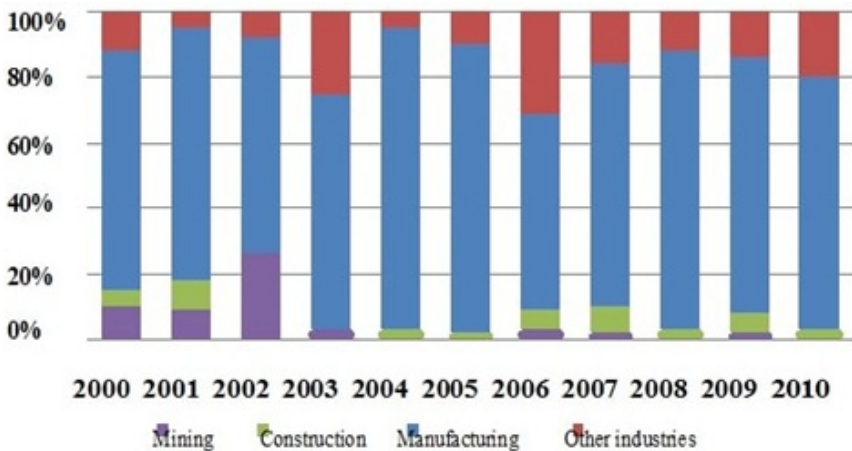
Compared to informal bargaining, a legal fight is more costly and time-consuming and workers only use this strategy after informal negotiation fails. Cooke (2007) says that due to unavailability of legal channels, migrants may become radicalised and move towards strikes and other types of collective protest. Violence is the utmost step of migrants' reaction to achieve their claim. This mode of action is only taken when all the other strategies are unavailable. Some workers use more than one strategy at a time.

### *3.2.1. Distribution of migrant workers protests*

With unorganised migrant workers and absence of trade unions in the most of the private industries, migrants' life in the workplace becomes very difficult. Figure 3 presents the distribution of workers' protests across industrial sectors during 2000-2010. The data show the major industrial sectors and their respective protest percentages. It is very clear that in manufacturing industries the percentages of protests are much higher than any other major industrial sector. Protests in manufacturing enterprises keep more than 70 percent of total protests happening in China in all these years (2000-2010), except in 2006. However, mining and construction industries are also contributing to increasing protests at the national level. 2004 and 2005 have witnessed the highest percentages of protests in manufacturing industries when compared to other industries. There is no effective mechanism of the trade unions or there

are no channels of communication with management; workers are left with no option other than staging protest whenever their rights are violated.

**Figure 3** Distribution of Workers Protests across Industrial Sectors, 2000-2010



Source: China Labour Bulletin, 2012.

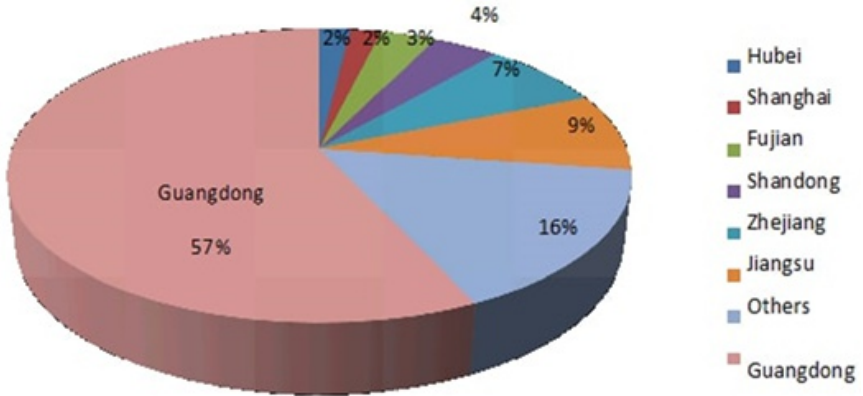
According to migrants' situation in different industries, protests and strikes are relatively easy to organise with the high concentration of workers and where all these workers have same interests and are all facing similar issues. Already most of the industrial workplaces have long-standing dissatisfaction with low wage, unpaid-for overtime and poor and unsafe work conditions and also grievances against management, which would build up to such a situation that it would take a small issue or incident to trigger a strike or mass protest. Such protests provide workers more confidence to organise.

Since the beginning of the 1990s, PRC had acknowledged the possible potential for conflict between labour and management in their market and capitalist economy. So, the government introduced Labour Law (1994) to act as neutral third party enforcement for reducing labour dispute. Still, again there is a problem of implementation and regulation of Labour Law in the private and informal sector due to a huge number of industries. Along with market and economic development, labour relation weakens in the Chinese industrial work space. Mine collapses and death of workers are very common news in China. But when it comes to the case of compensation, then workers have to fight in the streets.

Protests and strikes are not limited to factories. There were regular protests throughout the decade in other sectors too (see Figure 3), especially in the education and transport sectors. The community teachers were some of the most vocal protesters in the educational sector. They had played a vital role in China's grassroots schooling from the 1960s onwards but in the 2000s, in contravention of central government policy, they were systematically discarded by local governments without proper compensation (China Labour Bulletin, 2012).

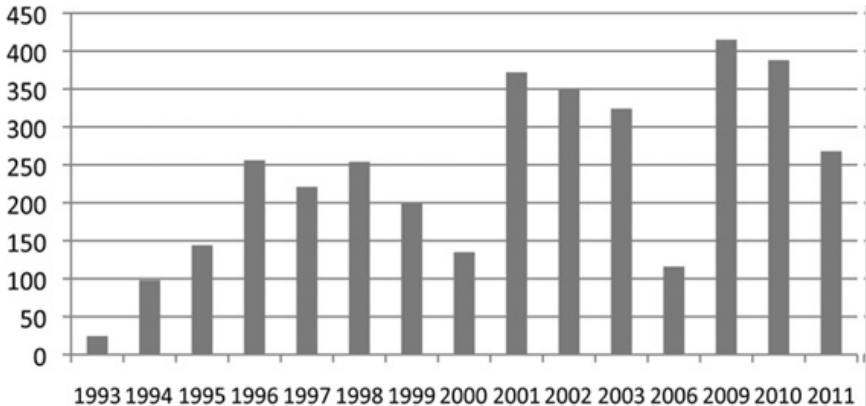
Figure 4 shows protests across provinces in China. The data reveal that more than half of the (57 percent) protests occurred in the Guangdong province which is a highly developed coastal province which also carries a large percentage of migrant workers in China. Jiangsu province is second in witnessing the number of protests (16 percent). The figure also identifies that almost 90 percent of protests occurred in the coastal and Eastern provinces, compared to any other region.

**Figure 4** Factory Worker Protests across Provinces



Source: China Labour Bulletin (2014).

**Figure 5** Strikes and Sudden Mass Protests Reported in Guangzhou, 1993-2011



Source: Strikes and sudden mass incidents reported by Guangzhou Labour Inspection organs, 1993–2011. (Data from Statistics Bureau of Guangzhou City, various years) (Becker, 2014).

It is very evident that more than half of the percentage of the entire protests in China occurred in Guangdong province (from Figure 4), so let us see the details of strikes and protests that happened in Guangzhou, the most industrialised city of Guangdong as well as in China. Figure 5 shows the strikes and protests in Guangzhou city as reported by Guangzhou Labour Inspection organs during 1993-2011. These data reveal trend of strikes and protests having enormously increased from 2001 onwards, such rate increment occurred due to China's admission to WTO and the manufacturing boom in China. Production pressure, overtime duty and labour exploitation increased since the beginning of the twenty-first century.

The lowest number of protests occurred in 1993 (below 50) whereas the highest number of protests took place in 2009 (above 400). To resolve such huge number of protests neither the central government nor the local governments came up with any effective mechanism. If the labour situation goes worse like this, then it would be difficult to control the protests everywhere in China.

### *3.2.2. Major demands of the protesting labour*

Workers' demands can be divided into two broad categories such as those who are seeking to uphold or defend their existing benefits and rights like claims for compensation and unpaid wage and those who are seeking some additional benefits and rights like improvements in wage and working conditions.

The first half of the twenty-first century witnessed that labour protests mainly focused on the first categories such as defending or upholding their existing basic rights and benefits. The current protests substantiate such claims and it is very much true in the cases of migrant labour in the manufacturing, construction and service industries. However, there are also migrants' protests for other benefits and rights

like medical insurance and work-related injury insurance as far as they are at the moment paying for such insurances.

Figure 6 presents the workers' demands in China. The data reveal that 33 percent of the migrant workers demand their compensation which is related to any work-related injuries while 21 percent of workers want to resolve the wage arrears issues. This data clarify that more than half of the migrants demand the basic rights rather than any other demands. Twenty percent of the migrant workers demand an additional benefit like wage increment. However, very small percent of the workers demand the additional benefits such as social insurance (6 percent), overtime (4 percent), management practices (3 percent) and safe working condition (2 percent). So, it is very clear that if the government gives more attention to resolving compensation and wage arrears demands of workers, then it would be decreasing the labour protests widely.

**Figure 6** Factory Workers' Demands



Source: China Labour Bulletin (2014).

#### **4. Conclusion**

China is passing through a phase of large labour unrest and massive labour protests. The wandering rural migrants in the urban China in the 1990s are now the new forces behind each and every strike and labour protest. The twenty-first century embarked with a wide range of protests in every city of China. Labour unrest is a result of the emergence of new private and informal enterprises in China in which there are huge production pressure, workplace discrimination, denial of payment, lack of implementation of labour laws, government's lack of regulation and monitoring and so on. To an extent China's entry to the WTO in 2001 contributed to its increasing need of huge amount of production thus created China as a world factory. China's global exports of manufacturing products increased its economic growth on the one hand and on the other hand it failed to address the primary demands of labour. Now, migrants are collectively bargaining for their basic rights and benefits. Income inequality between the urban and rural areas led to massive migration in China in the past three decades; however, such inequalities still exist there in the case of wage discrimination in the urban enterprises. Apart from lower wage, the migrants have to pay for their medical and other work-related insurance. The work-related accidents and their compensations and wage arrears are major source of labour protests in China. In China nowadays the migrants are also demanding beyond their basic rights and benefits. However, the range of such demands is very much more limited in nature than that of compensation and unpaid wage issues.

The fact that the lack of citizenship rights has led to increase in labour unrest in China is partially agreeable in China's case because migrants face major problems like unpaid wages and compensation rather than their demands for other basic rights. However, the lack of full



citizenship rights makes migrants feel inferior to urbanites. Sometimes they experience humiliation due to the absence of such acknowledgement from the state. So, here labour unrest and protests are a far-reaching matter of concern and the state should take serious action to resolve it to some extent. Migration has helped villagers to earn and learn many things from the cities; at the same time they started airing their demands through collective bargaining. This shows the positive sign of migrant labour mobility for a common cause.

## Notes

- \* Manganelly Sumesh currently works as PhD Research scholar under the Department of Politics at the East China Normal University in Shanghai, China. He has completed his Master of Philosophy (MPhil) program at the Centre for East Asian Studies, School of International Studies, Jawaharlal Nehru University in New Delhi, India, in 2016. He has obtained his Master's Degree from the Department of Politics and International Studies, Pondicherry University in Puducherry, India, in 2014. He completed his Graduation in BSc Statistics from Kannur University in Kerala, India, in 2011. His research interest includes the migrant workers, society, political system and international relations of China, Marxism and Ambedkar's writings. <Email: [sumeshmn08@gmail.com](mailto:sumeshmn08@gmail.com)>
1. *Hukou* ( 户 口 ) refers to the household registration system in China which was established in 1958. It determines one's belonging to the locality. Chinese population has been divided into two categories under the *hukou* dual classification which are agricultural and non-agricultural population staying in rural and urban areas respectively.

**References** (\* indicates a primary source)

- Becker, J. (2014). *Social ties, resources, and migrant labor contention in contemporary China: From peasants to protesters*. London: Lexington Books.
- Cai Fang and Wang Dwen (2003). Migration As Marketization: What Can We Learn from China's 2000 Census Data? *The China Review*, Vol. 3, No. 2, pp. 73-93.
- Chan, A. (1998). Labor standards and human rights: The case of Chinese workers under market socialism. *Human Rights Quarterly*, Vol. 20, No. 4, pp. 886-904.
- Chan, A. (2001). Strikes in China's export industries in comparative perspective. *The China Journal* (The University of Chicago Press), Vol. 65, pp. 27-51.
- Chan, K.W. (2001). Recent migration in China: Patterns, trends, and policies. *Asian Perspective*, Vol. 25, No. 4, pp. 127-155.
- China Labour Bulletin (2003). *The Liaoyang workers' struggle: Portrait of a movement*. Hong Kong, July.
- China Labour Bulletin (2007). *Speaking out: The workers' movement in China 2005-2006*. Hong Kong, December.
- China Labour Bulletin (2008). *No way out: Worker activism in China's state-owned enterprise reforms*. Hong Kong, September.
- China Labour Bulletin (2011). *Unity is strength: The workers' movement in China 2009-2011*. Hong Kong, October.
- China Labour Bulletin (2012). *A decade of change: The workers' movement in China 2000-2010*. Hong Kong, March.
- China Labour Bulletin (2014). *Searching for the union: The workers' movement in China 2011-13*. Hong Kong, February.
- China Labour Bulletin report. <[http://www.clb.org.hk/en/sites/default/files/File/research\\_reports/Decade%20of%20the%20Workers%20Movement%20final.pdf](http://www.clb.org.hk/en/sites/default/files/File/research_reports/Decade%20of%20the%20Workers%20Movement%20final.pdf)>, accessed 01-07-2016.

- Cooke, F.L. (2007). Migrant labour and trade union's response and strategy in China. *Indian Journal of Industrial Relations*, Vol. 42, No. 4, pp. 558-588.
- Kim, J. (2010). Income inequality in China. *The Journal of East Asian Affairs*, Vol. 24, No. 2, pp. 29-50.
- \*National Bureau of Statistics of China (1996). *China Labour and Social Security Yearbook, 1995*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (1997). *China Labour and Social Security Yearbook, 1996*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (1998). *China Labour and Social Security Yearbook, 1997*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (1999). *China Labour and Social Security Yearbook, 1998*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2000). *China Labour and Social Security Yearbook, 1999*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2001). *China Labour and Social Security Yearbook, 2000*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2002). *China Labour and Social Security Yearbook, 2001*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2003). *China Labour and Social Security Yearbook, 2002*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2005). *China Industrial Economic Statistical Year book, 2004*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2005). *China Labour and Social Security Yearbook, 2004*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2006). *China Labour and Social Security Yearbook, 2005*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2007). *China Labour and Social Security Yearbook, 2006*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2008). *China Labour and Social Security Yearbook, 2007*. Beijing: China Statistics Press.

- \*National Bureau of Statistics of China (2009). *China Labour and Social Security Yearbook, 2008*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2010). *China Labour and Social Security Yearbook, 2009*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2011). *China Labour and Social Security Yearbook, 2010*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2012). *China Labour and Social Security Yearbook, 2011*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2013). *China Labour and Social Security Yearbook, 2012*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2014). *China Labour and Social Security Yearbook, 2013*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2015). *China Labour and Social Security Yearbook, 2014*. Beijing: China Statistics Press.
- \*National Bureau of Statistics of China (2016). *China Labour and Social Security Yearbook, 2015*. Beijing: China Statistics Press.
- Lee, C.K. (1995). Production politics and labour identities: Migrant workers in South China (pp. 15.1-15.28). Lo Chi Kin *et al.* (eds.), *China Review 1995*. Hong Kong: Chinese University Press,
- Lee, C.K. (1999). From organized dependence to disorganized despotism: Changing labour regimes in Chinese factories. *The China Quarterly* (Cambridge University Press), Vol. 157, pp. 44-71.
- Li Peilin and Laurence Roulleau-Berger (eds.) (2013). *China's internal and international migration*. New York: Routledge.
- Li, Shi, Hiroshi Sato and Terry Sicular (eds.) (2013). *Rising inequality in China: Challenges to a harmonious society*. New York: Cambridge University Press.
- \*White Paper on *China's employment situation and policies*. Information Office of the State Council of the People's Republic of China, Beijing, March 2004.

- Wu, F., C. Webster, S. He and Y. Liu (eds.) (2014). *Urban Poverty in China*. Cheltenham: Edward Elgar.
- Yang, Sadie and Ao Li (2009). Legal protection against gender discrimination in the workplace in China. *Gender and Development*, Vol. 17, No. 2, pp. 295-308.
- Zack, Arnold (2012). Labor in China: Conflicts or conflict resolution? *Perspectives on Work* (University of Illinois Press), Vol. 15, No. 1, pp. 45-47.
- Zhan, Shaohua (2011). What determines migrant workers' life chances in contemporary China? Hukou, social exclusion, and the market. *Modern China*, Vol. 37, No. 3, pp. 243-285.



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