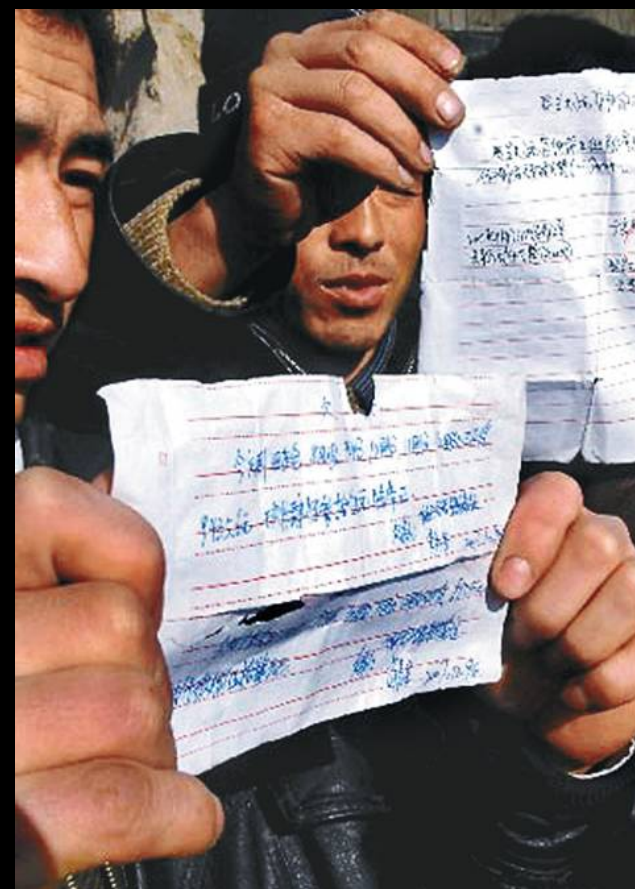


## Workshop on Global Civil Society and Justice

# Marginal Workers and Migrants in Hong Kong and China - Migration, Exclusion and Collective Action

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# Global Standards of Social Justice and Global Civil Society

- Rawls (1971) : liberty principle and the difference principle.
- Liberty principle: everyone in the society should have basic liberties, which include freedom of thought; freedom of speech and press, freedom of assembly and freedom of association, as well as freedom of movement and a reasonable degree of freedom to choose one's occupation

## Difference Principle

- fair equality of opportunity is offered to everyone in the society
- while social and economic inequalities in society are to be arranged to the benefit of the least advantaged.

# Social Justice in China

- In China, liberties and freedom, though guaranteed by law and constitution may not be achieved in reality. The mass and the underprivileged have to fight for their own social justice
- Via their day-to-day collective actions, to voice out their grievances as well as to gain equal protection and access of service as other citizens.
- Justice for all is a fundamental value behind these collective actions of the ordinary mass.

## Collective Action

- China's migrant workers in the world's factories try to join the global civil society with their primitive but determined action to fight for social justice
- On May Day 2009, more than a thousand FDWs marched in the city and demanded "No to Discrimination, No to Slave-like Wages" to advocate for including FDWs in the Statutory Minimum Wage (SMW) Bill.

## Objective

- examine the different collective actions conducted by rural migrant workers in China and FDWs in Hong Kong in fighting for social justice, which are part and parcel of the emerging global civil society

# Migrant workers in China

- rural-urban migration has been the major locomotive pulling the train of rapid industrialization in China.
- Migrant workers provided a mass supply of cheap, diligent and obedient labour force for the world's factories and the construction companies in the costal regions.
- The number of rural-urban migrant workers increased from 30 million in the mid and late of 1980s to about 140 million in 2008

## Dual system / dual structure

- The qualified rural migrant workers do not have the opportunity to work in a better job.
- Without an urban registered household, the rural migrants can neither enter the official employment system nor enjoy the same social security and service as urban residents in the city.



## Surplus labour in rural area

- Even with the mass out-migration in the rural region, there were still more than 150 million surplus labour force in the rural region in 2009, with an annual increase of 6 million new entrants into labour market.
- Most of these new entrants leave their farm land and join the secondary and tertiary industries while a majority of them migrate to the cities in Eastern China.

# Discriminative employment policies

- *1994: The Temporary Regulation on the Administration of Cross-Provincial Employment of Migrant Workers*
- *1996: The Implementation Plan of Systematic Project on Cross-Regional Employment of Migrant Workers.*
- These regulations became a supplement to the Labour Law, which sets strict limits for urban employers to hire workers from outside their own provinces.

# Discriminative employment policies

- local governments published their own discriminative employment policies against rural migrant workers. These regulations all insist on the principle that local and urban people are given the priority in employment.

# Impact of the Global Financial Crisis

- in 2008, China's manufacturing sector was badly hit by the GFC, owing to the drying up of China's main export markets – the U.S., Europe and Japan.
- Thousands of factories in *Guangdong* closed down in the last quarter of 2008.
- At least 20 million migrant workers in China lost their jobs in 2009.

# The withering of safety net function of land

- Not only did unemployed migrant workers have to move back from cities to their homeland, that surplus labour force in rural areas also could not move to cities.
- With lots of rural migrants returning back to their homeland, the problems shift from cities back to the rural areas.
- It is because agriculture of the homeland cannot serve as the 'safety net' as in the past.

# Limited income from agriculture

- Since 2003, the percentage of agricultural income over total income has been less than 50%.
- Though lots of policies have been introduced to promote welfare and income of farmers, agricultural income is still less than half of the total income of the rural people.
- To those unemployed migrant workers, though they can have agricultural income as some kinds of protection, their total income has decreased significantly since the GFC.

# Jobless and Landless migrant workers

- For those unemployed and landless migrant workers, they do not have any social protection. Without any means of living,
- they undoubtedly would demand the Government to do something.
- If the Government does not properly handle the grievances of these landless migrant workers, mass collective actions and mass incidents will happen.

# Government's response

- On 20 December 2008, the State Council of the Chinese Government reminded all departments and provincial governments to pay attention to the “employment pressure” of the mass return of migrant workers to their homeland.
- The notice, when interpreted in an alternate way, signifies the severity of a series of problems including unemployment, low skill, low employability, poor wage protection, inadequate social security and service as well as landlessness faced by the migrant workers due to the GFC.



# Impacts on enterprises

- Some enterprises had problems in selling their products which have then induced a chain reaction to the economy as a whole.
- Some foreign investors stopped their investment and escaped. Owing to the break of the financial chain, some enterprises reduced or even stopped their production, and even winded up and became insolvent.
- Moreover, some bosses of the small and medium-sized enterprises just disappeared to escape from paying debts and salary.

# Rising labour disputes

- A new labour law effective 1 January 2008 gave Chinese workers, including migrant workers, new labour rights, namely the right to severance payment.
- However, many factory owners, citing the recession caused by the GFC, evaded the law's requirements and even winded up their factories without paying two to three months' wages to the workers.
- The number of labour disputes handled by Chinese courts, unions and arbitration bureaus almost doubled to 960,000 in 2008

## “Mass Incidents”

- The mass layoffs of the jobless and landless migrant workers do not lead to the open revolts of the migrant workers as expected by some commentators.
- On the contrary, various relatively small-scale, largely localised “mass incidents” (*quntixing shijian*) or collective actions were witnessed in different parts of China.

## Blue book of China Society (2005)

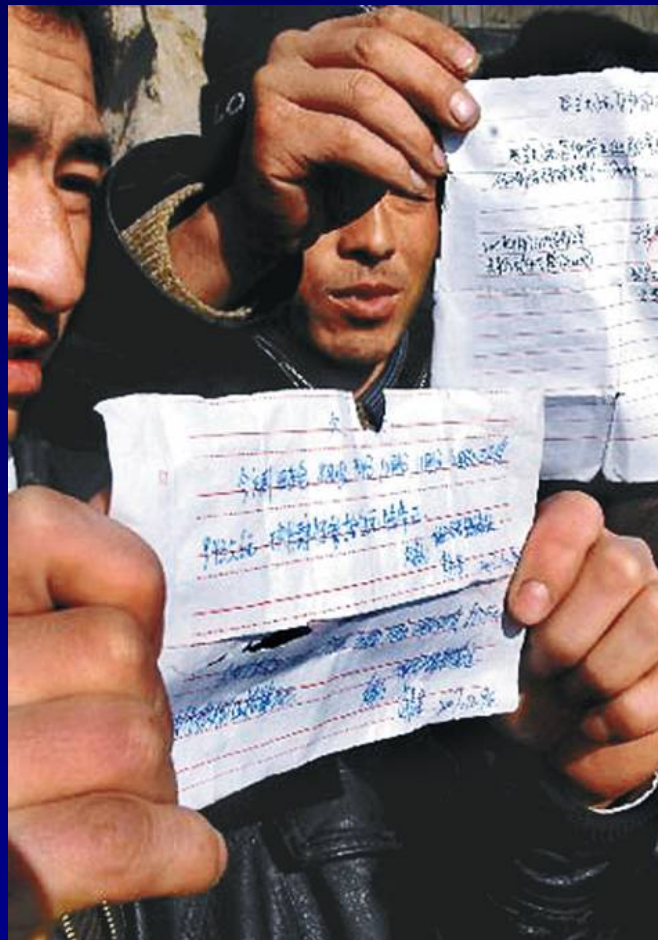
- mass incidents in China increased from around 87,000 incidents in 1993 to more than 87,000 in 2006.
- Participants of the mass incidents also increased from 730,000 to 3,070,000 during the same period

## Rising trend in 2008

- The rising trend of mass incidents was even greater in 2008, especially in the last quarter after the GFC.
- 28 June *Guizhou Weng'an County* riot,
- 5 July *Shaanxi Fugu County* police dispute,
- 17 July *Guangdong Huizhou* city riot,
- 19 July *Yunan Menglian* rubber farmers incident,
- 19 October *Hebei Langfang* city railway land issue,

- 24 October *Jiangxi Tonggu County* forest dispute,
- 17 November *Gansu Longnan County* urban renewal dispute,
- 18 November *Hubei Wuhan* unemployed workers dispute,
- 20 November *Guangdong Shantou City* Taxi drivers boycott,
- 21 November *Chongqi Kai County* coal mine dispute
- 25 November *Guangdong Dongguan* labour dispute

In a mass incident, the migrant workers showed their debt notes to the press





# Migrant construction workers marched on the street





In *Zhengzhou*, migrant painters surrounded an Audi which worth 1.6 million RMB to demand pay back of 120,000 debt payment from the boss, the owner of the Audi.





At one of the mass incidents of migrant workers, one of them wrote down the telephone number of the labour protection hotline on his lower arm, with a policeman monitoring the incident in the background.

## Rising labour disputes

- labour disputes created lots of these mass incidents. According to the statistics of the Supreme People's Court, in the first ten months of 2008, the court cases on labour dispute in China increased by 93.52%, when compared to the same period in 2007.
- Another figure regarding the mass incidents of migrant workers to demand wage in debt in Beijing shows that in November 2008, number and participants of these incidents increased by 146% and 132% when compared to the same month in 2007

# Trends of the mass incidents

- owing to the return of migrant workers to their home county, the land use and basic social security protection became the new focus of mass incidents in the rural areas
- the taxi driver boycott issues had a chain effect and spread from one city to another city. These mass incidents were industry specific, targeted at specific policy, with a short period of action planning and spread from city to city as well as from industry to industry.

## Trends of the mass incidents

- owing to the shortage of loan, disputes of informal loans increased. These unlawful deposits involved a large number of people and money.
- Many of the victims were landless farmers, unemployed and the poor, who faced more grievances.

# Trends of the mass incidents

- in the past, most mass incidents were non-violent in nature and the most common format was petition to government officials.
- However, these recent incidents are more violent in nature, wider in scope and happened more frequently.
- Most mass incidents in the past were initiated by some kinds of organizers in the past, but the recent incidents are more spontaneous and without organizers.

# Trends of the mass incidents

- The venues of mass incidents were mostly in the counties or rural areas, but now they extend to the big cities in the coastal regions, signifying the migration of peasant to the city and so do their disputes.
- most of the recent mass incidents, which were related to widespread corruption and ineffective governance of local government and the brutal and unlawful practice of the police force



## Characteristics

- The mass people were tired of and distrust the local government.
- These mass incidents have made people walk out on the streets, but they were not political revolts.
- Most of the mass incidents were right-based struggles for resources and mixed up with struggles of political rights of expression and association.



# Govt's Conspiracy hypothesis

- the Government does not perceive that the mass incidents are of this spontaneous nature. enemies inside and outside the countries will make use of the migrant workers' disputes to destroy social harmony.
- Union leader said unions should prevent enemies inside and outside the countries, using the difficulties of the enterprises, from infiltrating and destroying the migrant workers group

# Social Exclusion of Migrant Workers

- Rural migrant workers in China are a special socially excluded group. As they do not have an urban registration household, they cannot enjoy the same medical, education, social security and retirement benefits as the urban population.
- Though the Central government have made lots of improvements in medical insurance and basic education in the rural areas, many local governments have still maintained social exclusion policies towards migrant workers and their children.

# Unequal access and unprotected

- Unequal access to health care and education as well as unequal protection in unemployment and retirement are the structural causes of the discontent of the migrant workers.
- The official trade union cannot provide effective protection and organization for the migrant workers, so the migrant workers must fight for their social justice in getting back their salary, their land and their dignity on their own.

# Foreign Domestic Workers in Hong Kong

- Foreign Domestic Workers (FDWs) in Hong Kong are mostly housemaids (domestic helpers) employed by Hong Kong families.
- They make up approximately 3% of the population in Hong Kong and an overwhelming majority of them are women.
- In 2005, there were 223,394 FDWs in Hong Kong with 53.11% coming from the Philippines, 43.15% from Indonesia and 2.05% from Thailand

# FDWs vs. Foreign Domestic Helpers

- The Hong Kong government has drawn up rules and regulations specifically regarding the employment, labour, and condition of stay of foreign domestic helpers. An employer and an employee are required to enter into a two-year standard contract specifically for the employment of foreign domestic helpers.
- A FDW is required to work and live in the employer's place of residence, and to be provided with suitable living accommodation with reasonable privacy

## Minimum wage for FDWs

- Foreign domestic helpers' wages are subject to a statutory minimum wage, the breach of which is sanctionable under the Employment Ordinance.
- The current minimum wage for FDWs is HK\$3,580 per month. (1 US\$ = 7.8HKD)

# Statutory minimum wage

- There has been no statutory minimum wage (SMW) in Hong Kong, although a bill to set up one was introduced in July 2009. The territory's Secretary for Labour and Welfare, Matthew CHEUNG, predicted that the new minimum wage would take effect in late 2010 or early 2011.

# SMW

- In recent years, the wages of low-income groups in Hong Kong have declined in response to the loss of low-cost jobs to mainland China. Recently, the economic recession has put even more downward pressure on low-income wages.
- Hong Kong government hopes to put a stop to falling wages with the institution of a minimum wage.



## Exclusion of FDWs from new SMW

- The bill represented a major change for Hong Kong, which has never set up a minimum wage and has long prided itself on laissez-faire economics and flexible labour market.
- However, the Government intends to exclude FDWs in the new SMW.

## Response of FDWs organisation

- migrant workers' organizations in Hong Kong believe that FDWs as workers should be included in the SMW.
- it is true that the working condition of FDWs is peculiar, it is neither impossible nor unreasonable to compute an acceptable SMW for FDWs.

# Exclusion of FDWs

- Exclusion of the live-in FDWs from the ambit of the minimum wage legislation is a discriminatory act and a form of social exclusion.
- When the Hong Kong government implemented the levy on employers of FDWs in 2003, it also put FDWs in the same category as other imported foreign workers, but now a different standard of SMW will be introduced to the FDWs.

# ILO Convention

- This may violate the ILO Convention No.97 Migration for Employment Convention (Revised) 1949, for which Hong Kong is a signatory, which states that "*Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals ....*"

## Foreign domestic workers petition for inclusion in the SMW



## FDWs' movement

- The domestic workers' organizations are well-organized. They have arranged petitions, marches, lobbying
- to demand that “Like all HK workers, FDWs must also be protected and our rights should be upheld. We are not slaves and we do deserve justice, our labour rights, and our dignity as workers.”

## Conclusion

- Similar with their counterparts in mainland China, the FDWs in Hong Kong fight for social justice to enjoy the same rights of the local workers, despite the difference in races or countries of origin.
- The above are the voices of the migrant and marginal workers around the world as part of the Global Civil Society movement, to unite themselves and achieve social justice and dignity



Thank you!