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Migrant Workers’ Fight for Rights in China

ANITA CHAN

The popular media in the West has been calling China the “world’s factory” for some time, and for good reason. Pick up a garment or household item and more often than not it is labeled “Made in China.” The great majority of this exported merchandise is made by migrant workers from China’s countryside. Young migrant workers toil up to 11 hours a day to make these goods, earning very low wages that average about \$600 a month.

Labor Shifts

First in a series

Some 250 million of them (equivalent to the entire adult population of the United States) do most of China’s construction work, clean the streets, serve in stores, and, above all, work in factories and assembly plants. As the numbers of migrant workers in China swelled over the decades, their circumstances changed both for better and worse. One of the most notable changes is that they are now making demands to improve their lot in life.

Unlike Mexican migrant laborers crossing the US border to pick crops on California farms, their counterparts in China are domestic migrants—rural people moving from poor agricultural areas into cities. Yet they are subject to many of the same restrictions they would face if they were working in a foreign country. They do not enjoy the same social benefits as urban residents, and they have no legal right to live or work permanently in cities. Until about a decade ago, they were subject to tight controls on their movement that worked much like the pass system under apartheid in South Africa. If they were caught without proper

papers showing they held a registered job, they could be sent to overcrowded detention centers and shipped back to their home villages. They had to put up with whatever their employer demanded of them, since their only other option was to live in poverty back in their overpopulated villages. Male migrants were more vulnerable than women. They had more difficulty getting jobs in factories, since managers considered women to be more docile and obedient.

One way that employers could exploit the household registration system was to withhold a security deposit of one or two months’ pay, and keep their workers’ identity documents and work permits, without which they could easily be arrested on the streets. Under threat of losing two months’ pay or ending up in a detention center, these workers effectively became bonded laborers. Having trapped the workers in factory compounds, employers could pay them as little as possible.

This system provided China with a decisive advantage in attracting foreign companies to set up factories. But the low cost of labor was not China’s only edge in the global competition for foreign investment. The Chinese government was able to quickly and efficiently cobble together an impressive infrastructure to support industrialization, after a long period of serious infrastructural deficiencies under Mao Zedong. Within a decade of China’s opening up to the outside world in the early 1980s, an excellent highway and rail system began crisscrossing the nation. While Bangladesh and some other countries competing with China for low-wage work could offer an even cheaper workforce, China could trump that advantage with its far superior transport and energy networks. China’s multimillion-strong migrant labor force was also comparatively better educated than those in other late-developing countries,

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even though most workers had little more than primary schooling.

In the 1980s, China set up special economic zones offering tax concessions and reliable infrastructure to attract foreign investments. The investors who first rushed in opened factories just north of the British colony of Hong Kong. They were mainly from elsewhere in Asia—from Hong Kong itself, or from Taiwan, South Korea, Japan, and Singapore. These factories were mostly suppliers to global brands such as Nike, Reebok, Hasbro, Apple, and Levi-Strauss. In fact, most of these household-name companies soon stopped manufacturing any of the merchandise that bore their brands. They merely controlled the product design, outsourced it to their Asian suppliers at a very cheap rate, imported the goods back home, and marketed them at a competitive price while still making huge profits.

The workers who make the goods today are at the very bottom of this global production chain and rarely have any bargaining power. They normally do not have union representation, and if they do, it is almost always ineffective. In China, only one official trade union is permitted, and it is part of the government bureaucracy with a mandate to maintain labor stability rather than to help protect workers' rights.

BOOT CAMP LIFE

In the 1980s and 1990s, migrant workers in China sometimes could only afford to eat two meager meals a day. Most had never seen a city. When they arrived in a city after an arduous journey on dirty long-distance buses, hauling their belongings bundled up in canvas bags—a few pieces of clothing, bedding, a drinking mug and wash basin—they were easily identified as newcomers and treated with disdain by their urban compatriots.

The millions of young peasants flooding into cities needed some sort of shelter, and officials were loath to see big urban slums spring up near the new industrial zones. So local governments and employers started building dormitories, often within factory walls. These were shoddily built and overcrowded, but providing accommodation gave the employers an added advantage. With the elimination of commuting time, the workers' daily routine could be compressed into working, eating, and sleeping. If necessary, they could be made to work 24 hours nonstop. Management could control not only workers' factory life, but also their entire after-work existence.

Some managers at factories that I visited ran their operations like army boot camps. Notices to recruit new workers were normally posted outside factory gates, and most announced: "Women workers wanted: age 18-23." Employers figured that by their mid-twenties, workers were not able to keep up the grueling pace, and around that age young women would be heading back to their home villages to get married and would have a baby soon thereafter. So they refused to hire women older than 23. There were enough young, unmarried rural women in China to replenish the discarded "old" cohorts.

Young men made up only about 10–15 percent of the workforce in export industries such as toys, garments, footwear, and electronics. They were hired mainly to do the most physically demanding jobs that required heavy lifting or involved working with large machinery. Men were thus more susceptible to industrial injuries: despite the lopsided gender imbalance, men accounted for 80 to 90 percent of injured workers. Male migrants who could not get jobs in factories often ended up doing similarly dangerous work on construction sites.

PREEMPTING UNREST

In 1994 the Chinese government passed an impressive labor law designed to protect workers from exploitation. It set standards, at least on paper, including a maximum of 40 work hours a week, 36 hours of overtime per month, and minimum legal wages. However, there was no mention of whether strikes were legal or not, leaving the right to strike in a grey zone. The government publicized the new law in newspapers and even on television quiz shows. While the ostensible objective was to encourage workers to use legal procedures to resolve grievances, the underlying intent was to preempt labor unrest.

Enforcement of the law was problematic at the local level. Local governments often were more interested in attracting foreign investment, and they knew it helped to turn a blind eye to labor rights violations. The most courageous workers, however, started using the law for their own ends, taking employers to court for not paying wages on time, or suing them for industrial injuries. Throughout the first decade of this century, many thousands of migrants individually sought justice through the legal system. Though they often failed, the overall trend was hard to miss: Chinese workers were becoming litigious. Sometimes workers won their

court cases and won thousands of yuan in injury compensation.

Still, abuses abounded. In the cities, police agencies with unchecked power turned the arbitrary detention of migrants into a lucrative business. The police would detain migrants and then inform their friends and relatives that they could pay a bribe to get them released. The media was sympathetic to the workers' plight. Coverage of the death in detention of a university-educated migrant in 2003 sparked widespread outrage in web forums, which helped push the government to implement new policies. City police departments were stripped of their power to arrest and detain migrants. The household registration system was not abolished but it was relaxed. Migrant workers still lacked entitlements to services such as schooling and hospital care that local residents enjoyed, but they no longer had to live in daily fear.

By the middle of that decade, as China became the most favored manufacturing site in the global supply chain, the flow of 18-to-23-year-old female migrants into factories could no longer keep up with demand. So factories began hiring more men—but even that did not satisfy the insatiable demand for labor. Employers have had to keep raising wages in the dozen years since 2004, by double-digit percentages in some years. Migrant workers can now afford cell phones and are well-connected in cyberspace. But despite these improvements, the income gap in China continues to widen, migrant workers still have to work extremely long hours, and violations of their labor rights have not ceased.

NEW DEMANDS

Labor protests were sporadic and comparatively peaceful for two decades up to about 2005, but then spontaneous strikes began to erupt. The vast majority of the workers' demands, then and now, has involved employers' violations of labor laws, unpaid and shortchanged wages, and poor work conditions.

Workers usually first tried to reason with management. When stonewalled, they sent representatives to the local authorities to seek help. Only if they were still ignored did they take to the streets and block highways. Disruption was the way to attract the authorities' attention. Those tactics com-

elled the authorities to mobilize the police, who almost always intervened on the side of factory management. Scuffles frequently ensued. Workers were sometimes arrested, but often were quickly released. No one was charged for taking part in an illegal strike because the law does not ban strikes.

Protests were directed at employers but not against the government. Instead the workers saw the government as an institution they could appeal to for help. Chinese workers, compared with their counterparts in other developing countries in Asia such as Cambodia, Indonesia, and Bangladesh, are relatively quiescent vis-à-vis state policies. They have not demanded that the government increase the legal minimum wage (which varies from city to city). They have not called for an end to China's household registration system, which consigns them to the status of second-class citizens, and they have not demanded alternative unions to replace the inactive official trade union.

Since 2010, however, the Chinese labor scene has undergone a transformation. Workers' demands have changed. Some workers have started demanding raises to bring their pay way above the minimum wage. In one celebrated instance, after a 19-day strike workers secured a 30-percent raise, to the equivalent of about \$270 a month. An increasing number of protests now tack on a new demand: workers want democratic workplace union elections to replace their official union representatives. At the factory level, these official representatives are often management appointees.

RESTIVE IN GUANGDONG

In 2014, more than 40,000 workers in southern Guangdong province went on strike at the Taiwanese Yue Yuan shoe factory, the world's biggest shoemaker, over another unusual demand. They wanted the company to catch up on years of unpaid contributions to their pension fund, which employers are legally required to make but rarely do for migrant workers. In 2015, 5,000 workers at another shoe factory in Guangdong—the province that leads China in manufactured exports—demanded that their employer make good on unpaid contributions to an employee housing fund, equivalent to 5 percent of salaries.

For many years, workers did not pay much attention to these two funds, but they have recently

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come to realize that they have been denied their rights. They also know labor market trends are shifting to their advantage and they can find new jobs if they are fired. So they are speaking out. Instead of helping workers recoup these legally mandated payments, however, local governments have again sided with management and called in the police to suppress strikes.

A wave of such strikes is exacerbating existing economic woes in Guangdong's industrial cities. The soaring cost of living there necessitates wages higher than in the rest of China. Foreign investors, always scouring the developing world for low-wage investment sites, have begun relocating to cheaper provinces in China's interior and cheaper countries abroad. Many companies, when closing down their facilities, have absconded with workers' back pay or have refused to give severance pay as required by law, leaving laid-off workers in debt and with years of accrued entitlements they will never receive. Workers who learn through the Internet that others in the region have suffered this fate and their factory is next in line to close have gone on strike or resorted to street action. The number of reactive strikes of this type has soared in the past few years. (According to one estimate based on Internet reports, there were 1,500 such strikes in the first half of 2016, but this is certainly an underestimate.)

Worker's new demands are products of the changing demographic composition of the industrial migrant workforce. In earlier decades, factories were filled with inexperienced, poorly educated, unmarried, docile, young rural women, but that is no longer the case with today's migrant workers. Men now constitute a slight majority of the migrant labor force, even in the garment industry—a reversal from the past. The image of a feminized and submissive Chinese migrant labor force is outdated not only in numeric terms: migrant women workers are no longer docile.

The workforce is also aging. It has been more than thirty years since China's first special economic zone was established in Guangdong. In the early days, a majority of the migrant workers went back to their home villages when their urban work stint was over. But increasingly since the mid-2000s, quite a few have managed to stay and continue working. Some are now in their forties and occasionally even in their fifties. Experienced and savvy

about urban ways, they want their fair share of payments into their pension and housing funds before retirement. They, not the young, better-educated workers, are the driving force behind the recent waves of strikes. Having expended their youth and health in grueling years of hard labor, they are determined to exact payback.

BAREFOOT LAWYERS

Guangdong has experienced more labor protests than elsewhere in China, partly due to its proximity to Hong Kong. Some twenty years ago, small grassroots groups of idealistic Hong Kong citizens launched nongovernmental organizations (NGOs) to take up the cause of challenging labor exploitation just across the border. In the 1990s these Hong Kong NGOs quietly began distributing copies of China's labor laws to workers in Guangdong, taught workers how to read their pay slips to check if they were being shortchanged, and helped them seek redress of their grievances through the legal system. They tried to stay under the Chinese

authorities' radar, though their ostensible mission was to extend "labor rights protection" in accordance with China's own laws.

With an initial boost from these small Hong Kong groups, Chinese-run labor NGOs and pro bono labor law offices have sprung up in large numbers in Guangdong, and have spread elsewhere across China. In two decades, the movement has taken on a life of its own.

Today, most labor NGOs are run by local Chinese with workers' backgrounds. They claim that their movement is law-abiding, but they have become more outspoken. In my meetings with them, they do not hide their defiance—or their fear of government pressure. Those who could not bear the tension have quit their NGO work. Others discuss contingency plans in case of crackdowns and arrests.

Most of the NGO staff members are men. Many are in their thirties and forties. A number of them previously worked in dangerous jobs and were injured in industrial accidents. After losing fingers, hands, or arms, they gained experience fighting for compensation. The protracted legal process has turned them into labor law experts, hardened them to fight back, and steeled their resolve to help other workers obtain compensation through the court system for unpaid wages or injuries. There

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are many hundreds of these self-taught “barefoot lawyers.”

Local government authorities and the state security bureau regard this new crop of NGOs as instigators of labor instability. They constantly harass the organizations' leaders by inviting them to “drink tea” at meetings where an implicit form of intimidation is carried out. Sometimes government agents barge into their offices at odd hours to interrogate them about their activities and contacts. Telephone and computer surveillance is so pervasive that some feel every conversation and movement is being monitored.

Within the past two years, the harassment has intensified. Landlords who rent office space to NGOs have been ordered to evict them. Some NGOs have been forced to move numerous times, making it difficult for them to stay in touch with the workers they are trying to help.

As the number of workers' protests and strikes rises, and as labor NGOs resist pressure to disband, the authorities have become more repressive. In the first quarter of 2015, for instance, 11 worker protests in Guangdong that were disrupted by the police escalated into physical violence between officers and workers. Local authorities in Guangdong increasingly have used criminal gangs as hired auxiliaries. Masked thugs in vehicles with covered licence plates have been deployed to beat up both workers and NGO staff members.

TIGHTER GRIP

Since President Xi Jinping came to power in 2012, an overall political tightening in China has underpinned the recent efforts to repress any potential labor unrest. Under Xi's predecessors the government was always fearful of social instability, but still the overall trend was an easing of repression. Under Xi, the leadership's publicly expressed fears have intensified; his policy has been to repress grassroots dissension.

The past two years have witnessed a series of crackdowns of all types. In May 2015, five women activists in different cities were arrested at the same time and detained for five weeks, merely for trying to put up posters in public transit stations warning against sexual harassment. In July 2015,

more than a hundred prominent human-rights lawyers were arrested. In December, it was the labor NGOs' turn. Staff members from several labor groups were arrested, and two were still in jail at the time of writing, charged with having instigated a recent strike and received money from foreign NGOs. This January, a Swedish national working for a Swedish NGO in Beijing that trains civil and human rights lawyers was arrested. He was released after he recited a confession of wrongdoing on national television.

Xi has warned that foreign NGOs from democratic societies are spreading an ideology that foments social instability, and that any contact with them is subversive. His government suspects such organizations of having instigated the “color revolutions” that toppled the old guard in countries around the world in recent years. Xi is intent on keeping any such foreign influence out of China.

In April 2016, the Chinese government passed a controversial measure known as the Foreign NGO Management Law. It severely restricts contacts between foreign and Chinese NGOs, and largely prohibits Chinese NGOs from receiving financial support from abroad. At this point it is unclear how the new law will affect the labor NGO movement in China. Since the arrests in December, local authorities' behavior has been ambiguous. Some Chinese labor NGOs have continued with their activities, though others may be obliged to close.

Do Chinese migrant workers need labor NGOs to further their interests? In a word, no. The workers themselves have begun demanding better labor conditions and claiming their legal entitlements. No longer as docile as they were in the past, they are emerging as an active force increasingly willing to confront employers.

For the time being, strikes are still isolated in single factories rather than coordinated on a wider scale. With easy access to the Internet and an explosion in the number of online forums, however, it will not take long for better-organized labor protests to emerge, with coordination among multiple workplaces. Unless local authorities have a change of heart and begin to address workers' grievances, that next round of protests is likely to be violent. ■