

**STUDY ON MIGRANT WORKERS' APPEAL FOR RIGHTS AND
TRANSFORMATION OF LABOR RELATIONS IN GUANGDONG
PROVINCE(1978-2014)**

Jia-wen Huang

huangjiawenguang@126.com

School of Public Administration, South China University of

Technology, Guangzhou, China

The presenting author

Min Li

yxplm901@163.com

School of Business Administration, South China University of

Technology, Guangzhou, China

Biography

Jia-wen Huang is a lecturer of school of public administration. The primary research and teaching specialties are social security, social psychology and Chinese laborer of transformation period. Min Li is a professor of School of Business Administration, mainly engaged in the research of labor relations.

In 1980s, rural economic reforms, such as Household Responsibility System, have freed a significant portion of rural surplus labors, as well as improved the agricultural productivity. In the context of the international industrial transfer, Guangdong, especially the Pearl River Delta, has captured the opportunity to transfer labor-intensive industries to low-cost regions. And neighboring Hong Kong and Macao, Guangdong has also developed the “three-plus-one” trading-mix (custom manufacturing with materials, designs or samples supplied and compensation trade). As a result, the increasing labor-admitted power of the Pearl River Delta and the emerging of rural surplus labors have laid the foundation for migrant workers to work in cities. Before 1984, peasant workers could only migrate to cities by pursuing higher education, joining the army or being recruited as workers. But in 1984, it was first put forward in the Central First Document that migrant workers could settle in downtown by self-rations¹, which was a mark that China began to free the limitations to population flow in institutional level, and made it possible for peasant workers to work in cities. As an immigration popular province, Guangdong has accumulated a total of 6.5 million migrant workers, accounting for 9.87 percent of the total population by the end of 1993².

I Economic Appeals based behavior orientation from 1978 to 1994

i The living condition of migrant workers in cities

To many migrant workers, making money is the primary purpose for them to work in the city due to the less affluent life in rural areas. Compared with urban

¹ Self-rations refer to the temporary residence policy of the migration of people without their food coupon following, which was carried out by China to deal with peasant workers' working and doing business in cities.

² Data source: 1994 Guangdong Statistics Yearbook

residents, their income is not high; but compared with rural residents, it is another situation. Some migrant workers say their income for a month in the city is almost equal to the income for a year if they work in their hometown, which is enough to satisfy the daily necessities for a rural family. However, the restriction of household registration system require migrant workers to go back to the country, which result in their different pattern of consumption from urban residents. Except household expenses, they seldom consume anything, but deposit money in a bank or send it home. In a word, to provide a happy life for their family and themselves, migrant workers are willing to bear the hardships from working in the city. The major troubles facing them are as follows:

In enterprises, migrant workers often do the entry-level jobs and earn low income; but they are still faced with the major problem of wage arrears. Statistics from labor-concerned departments shows that most of the labor disputes happened in Shenzhen and Huizhou in 1992 are resulted from the arrears of wage³. Some of the arrears are due to the operating-profit loses indeed. But more generally, the enterprises try to control the turnover of labors by delaying their payment.

As for social insurance, most of the migrant workers work for foreign-funded enterprises or private enterprises, which seldom provide or only provide low insurance for workers. Migrant Workers Task Force of Chinese Academy of Social Sciences (1995) shows that only 3.9 percent of the enterprises buy endowment insurance for migrant workers. And only 11.9 percent of the workers are covered with

³ Data sources: The Legislative Protection for Chinese Labor Right, The Worker's Daily, February 20, 1994.

medical insurance; 25.4 percent are covered with insurance against injury at work.

From the aspect of the labor contract, 57.26 percent of the migrant workers did not sign any contract with the enterprises in the 1990s (Xiong, 1994). To make matters worse, part of the workers only sign verbal contracts; and most of them say they do not keep the original document or the copy of it. Therefore, signing an agreement does little help to regulate labor-capital relationship or guarantee the rights of migrant workers. Besides, in the case of not signing a labor contract, the enterprise will keep the labors form turning over by illegally charging their deposits or detaining their ID cards in order to keep the production running, which have seriously infringed the lawful rights of migrant workers.

Concerning the working time, overworking generally exists in enterprises in the Pearl River Delta. In addition to the 8-hour working time, migrant workers normally work an extra 2 to 4 hours a day. And they are forced to work extra hours, which is settled by strict regulations related to “overtime work”. For example, it is not allowed to ask for a leave in extra work. No extra money will be paid. Any form of violation to extra work will be fired. What’s worse, some enterprises try to control the workers in every aspect, even their daily life after work. For example, they can not leave the factory in the daytime; they can not visit the dormitories of each other; they can not talk when eating and queuing.

Besides the highly intensive working hour, the working condition for migrant workers is also poor. To save cost, the enterprises use obsolete machine and equipment while not equipping the workers with safeguards, which lead to frequent

accidents. Among all these accidents, the most shocking one is the fire disaster happened in Zhili Toy Factory, Xinwei Village, Kuiyong Town, Shenzhen, on November 19, 1993. Due to the block of windows, fire engine access, and the evacuation exits, workers were not able to escape, which resulted in 81 death tolls and 22 seriously injured.

ii The actions of migrant workers after their rights infringed

When their rights are infringed, migrant workers choose to reflect their demands to the enterprise individually or through their group and hope to get proper compensation. However, the enterprises refuse to shoulder their responsibilities relying on their capital power and the uncompleted legal system. At the same time, facing the irresponsibility of the enterprises, migrant workers have to accept the reality because of their weakness in safeguarding their rights. In the situation of “the labors’ weak forces facing the capital’s strong forces”, it is hard to guarantee the lawful rights of the migrant workers in the real sense by themselves.

It is worth noting that when faced with their rights infringed, most of the migrant workers chose to endure without protest instead of safeguarding their rights. In another word, many migrant workers are not aware of their legal rights. They accept the discrimination from the institution and urban framework on them and accept the fact that they are inferior to others. On the one hand, strong economic appeals make migrant workers only consider making a living. On the other hand, the institutional identity of urban-rural split reminds them that the country is their fate and they never dream of rooting in the city. That is why migrant workers choose to endure poor

living conditions and insist working when their rights infringed.

iii The double restrictions from institutional regulations to migrant workers

In 1958, household registration system divide Chinese residents into agriculture account and non-agriculture account in order to strictly control the migration of rural population to the city and gradually set up urban-rural dual resource allocation system. In cities, the nation monopolizes social resources and allocates them to individuals through units. Individuals can be protected by national welfare system by working in a unit. In the country, the nation will keep the commodity price in a low level, which makes the peasants live a poor life for a long time. Besides, due to the shortage of supplies, large numbers of resources are centralized in the city to guarantee the process of industrialization and modernization. Therefore, peasants are excluded from national welfare system and have to create their “personal insurance”. The public welfare supplies in rural areas can only depend on the weak village collectives and their own cultivated farmland.

China has lifted the control over household registration system in 1984, which made it possible for peasants to work in the city, but the reform only stopped in the population flow rather than shake the allocation institution of rights and resources behind the household registration system. As a consequence, peasants’ working in the city is only a spatial flow instead of a social identity change. They can not become a real citizen. Because of the segmentation of household registration system, the income of migrant workers only contain expenses to maintain their daily life. The city will not pay the cost for reproduction of labor power. That is to say despite their great

contributions to the construction of the a city, they are still discriminated for their identity which has been determined by the state institutions and they can not enjoy the same welfare as the urban residents, but travel to an fro between cities and countries as a migratory bird.

In addition, the limitation of institutional structure to migrant workers also reflects in the legal construction process. They are marginalized by law. With the transition from planned economy to market economy, the labor-capital relationship begins to head for the market-oriented approach, especially in Guangdong Province where foreign investments are very active. As the front of reform, Guangdong has explored and carried out many laws and regulations concerning labor-capital relationship. However, the protection measures for the rights of migrant workers are not incorporated into the focus of the government, and placed to the margin of legal construction. There are three reasons for it:

Firstly, the influx of migrant workers has severely challenged the supporting capacity on resources and environment of a city, and threatened the stability of social orders. They are blamed for having a negative effect on public orders such as transportation, security and sanitation of the city. To control the disordered population flow and restore the original order, cities in Guangdong Province has carried out temporary residence permit in succession, so as to restrict the recruiting of workers from rural areas or other provinces by dismissing migrant workers. We can see that from 1978 to 1994, the state and local government has focused on manipulating the population flow, rather than coordinate the labor-capital relationship.

Secondly, the laws and regulations carried out by Guangdong mainly aim at staff in state-owned enterprises and collectively-owned enterprises, but do not cover staff in enterprises with higher market process, which can not be adapted to the changing market economy. In fact, most of the migrant workers work for private enterprises and foreign-funded enterprises where their rights can not be protected by laws. Some policies and regulations even discriminate migrant workers. For example, Guangdong Labor Market Administrative Regulations says employers in Guangdong should follow the recruitment principle of “urban residents first rural residents second, natives first out-landers second, making allowances for natives first”. As a result, the local government’s absence from protecting the rights of migrant workers but the local residents has severely affected the living conditions and behavior orientations of migrant workers.

Thirdly, from 1978 to 1994, China’s legal system on labors has been developing and consummating. All of the labor insurance policies carried out by central and local governments are administrative laws and regulations that are hard to restrain the enterprises, which are determined by their low legislative levels. Besides, some of the administrative laws and regulations are program files and are difficult to be put into practice. For example, Guangdong Labor Safety and Health Regulations was issued to regulate the working environment and improve the working conditions. However, the regulations do not clearly define occupational disease, its rate and its certifying agency.

iv The expansion of capital versus the labor rights

At the beginning of the reform and open up, investment promotion has been one of the major approaches for Guangzhou to develop its economy. Before the policy was carried out, China's foreign trade had been monopolized by the nation, while the local government had little autonomy. In 1979, by virtue of the reform and open up, Guangdong hope to develop its foreign trade by winning preferential policies from the central government. Among the policies, the application of Foreign Trade Contract and Financial Contract have played a significant role in the early capital accumulation of Guangdong. We can see that since 1978, the local government has been open and favorably received to capitals. On the one hand, investment promotion can bring in advanced techniques and equipment, which will promote production efficiency. On the other hand, it is an important index for GDP competition among regions, and also for the promotion of official careers. These lead to the fever of the local government in attracting investment and put economic affairs into the first place.

The end of the 1970s has witnessed the third international industrial transfer. Out of the need and desire for economic development, the Pearl River Delta has actively attracted cross-border capitals. Among them, Hong Kong and Taiwan have taken advantages of the low production factors of Guangdong and set up a number of "three-plus-one" trading-mix enterprises by providing equipment, materials, samples and sales channels. On September 15, 1978, Dongguan Taiping Handbag Factory was put into operation as the first "three-plus-one" trading mix and has been scaling up to make profit. Therefore, foreign-funded economy has served as the prelude for Guangdong to develop its economy.

In the 1980s, private capital also got released under the strategy of taking economic construction as the center. In 1987, the Thirteenth National Congress of CPC pointed out, “we should encourage the development of diverse economic sectors with public ownership served as the principal part of economic system; private economy is an essential and beneficial complement for public-owned economy .” The Constitution Amendment passed in 1988 formally authorized private economy legal status, and included the guidance, development, supervision and management of economy into the framework of law, which has laid the institutional foundation for the development of private capitals. From 1992 to 1997, the number of self-employed entrepreneurs has increased from 32.8 thousand to 120.3 thousand, with an annual increase of 25 percent, ranking the first in China⁴.

In the tide of rapid economic development, central and local governments have emphasized too much on attracting capitals but at the same time ignored the intervention on labor-capital relationship. The absence of national force has indulged the unconstrained expansion of capital. The nature of capital that is seeking advantages while avoiding disadvantages has made the rights of migrant workers ignored. In the early stage, most of the enterprises in the Pearl River Delta were OEM production bases. They did not directly participate in the core link of technological development but signed an contract with the brand businesses to produce products or accessories for them. The OEM pattern is a rational method for resource allocation, which has contributed to the swift development of Guangdong. But, it has also put

⁴ Data sources: the Swift Development of Guangdong’s Private-owned Economy in the 30 Years’ of Reform and Open up. official website of National Bureau of Statistics of China. December 23, 2008.

China's processing trade to the bottom of industrial chain. According to the Smiling Curve, the most profitable part of an industry converges on both end of the industrial chain, that is research and development, and marketplace. Having no research and development power or marketing ability, the industry can only pursue low profit from OEM. Besides, the Pearl River Delta is at the beginning stage of capital accumulation, whose limited capital makes it hard to renew its equipment, techniques, and technology. Only by taking advantages of the low-cost labor resources of the Pearl River Delta, increasing the number of labors and their working hours, and reducing the labor cost, can they improve their profit. As a result, the rights of workers, especially migrant workers are generally infringed in this region.

II In pursuit of labor rights - the behavior choices from 1995 to 2007⁵

i the improvement of the living conditions of migrant workers

From 1978 to 1994, the policies of China's labor-capital relationship has been focused on "marketization" by exploring how to introduce market-stimulation system into the institution and breaking the "iron rice bowl" labor employment system, so as to establish labor-capital relationship corresponding to the socialist market economy. Obviously, this reform does not take migrant workers who have been rooted in market economy into consideration. In this alternating renewal process of old and new system, the labor-capital relationship between enterprises and migrant workers has been in disorder, which has severely infringed the rights of workers. In 1995, with the issue of

⁵ Statistics of this part is based on the Academic Research Database Sharing Plan of Sun-yet-sun University. This survey is conducted by Professor Cai He, the Department of Sociology and Social Work, among 3974 migrant workers from 9 cities of the Pearl River Delta in July and August, 2006.

Labor Law, China's policies on labor relations began to incline to labors. To protect the workers' rights, the central government has been devoted to establishing an ordered labor-capital relation which will be in accordance with the trend of market economy. The change of policy orientation has improved the living conditions of migrant workers to some extent. The features of this period are as follows:

The motivations for migrant workers to work in the city have changed. As the statistics shows 33.38 percent of them believe young men should go out and make a fortune. 33.24 percent think the income is too low for farming. 29.75 believe there will be more opportunities in the city than in their hometown. 29.06 percent have no way to make money at home. The reasons show that migrant workers are not limited in economic appeals but are concerned about their career. Those are the reason why young migrant workers (born after 1980) choose to go to the labor market. Compared with the senior generation, the younger generation values more the opportunity to open their horizons in the city. Their preference for enterprises are as follows: high salary (18.9 percent), skills get (16.69 percent), good working environment (16.32 percent), and opportunity for development (16.32 percent). Due to the lack of farming experience and good adaptation to the city life, younger generation of migrant workers (accounting to 73.34 percent) do not think they are peasants, and hope to settle down in the city. If the senior generation considers working in the city as a brief transitional period which will not change their identity and fate, the younger generation are eager to alter their identity, and enjoy the same rights and insurance as the urban residents.

The working conditions for migrant workers have improved. From 1995 to 2007, similar to the first stage, the jobs for migrant workers have been outside of the institutions, mainly converged on private-owned enterprises (40.43 percent), Hong Kong and Taiwan funded enterprises or joint-funded enterprises (11.80 percent), and also private business (9.86 percent). They mainly worked as labors (19.69 percent), supporting staff (19.01 percent), or artisans (13.13 percent). As Guangdong's economy is developing, the income of migrant workers are increasing. The median of the monthly salary per capital was 1000 yuan, lower than the disposable income per capital of the Guangdong citizens (16015 yuan per year) in 2006. The problem of wage arrears has also been tackled with. Only 8.88 percent of the migrant workers have the experience of wage arrears. However, the wages are still not paid the current month, accounting for 52.40 percent of the samples. Compared with the first arena, more migrant workers are purchased with insurance now, but are still in small percentage. 45.69 percent of the samples do not buy any insurance. The most often bought insurance are work-related injury insurance (38.43 percent) and medical insurance (30.23 percent). 37.78 percent of the workers can claim a full refund and 20.80 percent of them can get part of the refund, if they are injured at work.

As for the labor contract, the percentage of workers who have signed a contract with the enterprises is almost the same as the first arena, with only 42.35 percent signing a labor contract. Those who have signed a contract still do not have a mechanic to communicate with the enterprises, because the contract is dominated by the enterprises. 93.42 percent of the contracts are prepared by the enterprises ahead.

Only 6 percent of the workers participate in the amendment of the contract, while 53.25 percent of them keep the original document or the copy of it. Because of the incorporation of labor rights into the framework of law, enterprises no longer treat the workers in a simple and crude way as the first arena, so as to reduce the employee turnover. Less than 10 percent of the workers experience their ID card detained. When the workers want to quit, 85.84 percent of the enterprises will permit unconditionally or require a one-month delay. Therefore, with no impairment to the benefit, migrant workers are able to change jobs freely.

Considering the working hours, migrant workers work 60 to 70 hours a week. Since 2006, most of the workers have experienced extra working hours, accounting for 68.60 percent. Nearly 30 percent complain they are working the whole time with no break or holidays. These phenomena show that the approaches for enterprises in the Pearl River Delta to enlarge their production and maintain the intensive economy modal are still by recruiting more workers, increasing the working hour, and squeezing the salary of workers. As for the working conditions, the enterprises have abolished the insulting regulations on migrant workers. However, the poor working environment still needs improving. 30.20 percent of the workers said the environment were harmful to their health.

ii the awareness of rights and various ways to fight for migrant workers

When rights are infringed, migrant workers no long accept it silently as in the first arena, but will adopt different ways to fight for their rights. From 1995 to 2007, with the consummating of national legal system and influx of younger generation of

migrant workers, the workers often make use of their spare time to improve their knowledge of laws. Besides, as the awareness of rights has been raised, the focus of rights has also shifted from economic appeals to other rights, such as equal employment, reasonable working hours, social insurance, and statutory rest days.

Different from the first arena, migrant workers dare to reflect their opinions and express their appeals for rights to the enterprises. Among all the ways, they most frequently chose to communicate with the supervisors (40.19 percent) or the boss (37.18 percent). When rights infringed, 46.98 percent of the workers are willing to safeguard their rights by taking collective protest. Compared with the senior generation, younger migrant workers show more determination to safeguard their rights, accounting for 51.9 percent. 12.51 percent of them have taken part in collective protests to safeguard their rights. Therefore, with the awareness of rights, the ways to express their appeals have changed from individual protest to group cooperation.

However, many migrant workers still worry that the open complaints and protests will put them in a great risk. Thus, a special way to protest arises, which is named as everyday forms of resistance by Scott (1971). It is a way to release their dis-satisfaction by being indolent at work or pretending to be sick in order to disturb the assembly line. These common behaviors are practical ways to get rid of risks. They even shield each other as they are relatives or fellow-townsmen to evade the controls and supervisions over them.

As for safeguarding their rights relying on institutions, 61.61 percent of the migrant workers hold that they will not complain to the authorities concerned, if their

rights are infringed. 15.61 percent of those who have turned to the government say their appeals are not accepted. 40.49 percent say even the appeals are accepted, no measures are to taken to deal with the disputes. Nearly 60 percent are not satisfied with the solutions given by the authorities.

It is easy for migrant workers to choose extreme individual ways to fight for their rights, such as suicide, if their appeals are turned down. The statistics from scholars shows that between 2004 and 2005, 82 cases of suicide for claiming back salaries have been reported by media, among which 41.50 percent really take suicide (Xu, 2007). For one thing, this way reflects their hopelessness to the reality but to use their life as bargaining chips. For another, migrant workers hope to appeal to the public for more resources such as attentions and sympathies by adopting the extreme ways.

iii the discrepancy between institutions and practice on labor rights protection

The Labor Law issued in 1995 is the first basic law to maintain the legal rights of workers and regulate the labor-capital relationship, and opens the prelude for China's management on labors to transit from administrative management to the governing by laws. In 2003, the Notice on Migrant Workers Employment Management and Service Work issued by the General Office of the State Council has acknowledged the great contributions of migrant workers to China's modernization and industrialization, and incorporated them into China's development strategy. This means the management of migrant workers has been transited from "control" to "service".

Distinctive from the first arena, "Justice" has become the core value for China to

formulate policies. According to John Rawls (1971), there are two principles for justice. One is that everyone enjoys the same broadest equality as others. The other is that resource allocation should be limited within a reasonable range, and provide open and dynamic opportunities for every eligible individual. The first principle emphasizes the equality of rights. Government documents should incorporate migrant workers into the urban public service system, and the export government should take localized management on the workers. It shows that China is attempting to break the urban-rural split, and its determination to take measures to allocate rights and benefits to individuals equally. The second principle is to deal with the equal opportunity. The “justice” initiated in many documents is aiming to eliminate the discriminatory provisions on migrant workers, and to provide them with equal rights and opportunities. Therefore, at the people-oriented value, migrant workers are admitted instead of being repelled. Especially the acknowledgment, endowment, and demise of individual rights in institutional level make it possible for migrant workers to enjoy the same welfare as urban residents.

However, the goals, powers and responsibilities among central, provincial, and local government are discrepant. The central and provincial governments focus on giving instructions in a micro view. But the local governments concentrating on the implementing of policies are faced with the pressure from lack of resources, which lead to an embarrassing situation. That is “policies are easy to make but hard to apply; dreams are easy to have but hard to realize”. For example, the Law on Compulsory Education amended in 2006 has clearly formulated that the inflow government should

provide equal education opportunity for the children of migrant workers. But, the elementary education is mainly sponsored by the country-level government, which put much financial pressure on the local government. Since the reform and open up, Guangzhou has been a city with the most influx of migrant workers. In 2005, the migrant workers has outnumbered the registered population on newly born babies for the first time⁶. The increasing number of migrant workers and their children bring greater challenges to Guangzhou, whose compulsory education is in a precious state. Although it is explicitly stipulated by Guangzhou government that the children of migrant workers have the rights for education, but “the premise for students enrollment is settled by the district according to its number of migrant children, as well as its enrollment capacity”. The result is that the policy is hard to carry out for the education bureau of districts or counties, because of the lack of resources.

iv the collusion of rights and capitals in labor management

From 1994 to 2007, the Pearl River Delta has gradually become the spot of “world factory”, and developed two mature patterns for economic development: the east coast pattern and the west coast pattern. The east coast pattern is represented by Dongguan which attracts direct foreign investment relying on its preferable land prices and taxes, and heads for the international market by export. The west coast pattern is represented by Shunde and Nanhai which actively develop their private-owned business, township enterprise, focusing on the the improvement of its development ability, research and development ability, as well as its brand building.

⁶ Data sources: Migrant Workers Outnumbers the Registered Population on Newly Born Babies, Xinhua Net, February 23, 2006.

The economic take-off of Guangdong relies on not only foreign investment but also the promotion of the local government. The decentralization reform of “all round contract” gives the local government more authority and arouses their enthusiasm to develop economy, which plays the key role in government incentives. At the same time, the strategy of “taking economic construction as the center” changes the index for local official promotion, so that economic achievements have taken the place of emphasizing only politics (Zhou, 2007). In the transformation and transition of China’s institution, economic development has gradually become an important theme mostly concerned by the local governments which are in favor of both foreign and private capitals. As a result, the manipulation and implementation of policies consider more about the profit of the enterprises but ignore the protection for labor rights. Besides, because capitals often flow into low-cost areas, the large number of economic resources and political resources owned by the local government just satisfies the survival and development need of enterprises. In the end, the government incentives and the profit-seeking nature of capitals collide together in the tide of economic development.

This cooperation expanding from economic areas to non-economic areas leads to many negative consequences. One of the direct consequences is that the dominance on labor-capital relationship is handled by the interests community of capital and the local government, which hinders migrant workers to safeguard their rights. The Labor Law stipulates that labor disputes can only be accepted when the labor-capital relationship has been set up between labors and employers. But in fact, the enterprises

seldom sign a contract with migrant workers, nor do they assign them salary sheets, so that migrant workers can not attest that they have employment relationship with enterprises and are rejected by the institution of rights. The local government ignores the conflicts between the institution and reality, even though they know the weak position of migrant workers in safeguarding their rights. Therefore, the local government who should stand in the position of labors has collided with enterprises in infringing the legal rights of migrant workers.

III appeal and behaviors focusing on “self-actualization” from 2008 to 2014⁷

i new living and behaviors tendency of migrant workers

From 1995 to 2007, China has incorporated labor-capital relationship into legal framework, adapting it to market transition. Taking the labors into consideration, the central government has stipulated many regulations concerning labor rights protection, and has tried to change the situation of “the labors’ weak forces facing the capital’s strong forces” by regulating the capital. In 2008, the issue and implementation of Labor Contract Law not only helps regulate and stabilize the individualized labor-capital relationship, but also lays the institutional foundation for safeguarding their rights relying on their collective power (Chang, 2013). Therefore, the behavior orientation in this arena is different from the first two in the following aspects:

The living conditions of migrant workers have been greatly improved in this arena. Statistics shows that in 2009, the average monthly income of migrant workers

⁷ Statistics of this part is based on the Academic Research Database Sharing Plan of Sun-yet-sun University. This survey is conducted by Professor Liu Linping, the Department of Sociology and Social Work, among 1766 migrant workers from 9 cities of the Pearl River Delta in 2009.

in the Pearl River Delta is 1667 yuan, most of whom work in private-owned enterprises, Hong Kong and Macao invested enterprises and joint-venture enterprises. The average working time of migrant workers is 9 hours a day, 6 days a week. Extra working still generally exists in enterprises in the Pearl River Delta. The migrant workers work an average of 3.04 extra hours a day. 25.61 percent of them say the extra work is compulsive; 27.98 percent say they even do not have extra payment. After the implementation of the Labor Law, more labor contracts are signed than the first two arenas, with 60 percent of enterprises signing a contract with the migrant workers. 64.98 percent of the workers will keep their contract; while 35.77 percent will participate in the negotiation of the content of a contract. 43.64 percent express their satisfaction to the contract. More workers enjoy the welfare and insurance, with 49.51 percent bought with medical insurance and 52.63 percent bought with work-related injury insurance. 30 percent of the workers enjoy the vacation with pay and other welfare. Only 21.71 percent of the workers are not satisfied with their working conditions. In a word, the living conditions of migrant workers is gradually improving, as well as the labor rights protection.

According to Maslow's theory, the needs of human being can be divided into the following five levels: basic biological needs, safety needs, social needs, ego (esteem) needs, and self-actualization needs. Only when the lower level needs are satisfied, will people pursue higher level needs. With improved living standard and satisfying labor rights, survivals and rights are no longer the whole appeals of migrant workers. Their fight for rights has turned to a higher level of self-actualization. Therefore, since

2008, the fight of the workers for rights has reached the peak in history. Part of them choose government coordination to safeguard their legal rights. At the same time, the extreme ways of individual fight which break the bottom line still exist.

It is worth noting that the number of collective protests are increasing compared with the first two arenas. 2014 China Legal System Development Report points out that 2010 to 2012 is the high-incidence season for collective protests, with an average of 181 cases each year, most of which happened in Guangdong⁸. The main reason for the mass incidents is labor disputes. And correspondingly, more and more people take part in collective protest to fight for their own rights. The most typical case in the 2010 “Honda Strike in Nanhai”.

By analyzing this case, we can find that what behind the collective protest is the brand new appeals for interests and behavior orientations of the migrant workers. The appeals before are focused on labor rights, such as wage arrears and security insurance. Since the 2010 Honda Strike in Nanhai, the appeals has changed in essence by focusing on “salary increasing and fruit sharing”, which shows a pursuit for self-actualization. The collective protests before are mainly done by creating social consensus and expressing their frustration, which are abrupt, irrational, and chaotic. Today’s protests have clear appeals for interests and are done on the precondition of not disrupting the public orders. The migrant workers are trying to achieve a satisfactory solution in a peaceful way. Some of the collective protests are held by several activists, which are held following a prescribed step, with clear job divisions

⁸ Data sources: Statistics of Chinese Academy of Social Sciences: Guangdong Headed the Mass Protests in 2014. Xinhua Net. February 25, 2014.

and organization. The collective protests of migrant workers are becoming reasonable. They make use of the available resources, such as powers from non-governmental sectors of rights protection, social consensus, and scholars in universities, and take strategies within the legal and political framework in order to fight for their own rights.

ii economic situation forces enterprises to pay attention to labor rights

Since the reform and open up, Guangdong's economic development has always ranked the top in China. However, the migrant workers who have made great contributions are not able to share the fruits. Compared with urban residents, their salary, welfare are always in low level. However, the salary, social security, working environment, and working hour are more favorable in the Yang-tze River Delta. This leads to the front-line workers and technicians flow to the Yang-tze River Delta. Besides, under the strategy of "development the west", the economy of central and west China are undergoing a momentum of rapid development, whose salaries have covered the huge gap, and are going to be the same as those in Pearl River Delta. Considering to take care of the family and children, many migrant workers determine to work in cities near their their hometown. Since 2005, the turnover of large number of labors has been more serious, and reached the peak in the 2008 financial crisis.

The 2008 financial crisis has not only intensified the shortage of labors but also made the Pearl River delta once featured with export-oriented economy into a disaster-hit area for economic contraction. Its industrial developing modal of original equipment manufacture has sustain since the beginning of 1990s. Many enterprises

have achieved expansion by low-cost productivity, in stead of relying on the innovation of core techniques and the construction of self-owned brand. The result is that the enterprises only have a small profit margin but lack of further developing power. Even worse, the insufficient demand of European and American markets due to the economic crisis has blocked the sales channel. Therefore, under the force of the economic situation, enterprises in the Pearl River Delta have to apply industrial transformation to change the original extensive form of economic development. The core method to realize industrial transformation is to attract human talents. With the changed situation, the enterprises are devoted to constructing human resources and modifying the tense labor-capital relationship.

In the context of the shortage of migrant workers, more and more enterprises have increased their salary and provided opportunities for development so as to control the labor turnovers and attract high-skilled personnel. They have also taken the accommodation of labors into consideration, and have built apartments in or near the factory park for experienced and high-skilled technicians who have spouses. As for skills training, the enterprises have opened training courses with the help of vocational institutes to combine their work and learn. So that, more migrant workers are provided with access to the front theory and knowledge, as well as practical techniques. The enterprises have even provided opportunities to further education for excellent workers and cultivated them as senior managers. They have also concentrated on creating an environment featured with humanistic care in the daily life, in order to retain the labors.

iii the local governments dedicate to construct rights protection system for migrant workers

In 2010, the Central First Document has incorporated migrant workers into the reform of household registration system. It stipulates that relying on the development of medium and small towns, eligible migrant workers can reside in towns and cities, and enjoy the equal rights with the residents. In 2008, to deal with “the shortage of migrant workers”, Guangdong has issued Opinions on the Registration Work of Excellent Migrant Workers to the Town, aiming to promote the coordinated development of urban and rural areas by incorporating peasants into the urban welfare system, and eliminating discrimination. The era of surplus labors is coming to an end. In the fierce competition for labor resources among districts, the local governments have reformulated the entry conditions to urban household registration. The policies directly face migrant workers who have made great contribution to the urban construction, and properly allocate the public welfare by adjusting the access to obtain the citizenship.

In June, 2010, Guangdong has formally issued Opinions on the Registration Work of Migrant Workers through Points System. By systematic counting, migrant workers can be provided with correspondent public services such as the education rights of the children and the quota to obtain the citizenship. The implementation of points system marks the legal rights protection for migrant workers has stepped from political intentions to operations, which is the substantial step to bestow rights to migrant workers and change their discriminatory identities. The migrant workers can

enjoy 10 rights compared with 3 before obtaining the citizenship. The beneficiaries are not only the individuals but include their children. All these rights satisfy the needs in their life and consumer resources for the reproduction of labor powers.

Besides the institutional acknowledgment of their identity, the local governments also devote to consummating other policies and regulations to protect the legal rights of migrant workers. The most impressive one is the 2014 newly issued Collective Contract Regulations in Guangdong's Enterprises. For a long time, the situation of "the labors' weak forces facing the capital's strong forces" places the migrant workers in a weak position. It is hard to form a force to compete with the capital only by an individual. Although, the nation has been strengthening regulations on capitals, it only helps protect the bottom rights of the migrant workers. The bottom rights refer to the basic needs for reproduction and the dignity for labors to live in society, including the minimum wage guarantee, social insurance, reasonable working hour and stress, and good working conditions. In recent years, with the improving of living standard and the awareness of rights, the appeals of migrant workers have also change from bottom rights satisfaction to interests sharing. That is to say, they hope to share the economic fruits of the enterprises, and link their salary to the profit increase. Not related to laws or regulations, the share of interests belongs to the allocation within an enterprise, which is beyond the intervention of the administrative power, should be negotiated between the employers and the workers. On September 25, 2014, Guangdong 's Twelfth Standing Committee of the NPC has passed the Collective Contract Regulations in Guangzhou's Enterprises, which has acknowledged the legal position

of “Collective Negotiation of Salaries”, and bestowed the rights of collective negotiation to the labors. The Regulation stipulates that if more than half of the staff apply, collective negotiation can be reached to deal with the share of interests, such as getting a pay raise. It has not only provided labors, including migrant workers with detailed and practical guidance for operation, but also laid an institutional foundation to protect the weak position of labors in the labor-capital relationship.

iv social powers to the cultivation of rights protection

Besides governmental and capital forces, more and more social forces have joined in the labor rights protest. In recent years, federation of trade unions, an organization guided by the CPC, has focused on the services for migrant workers based on their needs, and tried to solve their problems in safeguarding their rights. In addition, with the release of public consensus, non-governmental organizations also play an important role in protecting the rights of labors. Since 1998 the foundation of the Panyu Service Department for Peasant Workers, the first organization to protect labor rights, more organizations have sprung up like mushrooms. Especially since 2008, the awareness of rights and diversified appeals have made more and more migrant workers choose protest to deal with disputes when their rights are infringed. However, they are not familiar with the methods and procedures. Guidance from the federation of trade unions and non-governmental organizations seems especially precious at this time.

On one hand, lectures on law popularization and explanations to new provisions have raised the legal awareness and knowledge of migrant workers, which stop them

from adopting extreme ways to safeguard their rights. When they have appeals for rights, the federation of trade unions and non-governmental organizations will provide them with necessary legal aid, and inform them of approaches to the identification of injure accident, labor arbitration, and collective negotiation, as well as required documents to turn to administrations concerned. These organizations will employ professional lawyers to provide consultations to special cases, and assist them to institute legal proceedings. On the other hand, being away from home, migrant workers feel lonely when rights are infringed. These organizations will set up interactive platforms to resonate migrant workers in sharing and communication. Those who have succeeded in safeguarding their rights work as volunteers in the daily operations and organizations of activities. They share their personal experience with their workmates and help them out of trouble by emotional comfort and action strategies.

In closing, the actions and needs of migrant workers in Guangdong have presented different features in different arenas since 1978. From 1978 to 1994, guided by the strategy of “taking economic construction as the center”, the government has paid to much attention to attracting capitals while ignored the intervention on labor-capital relationship. The disordered capital expansion and the absence of government management, migrant workers are willing to bear and accept all the inequality due to their necessity for survival. The labor-capital relationship do not show apparent tense and conflicts because of the dominance of capital, the weak power of labors and the absence of administration. From 1995 to 2001, the national

concerns and the awareness of rights have prompted migrant workers to take various measures to satisfy their appeals for security and insurance. However, the discrepancy in labor rights protection between central and local governments, and the collusion of local government and capitals have lead to a difficult position for migrant workers to safeguard their rights. From 2008 to 2014, the appeals of migrant workers have turned to the acknowledgment of society and the actualization of individual values, who have tended to collective protests. The economic situation has forced the capitals to value labor rights. The local government has been actively constructing the institutional security system. Moreover, social forces have taken part in the protecting of labor rights. All of these have promoted the labor-capital relationship into an arena with various powers.

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