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Mendes, Errol P., Srighanthan, Sakunthala

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CHAPTER SEVEN

The Gendered Reality of Migrant Workers in Globalizing China

Lanyan Chen

INTRODUCTION

According to a survey by the Development Research Centre of the State Council published in April 2006, there are 200 million rural migrants who are working and living in urban areas, 120 million of whom work in China’s cities and another 80 million in smaller towns. All of them have left low paying farm life, and they now make up 68 percent of the employees in the manufacturing sector and 80 percent in construction. Most of these workers not only face lower salaries and poorer working conditions than their city counterparts, but they also do not receive the social benefits such as pension plans, schooling for their children or health care which many of their counterparts in state-owned sectors enjoy. 68 percent of the rural migrant workers have monthly salaries of between RMB 300 to 800 (US$ 38 to 100). Seventy-six percent of rural migrant workers work on holidays and are not paid overtime. On average they work up to 11 hours a day and more than 26 days a month.

These findings depict the reality of the vast majority of rural migrants in urban China, who thus face discrimination and violation of their rights. Many of these migrants will ultimately find permanent residence in their adopted urban home but they will still not be entitled to the social benefits mentioned above. Admittedly, China is in an unprecedented process of urbanization that by some accounts will see its city population grow to include half the population by 2010. These accounts indicate the huge challenge that faces Chinese policy-makers to both expand urban infrastructure to accommodate this rapid urbanization while also developing ways to improve the migrants’ well-being and protect their rights as citizens and labourers.

Research on the migrant population has been incomplete and lacks some important details which would help guide future directions in policy-making. These details include two important aspects of the rural migration: on the one hand, information about the effects globalization exerts through its integration of China and its cheap migrant labour force into the world economy; and, on the other, information about the gender-
specific effects of rural migration resulting from the feminization of the migrant labour force in export-oriented manufacturing sectors, services, and agriculture. The effects of globalization started in southern coastal cities where international capital was first introduced to the designated special economic zones (SEZs), and has recently moved interior and northward in search of even cheaper labour. The gender effects of rural migration occur across China’s cities and range from domestic work to nurse-aid jobs and any commercialized services that are “dirty” and pay so little that most urban residents will not consider working in them. In the meantime, women in the countryside, who stay behind while their husbands have moved to urban areas to seek employment, shoulder most, if not all, the agricultural work and family care. Understanding these aspects of rural migration in China will help us to recognize the gendered nature of government policies and practices in economic reforms that increase inequality and are at the root cause of discrimination and of the violation of rights experienced by rural migrants. It will also help suggest priority areas for future policy research and action to protect rural migrants while promoting gender equality and justice.

This paper is the first of a series of research reports written in relation to the China-Canada collaborative research project on anti-discrimination, and aims to examine the extent to which government policies and practices are responsive to the expansion of rural migration. It seeks to adopt a feminist political economy framework, drawing on international rights-based advocacy and a gender relational perspective to help identify potential gender impacts of government policies on rural migrants. These policies, I claim, fail to adequately take into consideration the effects of globalization and existing gendered power relations, and are, in actuality, discriminative against rural migrants, especially women. Tensions and sometimes contradictions between the goals and methods of policies promoting foreign investment, trade and economic growth, and reducing labour market regulations; and policies adopting a conservative fiscal policy on the provision of social services, create discriminatory treatment of migrant workers in both industrial work and domestic work, especially in those areas dominated by women. This paper employs this gender sensitive and rights-based framework to analyze the gender impacts of current government policies on rural-to-urban migrants, and it does so in order to identify an alternative to the current government strategy for promoting economic growth and development. This alternative is in line with the Chinese government’s current goal of building a harmonious “xiao kang” (literally in English, “well-off”) society through balancing economic with social development and upholding principles of accountability and fairness for all, as well as with China’s effort to realize the Millennium Development Goals (MDGs) agreed upon by the international community. It will also encourage rights-based policies to address the needs of women migrant workers and to promote equality and justice. Future papers will focus on the movements for women workers’ rights on the part of women working in export-oriented industries and the services sector, as well as examine other issues.
relating to rural migration, including the abduction of and trafficking in migrant women and children for forced labour (sometimes for the sex trade), the schooling of children of migrant workers and children who are left behind by parents gone to work in cities, and the exercise of rights and participation by migrant workers in political and social processes.

This paper attempts, therefore, to advance policy and research related to migrant women workers and gender issues associated with the rural-to-urban migration based on a synthesis of the existing published literature in and outside of China. This published research includes Tan Shen (1998) and Arianne Gateno and Tamara Jacka (2004), which are largely about the experiences and activities of migrant women and the relationship between rural women's migration and socio-cultural changes in China, and the research of Anita Chan (2001) and Jin Yihong (2006), which examine the experiences of rural migrant women as workers under international capital and their plight due to China's industrial restructuring. This paper takes their findings further by using a conceptual framework to integrate international human rights standards with a gender relational perspective so as to identify gender gaps in Chinese policies and the impacts of these gaps on rural migrants, especially migrant women workers. The purpose of this study does not, however, end at the identification of gaps in policies, but it aims to search for ways to advance policy strategies to build a harmonious society within the context of a more stringent implementation of international goals and standards.

This paper begins with discussion of the conceptual framework, drawing upon international rights-based advocacy and research on gender inequalities and migration. This international research is in turn rejuvenated by the international provisions of equal rights in employment as they apply to migrant workers. Also, it is energized by the efforts of migrant workers to organize and demand just and favourable working conditions and equal protection under the law, as well as for the protection of women migrant workers specifically against exploitative terms of work. The use of these provisions in an application of the gender relational perspective which embraces two interconnected approaches - the gender relational approach and the women's rights and men's involvement approach - will enable an analysis of the gender effects of policies on the creation of inequalities in migration. It will also help identify and focus policy interventions to address women's needs as a consequence of their biological and social differences from men and to protect their basic rights with the involvement of men. The adoption of these focused policy interventions will be an important step towards harmonizing domestic legislation and government actions in meeting women's needs and protecting their rights with international standards that promote gender equality and justice in migration.

In this paper, this perspective is applied to evaluate China's strategy of economic growth at the expense of migrant workers. I argue that this strategy has been affected by traditional values and stereotypical expectations to the extent of failing to reflect fully the
interests and needs of migrant workers, especially women. This paper agrees with recent recognition by Chinese officials and scholars and their counterparts abroad of the unfair treatment of rural migrants. It points out that policies based on promoting economic growth through the increase of FDI (foreign direct investment) and trade marginalize rural women migrant workers and at the same time segregate them. The reduction of government spending on social services, moreover, left gaps in services, and these gaps are mostly filled by cheap labour from the countryside. Some examples of this are domestic services, nurse-aid and cleaning services. There is some expectation that the government is considering new policies which would grant rural migrants proper urban registration in order to build a harmonious society that promotes economic growth as well as the rights of workers. It is also expected that the government will use legislation to promote equality and justice in accord with labour rights standards granting migrant workers social security and welfare. What I believe will be of particular value in this study is the identification of a gender sensitive, rights-based approach for future policy initiatives which recognize differences in gendered needs among migrant women, to which the Chinese strategy has failed to respond. Hopefully, the study will also generate new reflections on, and insights into, efforts to promote the adoption of international standards to help cope with the challenges associated with the migration in China.

In what follows, the paper will, first, develop a gender-sensitive and rights-based framework to examine the gender impacts of Chinese government policy to promote economic growth through the employment of rural migrant workers. This examination, cast in a historical perspective, will help to identify tensions and even contradictions existing in the current policies. Resolving the contradictions will be the topic of the last section, which contains a discussion of priority areas for future policy research and initiatives.

**CONCEPTUALIZING GENDER EQUITY IN RURAL-TO-URBAN MIGRATION**

Recognition of gender inequalities in world migrations has been an important part of international research efforts of the last decade. This recognition has informed the international advocacy for women’s rights and equitable participation of migrant women and men in economic and political processes, which has occurred through forums such as the Fourth World Conference on Women in Beijing in 1995 and international human rights treaties. This advocacy provides a basis for a gender-sensitive and rights-based conceptual framework useful not only for analysis of rural migration as a gender equity issue, but also for developing critical solutions to the issues of discrimination and violation of rights resulting from the interplay of gender roles, industrial restructuring and globalization. This expands upon the feminist political economy framework developed in a study published in July 2008 and is useful for the
present study to evaluate the Chinese strategy of economic growth through the use of migrant workers, and especially to identify the gender impacts on rural migrant workers of Chinese policies to promote economic growth and participation in global markets. This evaluation suggests that there are tensions in the policies between promoting foreign investment and reducing labour market regulation, tensions which potentially give rise to discrimination and violation of the rights of rural migrant labourers in China. This section shall consider the conceptual framework with a discussion of the international standards and their integration with a gender relational perspective, in order to identify gaps in China's compliance with international standards.

The Conceptual Framework

The conceptual framework of this study expands on an interdisciplinary study of society as a totality which conceives of all aspects of human life – including the political, economic, social, and cultural, as well as sexual and gender – as mutually interdependent. This interdependent nexus forms, on the one hand, a basis upon which to understand how gender intersects with globalization, politics, and social and economic transformations. In this interdependent nexus, the production of wealth and social reproduction are part of one integrated process, and the government occupies both an overwhelmingly powerful position, subordinating women by its gender insensitive policies, and “a contested site,” over which women have to exercise agency to influence its policies (Chen 2008). This recognition of the state as both a power and a contested site is of crucial relevance to an analysis of the impacts on women in China of globalization and economic and social transformation. It helps delineate how, within the historical and cultural processes of social organizations, women's experiences with discrimination and subordination have become widespread. It also helps show how the government, through its policies, has systematically treated social reproduction through childbirth, child rearing, and general care giving as the responsibility of women, and has often ignored and undervalued this sphere and demarcated it from that of the production of subsistence and wealth. It also helps investigate how the state can potentially adopt policies, establish structures and recognize alternative organizations in order to improve women's access to resources and the exercise of their rights (Chen 2008). Women's organized demands are, on the other hand, what we are able to perceive with the study of society as an interdependent nexus. The perception of women's organized demands as a basis of women's agency that can “advance analyses of progressive social change” for economic and social justice (Chen 2008) is essential to understanding women's initiatives and their demand to hold the government accountable to its commitments to achieving international goals and standards relevant to gender equality in migration.

This framework recognizes that globalization has ushered in an increase of migration of labour at the same time as it has resulted in decreasing regulation of the labour market, growth in the informal sector and the emergence of new forms
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of exploitation. It advocates international standards especially in areas of equal rights in employment, just and favourable working conditions and equal protection under the law as well as protection for women migrant workers against exploitative terms of work, and it takes these standards as they have been outlined in the four most relevant human rights treaties and international research on migration from a gender perspective in the recent years. These treaties are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Social, Economic and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (MWC). China is a signatory party to the CEDAW since 1981 and to the ICESCR since 1997. The National People's Congress, the Chinese legislature, considered signing the ICCPR in 1998 but so far has not signed it. China is not considering signing the MWC. The application of these human rights standards to the situations of migrants, as this paper suggests, requires the use of all of these treaties together as each one addresses some different aspect of the issues. Only with the application of these treaties can migrant women's interests and needs be considered in full. This application is aided by the gender relational perspective and the use of the women's rights and men's involvement approach to policy-making in order to discern gender differences and to meet the specific gendered needs of the disadvantaged, especially migrant women workers. The use of these two analytical approaches will strengthen efforts of recent international research to identify how major signifiers of inequality, such as gender, interact with economic restructuring and other adverse effects of policies on economic growth and labour regulation and how advocacy for gender equality advances women's participation in migration and access to services and decision-making. This use of the women's rights and men's involvement approach is the basis for a gender-sensitive and rights-based framework in order to extend policy research so as to overcome inequalities, through the protection of migrant women's rights with the involvement of male decision-makers and their responsibility in future policy initiatives.

International Standards and China's Implementation

The "Platform for Action" (PfA) adopted at the Fourth World Conference on Women in Beijing in 1995 recognized in its account of the Global Framework (p. 21-30) that women form a majority of the poor in the world and that an important contributing factor in women's poverty is the gender disparities in economic power sharing. Many women migrate and enter the segmented labour market in under-remunerated and undervalued jobs, largely seeking to improve their household income and to get out of rural poverty. The above gender disparities continue to affect them in the labour market by limiting their choices to finding jobs often through informal arrangements and without the protection of a formal contract. The PfA also recognized that women's
migrant workers, especially those who provide for several dependents, as they may face an increased workload without any reduction in their household responsibilities.

The "Platform for Action" calls for rethinking and reformulating macroeconomic policies so as to expand from focusing exclusively on the formal sector to including the needs of women migrant workers in informal sectors as well (p. 38). It also demands the full realization of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation and their full integration into the labour force through an improvement in their productive employment (p. 41). It affirms that social development is primarily the responsibility of governments and requests all parties involved in the development process, including academic institutions, non-governmental organizations and grassroots and women's groups, to improve the plight of the most disadvantaged groups of women, including migrant women (p. 43).

The Convention on the Elimination of All Forms of Discrimination (CEDAW) demands that all states ensure to women the same rights as to men and, in Article 11(1), that women's rights be guaranteed equal to men's in employment opportunities and remuneration, including equal benefits and treatment for work of equal value, and proclaims women's rights to social security and the right to paid leave.

The International Convention on Economic, Social and Cultural Rights (ICESCR) states in Article 2 that governments must ensure the enjoyment of all economic, social and cultural rights included in the Covenant without discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (most relevant to the present study are the prohibition of discrimination based on sex, social origin and birth). Article 3 further states the equal rights of women and men to the enjoyment of the rights in the Convention. Article 7(a) recognizes the equal right of women and men to just and favourable conditions of work, including fair wages, and, at a minimum, to be paid a decent living for the worker and her family. Article (b) guarantees workers' rights to safe and healthy working conditions, rest, leisure, reasonable limitations on working hours and periodic holidays with pay as well as remuneration for public holidays.

The International Covenant on Civil and Political Rights (ICCPR) provides in Article 8 that no one shall be held in servitude or required to perform forced or compulsory labour. It also states in Article 26 that all persons are equal before the law and are entitled without any discrimination to equal protection of the law. The law should guarantee to all persons the rights included in the Covenant without distinction of any kind, such as sex, national or social origin, birth or other status, and should prohibit discrimination by providing all persons equal and effective protection against discrimination on any grounds, including sex, national or social origin, birth or other status.
The International Convention on the Protection of the Rights of All Migrant Workers and Their Families (MWC) provides in Article 11 that no migrant workers shall be held in slavery or servitude or required to perform forced labour. Article 25 requires states to take all appropriate measures to ensure that migrant workers are not deprived of any rights concerning remuneration and other conditions of work on the basis of irregularities in their work or residence status. The same Article also guarantees equal treatment for migrant workers concerning terms of employment, including remuneration, overtime, paid holidays, hours of work, safety, health, and termination of employment. Article 54(2) provides that if a migrant worker claims that his or her employer has violated the terms of her or his work contract, he/she shall have the right to address his/her case to the competent authorities of the state of employment on the basis of equality with nationals of that state. This provision, though it is meant for migrant workers who have gone to a different country, is considered relevant for migrant workers in China going to a different province, for example, migrant workers from Hubei working in Guangdong and having to address their issues to the authorities in Guangdong.

China has signed on to, or is considering signing on to, all of the above treaties except the MWC, and is an active supporter of the PfA which was adopted at the Fourth World Conference on Women held in Beijing. To implement the CEDAW, China adopted the Law to Protect the Interests and Rights of Women in 1992; this was amended in 2006 to address some newly emerging issues and to make it more operational, given that it has not even once been used in legal proceedings in the previous fourteen years. In an effort to align domestic laws with international standards, such as the ICESCR, the Chinese government revised the Marriage Law (2001), the Land Contract Law (2001), and the Labour Law (2001), and has just adopted the Property Law (2007). The Employment Promotion Law and Labour Contract Law have also come into force as of the beginning of 2008. In the process of discussions prior to their adoption women's groups had been actively advocating on behalf of women's interests. Migrant women workers are one of the women's groups voicing their opinions on issues of minimum pay, lack of social security and violence at the workplace.

In the laws that have been adopted, there has been varying success in considering women's concerns and making a positive impact on women's lives. Women's access to land is an area where women are able to use the Land Contract Law to win their rights to land, whereas women's equitable employment opportunities continue to be an area where women feel unprotected as the enforcement of the Labour Law is very weak. Migrant women workers are finding more areas in which they are gaining employment, but they are not gaining rights as labourers in terms of access to benefits and entitlements.

Similarly, China has made moderate progress towards the goals of the Beijing PfA, though it has carried out a first national action plan from 1995 to 2000 and it
is now implementing the second National Program for the Development of Chinese Women, extending from 2001 to 2010. Progress is even more insignificant with respect to migrant women workers. Considering the challenges Chinese rural women have had over the past decade, from the collapse of the collective economy and welfare in the countryside to the rise of vulnerability among migrant workers to industrial restructuring, any progress in rural women's advancement in a country that is in rapid transformation is a very difficult, but increasingly urgent task, and one which needs active, appropriate government support. To identify gaps in government policies, and the impacts of these gaps on women and especially migrant women workers, there is a need for a perspective which, discerning gender relations as key social institution and integrating a women's rights and men's involvement approach, helps recognize women's gendered needs, and the way these arise from the disadvantaged position of women in gendered power relations.

**Gender Relational Perspective in Policy Research**

The gender relational perspective is concerned with elucidating the role of gendered power relations in the rise of inequalities in migration in China in recent years. Although inequality generally occurs between rural migrant workers and local urban residents due to discriminatory policies and treatment, there is, more importantly, gendered inequality experienced by women migrant workers. Gendered inequality arises from the influences of cultural values on the existing unequal gender relationships and from the different needs and interests of women and men due largely to their different economic and social positions in society. These influences form a barrier to the realization of equality as traditional norms devalue women's work at home and segregate women into the lowest end of labour markets where low pay is combined with poor working conditions and low protection of labour rights. For instance, women's vulnerability to discrimination is increased by the widespread belief that it is appropriate for them to work in domestic service or as casual labour because their main responsibility is to be at home. Cultural expectations have encouraged women to be submissive and therefore they are less likely to be organized and are often excluded from labour unions. Women, especially in the countryside, are in a weaker position than men in owning property, have less access to productive resources and are, consequently, frequently dependent on men. This is connected to the fact that women resort to risky behaviour — selling blood and sex — when they experience disruption of their families and poverty, and when migrating from rural to urban areas in search of jobs. Women and girls are particularly susceptible to the growing trade in forced labour. Men's social and cultural superiority, furthermore, has enabled them more easily to move to other areas and does not encourage them to take on domestic tasks or provide care at home. This understanding of gendered power relations as obstacles to promoting equality in migration in China shall help identify priority-targeting areas in government strategy to addressing migration. It also enables
recognition of vulnerabilities in relation to the infringement of the rights of women (and men) migrant workers to human dignity, to access to services and healthcare, and to participation in decision-making. This recognition is built on the integration of a women’s rights and men’s involvement approach and is helpful in capturing the gender impacts of policies, impacts of which we cannot acquire full recognition simply by looking at women and their interests and needs.

The women’s rights and men’s involvement approach highlights the specific needs of women and girls as a consequence of biological and social differences and, therefore, the need for focused interventions to protect their rights with men’s involvement (Chen 2008). This analysis of women’s gendered needs, in addition to their biological needs, from their involvement in gendered power relations helps to identify grey areas in policies and practices related to economic growth and labour regulation in China that are seemingly discriminatory and biased against women. For instance, in China, rural women (and men) who are attracted to work for international capital in transnational corporations are not organized and receive poor labour protection and benefits. Those rural women who came to urban areas for jobs often find it easier to be employed in domestic work and often receive low pay and are exposed to abuse as their work is in most cases arranged informally. Policies that may appear to be gender neutral but, in actuality, fail to take into account women’s interests and needs, especially as they relate to domestic service and informal work, therefore, do not promote equality. Only strategies which address women’s gendered needs and promote women’s rights to labour protection and which increase men’s involvement and awareness of their responsibility for promoting equality will be efficient in overcoming discrimination. Men’s involvement and awareness is crucial because the elimination of discrimination needs men to be not only responsible citizens and corporate citizens but also because they are the “gatekeepers” of policy-making and as such need to be gender-responsive.10

This women’s rights and men’s involvement approach complements the gender relational perspective as the latter helps recognize gender discrimination in Chinese policies while the former pays attention to women’s growing gendered needs in part as a consequence of gender differences and inequalities. To bring the recognition of gender inequalities and women’s growing gendered needs into the mainstream of policy-making constitutes an important step forward for the rights-based approach to future policy initiatives because it promotes men’s involvement and their increased awareness of their responsibilities. These policy initiatives aim to identify proactively, and then to respond adequately to, different gendered needs, and in so doing to overcome vulnerabilities and promote fairness. They will also help promote the equitable participation of women migrant workers in policy-making. Such policies will, moreover, help transform gendered power relations, encourage changes to stereotypical perceptions of roles and behaviour, and overcome discrimination.11 Discussions on priority areas for future policy research and action in the last section are provisional but are derived from an
analysis of gender gaps in government policies, especially those that promote economic
growth at the expense of migrant workers, and that diminish social services and increase
individuals' burden of their care and costs. What immediately follows is an examination
of these gaps in Chinese policies under the light of the above analytical framework.

Gender Gaps in Chinese Economic and Migration Policies

At the Sixteenth Congress of the Chinese Communist Party in November 2002, the
ideal of a “xiao kang” (literally, “well-off” in English) society was adopted as China’s
development goal and was written into the Constitution of the Party to orient every
aspect of the government work in the next decades. With the goal of an annual per capita income of more than US$ 2,000 by 2020, this “well-off” society aims to
further the development of a socialist market economy and also adjust socio-economic
structures, including industrial, agricultural and social sectors. A “scientific course of
development” emphasizes two fundamental elements for China’s future development:
people-centred governance, and a strategy to overcome the imbalances in economic and
social processes in both rural and urban areas that have arisen from the single-minded
pursuit of economic growth. This course of development is not only meant to correct
the past course of development oriented towards growth of the Gross Domestic Product
(GDP), but also aims to shift China’s future development towards a xiao kang society
founded on the principles of fairness, justice, harmony and equality and the democratic
principles of openness and participation. It is to understand the imbalance between
economic and social developments in China that the following section examines gender
gaps in government policies which have affected the lives of migrant workers, especially
women.

Gendered Impacts of Economic Policies on Migration

At the start of economic reforms in the late 1970s, the Chinese government adopted the
system of household responsibility for land contracts in the countryside; this allowed
villages to distribute land use rights to individual farm households. This system entailed
the collapse of the communes, the base of the previous collective rural economy, and
released thousands of surplus labourers from the land. While the development of rural
industries has been a government strategy to keep many of these labourers employed
in rural areas, many others began to migrate to urban areas seeking employment. Men
migrated to the cities first in order to work in construction and other heavy manual
labour areas; this left the responsibility for farm work and running the household,
including raising children and care for the elders, to their wives. Soon young women
also left their rural homes to take advantage of the demand for labour created by
the open-door policy of the early 1980s, which allowed international investments in
labour-intensive manufacturing and factories. These young women subsequently found
employment in newly opened economic zones created to encourage these investments.
In the beginning these zones were located in the south, especially Shenzhen and other areas of Guangdong province. By one estimate, women made up 80 percent of migrant workers in Guangdong in the 1990s.

Both the land contract household responsibility system of the countryside and the open-door policy in urban areas seemed gender-neutral and oriented towards stimulating production and reviving an economy that was on the verge of bankruptcy. But, in actuality, these policies were one-sided and were filled with gender biases, especially against rural women. For instance, the land contract household responsibility system was, on the one hand, so economically focused that it did not devise social and gender-sensitive means to help relieve pressures on those who left their land and went into the cities to find employment. Without social organizations to help with the transition from rural to urban settings, migrant workers in the 1980s, especially women, were left unprotected from abuse by criminals profiting from the unregulated labour markets by selling trafficked women into forced labour or other dismal situations. Unlike their predecessors, who were absorbed into the industrialization process more systematically through the expansion of factories and cooperative movements in the 1950s in the period after the CCP took power in China, today’s migrant workers are commonly classified as “floating population” (liudong renkou) by different levels of government to indicate their unofficial, temporary, de facto, and “nonhukou” status. This term “floating population” refers to anyone who has moved, either temporarily or for the long term, from their registered place of residence without a corresponding transfer of official residence registration, or hukou (Jacka and Gaetano 2004, p. 1). The term suggests that migrants move blindly or unsystematically and that their nonhukou status distinguishes them from local residents who have a household registration. Also different from their predecessors, who were brought under the coverage of the Labour Insurance system established in 1953 upon becoming workers in a factory or a cooperative (Kang 2003), today’s migrant workers are unorganized, mostly rely on (informal) social networks for job opportunities and are excluded from any welfare programs.

The open-door policy, on the other hand, invited foreign capital to start factories in special economic zones (SEZs) such as Shenzhen and to form joint ventures with state-owned enterprises in government-designated industries. It favoured foreign capital while the Chinese government invested in buildings, roads and overall infrastructure. Though the government was concerned that some level of advanced technology was transferred to the SEZs, it did far less to assure that labour issues were dealt with in accordance with the Labour Law. Thus, when local governments implemented the open-door policy, employers and management were treated favourably, which included favourable tax rates and tax holidays, as well as reduced tariffs for imports and exports. However, because this capital investment inflow was attracted to China in order to take advantage of the abundant supply of cheap labour, local governments largely ignored the rights of the workers. The supply of cheap labour is largely composed of
migrant workers. The international capital that first started locating factories in China's SEZs was predominantly based in nearby Korea, Taiwan and Hong Kong, and would take advantage of the supply of cheap Chinese labour by operating labour-intensive industries, such as manufacturing of footwear, textiles, toys and other lines of quick return consumer products. These factories and their private recruiters often targeted young rural women fresh from the countryside and imposed on them strict and intimidating rules, assuming that young rural women were cheaper, inexperienced and docile. Also, many parents of these young rural women were willing to send them away, based on the word of a friend or a fellow villager, in order to find work and to support their families back in the village. This almost inexhaustible pool of labour allows factories to maintain tough terms of employment because any employees who want to leave or complain about the sometimes unbearable working conditions are simply replaced by fresh, vulnerable batches of workers (Chan 2001, p. 10).

As Anita Chan (2001, p. 11-15), Tan Shen (1998), Gaetano and Jacka (2004) and others discuss, there are several reasons that migrant workers were under atrocious terms of employment in Shenzhen and other coastal cities. All suggest that the open-door policy failed to consider gendered power relations and the way in which discriminative practices by different levels of the government affect migrant workers, especially women. Firstly, the migrants are subject to tight “immigration” controls under China’s household registration system. In order to leave their village, farmers have to apply for a permit from their local government. To stay in any city, they have to apply to the local police for a temporary residential permit. To work in the cities, they need to secure a contract with an employer, and then their stay needs to be approved by the local labour bureau, which issues a work permit. They are often trapped if the employer takes their temporary residential permit away from them. This residential status makes the character of their stay in the cities like that of foreign nationals living as guest workers. They are not entitled to any of the benefits enjoyed by the local residents such as social welfare, schooling, the right to own property, to bring their spouses or children with them, or even any right to residency. Once their labour is no longer required, they are supposed to go back to their place of origin. Periodically, the police carry out raids to round up those who do not possess a proper permit. Those caught are harassed, humiliated, and mistreated, thrown into detention centres where the conditions are sometimes worse than state prisons, and then sent back to their rural homes. The effect of this temporary residential permit system on migrant workers has been noted repeatedly at the Chinese legislature, the National People’s Congress, in recent years, and some local governments, including that of Beijing, have been discussing reforming the system. To date, changes in this system have been inconsequential.

As the temporary residential permit is extremely important to migrant workers, it often provides the perfect tool with which to coerce them into forced and bonded labour. For example, when migrant workers are required to pay for this permit and
the work permit in one lump sum, which is too much for the migrants to afford, the factory pays on behalf of the worker and then deducts a sum from each month’s wages, trapping the worker in a bonded relationship and ensuring that they cannot easily move to another employer. Worse still, some factories collect these permits and identity papers from the migrant worker for “safekeeping.” Though this practice is illegal, it is a common practice and the result is that the worker cannot go out in public (to search for other employment, for example) for fear of being caught by a police identity check, and, also, that if they find other work it can be difficult to retrieve the permit. This practice makes the worker vulnerable to dictation of the terms of employment by the factory, which include being forced to work long hours and to stay in regimented, poorly-built and often very crowded dormitories heavily guarded by private security guards.

Secondly, the use of private security guards in factories and dormitory compounds is very common. Companies that supply security guards are often connected to the police and sometimes police officers work as security guards in their spare time (Chan 2001, p. 10). This internal security system set up behind factory walls is extremely effective at intimidating and controlling workers, especially as it is often augmented by off duty police who simply switch uniform. Chan (2001, p. 9) comments that while “[t]he discrimination against migrant workers in the Chinese case is not racial, [nevertheless] the control mechanisms set in place in the so-called free labour market to regulate the supply of cheap labour [and] the underlying economic logic of the system and the abusive consequences suffered by the migrant workers, share many of the characteristics of the apartheid system.”

Thirdly, the labour terms are dictated by the employer who charges “deposits” of between half a month and a month’s wages, not only further bonding the workers to the employer but also forcing the workers to stay till the end of a year (when it is required that employers pay in full the wages owed to the workers, a requirement that is not always followed). For migrant workers, the labour market is not free, insofar as they are unable to appeal to the terms of the Labour Law that recognizes, for instance, a minimum wage standard and the maximum overtime hours a month. The non-application of the Labour Law for the protection of migrant workers is not just the government’s oversight, but it is rather a selling point to attract international capital to take advantage of the cheap, docile labour in China. In the 1990s, the Chinese government introduced minimum wage standards for its urban workers and made paying minimum wages mandatory in the Labour Law in 1994 (Chan 2001, p. 11). In 1997, the legal work week was shortened to forty hours and the minimum monthly wage was set at RMB 420 (US$ 54 at the fixed exchange rate of US$ 1 to RMB 8.26 at that time) for the Shenzhen SEZ, RMB 290 (US$ 36) for Beijing, and RMB 315 (US$ 45) for Shanghai. Despite the very low minimum monthly wage standards set for Shenzhen and other cities, migrant workers could seldom receive it except if they worked a large amount of (basically unpaid) overtime. For instance, Chan (2001,
p. 12) observed a Taiwanese-run footwear factory in Dongguan, Guangdong where
40,000 workers producing running shoes for Adidas, Nike, Reebok and other major
brand names made RMB 600 to 700 a month, double the minimum month wage of
350 in Guangdong. This seemingly high wage is attained, however, by working about
eighty hours of overtime a week, while the Labour Law then stipulated a maximum
overtime of thirty-six hours per month. When averaged out, this pay rate is barely
above the minimum wage. Moreover, when the forty hour work week was adopted for
the entire country, Shenzhen city government appealed to the State Council to delay
implementation under pressure from international investors. As Chan (2001, p. 15)
learned, the State Council did not grant the request, but did compromise by allowing
flexible overtime, so long as permission is granted by the local labour bureau and the
workers agree. But the total amount of overtime per month should still be within the
maximum limit of thirty-six hours, as stipulated by the Labour Law. In the end, the
central government has allowed the law to be eroded because migrant workers have
neither the power nor representation to negotiate with management (or government),
due largely to the one-sided tilt of the open-door policy and local governments’ partiality
towards investors’ interests as they fear that if they enforce the laws then this investment
will move to other, more “flexible,” regions.

Fourthly, local governments must compete to attract international investors as they
rely on corporate taxes as revenue. Investors come to do business with local governments
when there is a more relaxed enforcement of labour standards. Considering, moreover,
that local governments and bureaucracies in many cases are partners of joint ventures
and that they provide land, buildings and roads, they have a vested interest in ensuring
the docility of the workers through the erosion of labour market regulations. It is not
unheard of for local governments to stand together with management and against labour. Tan Shen (1998) has documented many cases in which migrant workers suffered
from violence and local governments did nothing to help. The fact that the workers
are migrants, not constituents of these local governments, makes them all the more
vulnerable to exploitation.

This exploitation is particularly gendered as it deprives migrant women of their
rights not only as labourers but also as women. As researchers (Chan; Tan) have
documented, factories only recruit women up to 29 years of age and adopt strict rules
against dating and pregnancy. Pregnant women faced immediate discharge. Migrant
women workers have no chance to gain entitlement to reproductive healthcare and
other women workers’ benefits, which the government has granted workers in the state
sector. Worse still, they are frequently exposed to sexual abuse and violation of their
right to human dignity at the workshop. It is also documented that security guards
conduct strip searches on the suspicion of theft. Eighty women workers were burned
to death in a factory fire because the building was locked to keep workers working
and from leaving without permission. These are all aspects of an exploitative labour
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regime emerging out of the economic reforms and the open-door policy, which not only represents worsening gender relations in the globalizing Chinese economy but also epitomizes the devastation of all past achievements to secure the rights of Chinese women workers.

Nowadays, this exploitative labour regime has extended from the southern coastal cities north and westward to the interior provinces as international capital continues to seek cheaper labour, and as migrant workers have refused to go down to Guangdong to endure the exploitative terms of employment (Jin 2006). This geographic spread in the exploitation of Chinese labour by international capital has become an urgent issue for the Chinese government in its adoption and enforcement of international standards to protect the rights of workers. The plight of these workers is linked to the decline of social policies in China.

**Gendered Impacts of Social Policies on Migration**

Since the economic reforms, the Chinese government cut social spending at the same time as the system of collective welfare in the countryside collapsed and there was a massive layoff of workers in light industry and manufacturing during industrial restructuring. By one account (An Analysis Report of the National Health Services Survey in 2003, 2004, p. 9, 178), for instance, the annual increase of per capita income between 1998 and 2003 was 8.9 percent in urban areas and 2.5 percent in rural areas. Annual expenditure on healthcare, however, had gone up at a rate of 13.5 percent for the urban population and 11.8 percent for the rural population. In 2003, a visit to the hospital cost RMB 219 on average in urban areas and RMB 91 in rural areas. Based on 1998 rates, this is an increase of 85 percent and 103 percent, respectively. On average, a person paid RMB 7,606 per year for hospitalization in urban areas and RMB 2,649 in rural areas (more than a year's income in many rural areas), up by 88 percent and 73 percent from 1998. Between 1978 and 2002, personal health expenditure rose 40-fold (Blumenthal and Hsiao, 2005). Also, between 1980 and 2004, while the economy grew by leaps and bounds, the total health expenditure increased from RMB 14.3 billion, which was 3.17 percent of the GDP in 1980, to RMB 568.5 billion, about 5.7 percent, in 2004 (Zhu 2005, p. 25). The government spending on health, however, went down from 36.4 percent of the total health expenditure in 1980 to 15.3 percent in 2003, leaving individuals to pick up an increased health expenditure of between 23.2 and 60.2 percent (Rao and Liu 2004, p. 36). Eighty percent of government spending on health, moreover, was concentrated in the big cities, and thirty percent of this was invested in the big hospitals of these cities, especially in purchasing high priced equipment (Zhu 2005, p. 25). This reduction, therefore, brought about a de facto privatization of the medical system as facilities turned to the sale of drugs and other health commodities to finance their operations and pay workers' salaries. While the government covers only 10 percent of hospital budgets, facilities are allowed to take a 15 percent increase on the
price of drugs and use 10 to 15 percent of the hospitalization services for making profit (ibid., p. 32). This government policy, in effect, encouraged facilities to increase revenue through promoting the use of high-tech equipments and selling expensive drugs, leaving actual care for patients or their families to pick up. This, thus, creates a market in patient-care workers, who are mostly migrant women workers of various ages and are hired on an individual basis by patients’ families. This commercial behaviour of medical facilities greatly increases the costs for users, the majority of whom are uninsured and pay for care out of their pockets.

By and large, one central reason for the cutbacks on healthcare and other social spending is, as Diane Elson (1999) has argued, that governments’ lost revenue through the reduction of tax levies on businesses with foreign investment. A consequence of the cutbacks is the rise of the cheap and extremely low-paid so-called “informal work force” in cities, which includes those who provide personal care to patients in hospitals and domestic services to the young, the old and the sick in private homes; those who do janitorial and cleaning work in public and private buildings and establishments; and the increased use of women’s unpaid labour at home. While women’s unpaid work is not the subject here, the “informal work force,” which is made up of laid-off workers, an overwhelming majority of whom are women who have left a regular paid job and fallen out of the coverage of the Labour Insurance, is invariably under recognized. In this “informal work force” are also those migrant workers who have come from rural areas and are working in low-paid, heavy and dirty jobs which most city dwellers would not do and which are likewise excluded from the Labour Insurance coverage. One reason this work force is “informal” is that it is dominated by marginalized women who seldom hold proper contracts with employers and thus rarely fall within the protection of the law, including the rights to minimum wage and maximum overtime. Thus, social policies based on the reduction of spending on public goods and services are inherently biased against women, not only in terms of the poor, the majority of whom are women who are not able to access services, especially in reproductive and preventive healthcare, but also in terms of generating an increased burden of care for women and discriminatory treatment of women who take up jobs in the services sector in “informal” arrangements.

Recognition of employment in the service sector based on “informal” arrangements started to appear in China in the 1990s. During this period, this sector expanded rapidly to include a growing number of migrant workers and laid off workers, a majority of whom are women, and who found self-employment, subcontracting, part time and casual labour as a way to make ends meet. The ability of this sector to absorb many of the retrenched workers during industrial restructuring, as “a shock absorber,” has led Chinese policy-makers to advocate expanding community services but without taking away the “informal” arrangements. Also, this sector has absorbed many of the migrant workers coming to the cities from the countryside. In 2003, more than 80 million of the 150 million surplus labourers in rural areas moved to the cities either as migrant workers
or for business as a result of the lifted restrictions by government on the employment of rural people in cities. Many of the migrant women workers are poorly educated and lack the skills to find stable jobs, and they end up working as casual or domestic labour in the informal sector. By one account, 15 million of these migrant workers work in domestic services. Even the Ministry of Labour and Social Security has taken note of this increase and adopted measures to regulate this labour market, through defining contractual relationships between the migrant worker, the employer and the recruiting agency and liability for compensation of work-related injuries. Unfortunately, however, while the informal sector is still growing rapidly, most of the workers in this sector have slipped through the social safety net and experienced challenges to their security of income and livelihoods. They have also experienced sexual abuse and violence by employers, deprivation of their rights to human dignity and security, and frequently have worked as forced labour. For instance, *yue sao* (literally, "new child sister-in-laws," namely, domestic workers who take care of new babies) are not allowed to go out of the house for months and live like forced labour with little freedom. The exploitative role of recruiting agencies in this sector has also been documented in recent events concerning foreign franchises in Guangdong Province, including MacDonald's and KFC, where cleaning women are used on a part time basis and paid below the minimum wage.

The rise of vulnerability among those in the informal sector, especially migrant women workers, has highlighted the need for a more comprehensive approach to employment promotion and social security. Such a comprehensive approach would demand legal recognition and vigorous enforcement of contracts with minimum hourly wage standards and maximum overtime hours as well as entitlement to decent working conditions and social benefits. This approach, moreover, would reject the previous social security system based on employer liability mechanisms and endorse innovative contribution mechanisms, some of which have been incorporated in the recent Chinese experiments with social pooling for the eventual coverage of workers in all sectors, public and private (Chen 2008). A catch, however, is whether the Chinese experiments will take on a policy framework of protecting labour rights among migrant women workers while promoting “informal” employment.

A further issue with the gendered impact of social policy on migration is that of schooling for the children of migrant workers. Up until 2006, children of migrant workers in Beijing, Shanghai and Guangzhou have been invited to attend local schools. However, high school fees imposed on children without local household registration, long travel distances from remote suburban neighborhoods where migrant workers live and discriminatory treatment of these children by teachers and local students continued to intimidate them. In the end, after many appeals, these children still opted to go to the underfunded, segregated schools for migrants set up by volunteers and NGOs working to improve migrant workers’ conditions, often in suburban areas.
Lihua Primary School in Tongzhou District, Beijing is an example; it was set up in 2005 by a migrant workers' organization called the Workers' Family. This organization was established in 2002 as a non-profit enterprise by obtaining a license from the local Bureau of Industry and Commerce. It has conducted computer, skills and legal training among migrant workers and organized a song and dance troupe to perform in factories, construction sites and areas where migrant workers concentrate. Like several similar migrant workers' organizations I interviewed in Shenzhen in September 2007, this organization is concerned not so much with political rights but with migrant workers' economic rights as it aims to prepare migrant workers to become qualified members of the working class, who function knowledgeably in an industrial setting and who use existing laws to protect their legitimate rights. One right of migrant workers the organization considered legitimate is the right of migrant workers' children to education.

In 2006, when the Beijing Municipal Government threatened to close all schools like the Lihua Primary School set up only for children of migrant workers, the organization launched a public campaign in coalition with other civil society organizations. After much publicity, the Municipal Government gave up pressuring the school to close. At the time of my visit on 26 September 2007, the school had 400 students; each paid up to RMB 400 a term and RMB 100 extra for boarding costs, a fee much lower than that of a local school. When finishing at this primary school, one third of the students would join their parents looking for work in Beijing. Another third would try to find a vocational school somewhere to learn a trade; their fees would be paid by their parents who most likely would have saved enough money from operating small businesses to pay for their child's training. A final third, who had done well at school and demonstrated potential in learning, would be sent back to their native areas to attend senior level schooling and to prepare for higher education. This last group of students, when sent back without the company of their parents, would sooner or later develop what Chinese researchers have called the syndrome of "left behind children," one shared by many children who stayed behind with grandparents or other relatives in villages while their parents moved to the cities for work (Yang Juhua and Duan Chengrong 2008). Evidence suggests that this group of children is most vulnerable as they miss care and guidance and they develop a dislike for learning and other unhealthy attitudes.

CONCLUSION: PRIORITY AREAS FOR FUTURE RESEARCH

This paper is part of a research project that seeks to understand the impacts of gender gaps in policies on migrant workers in China, especially migrant women workers who have been subject to exploitation and the deprivation of legal protection of their rights in "informal" employment under the deregulation of the labour market. It has developed a feminist political economy framework, making use of a gender relational perspective
with a women’s rights and men’s involvement approach, to analyze the economic policies of distributing land to individual households in agricultural and rural areas, and opening the door to international capital in industrial and urban areas. These policies contain gaps due largely to the fact that they failed to take into consideration gendered power relations and women’s gender specific needs. These gaps exist especially in areas marked by an absence of government action, such as in facilitating and supporting equitably rural-to-urban migration, the erosion of labour market regulation creating oversupply of cheap labour, and lax enforcement of labour standards. The gaps affect migrant workers, especially migrant women workers who form the majority of the work force, in both the exploitative labour regime dominated by international capital and the exploitative “informal” labour regime dominating the services sector. Both regimes are exploitative and dangerous to inexperienced rural women who travel to urban areas in search of employment as they are exposed, from time to time, to the predation of abduction and trafficking and fall increasingly into forced commercial sex work as competition in the job markets intensifies. The analysis that is planned to follow shall be devoted to an examination of these two exploitative labour regimes in which migrant women workers experience violation of their rights to human dignity, freedom, and decent work conditions.

The identification of these above gaps supports the gender relational perspective, including the approach marked by recognition of women’s rights and men’s involvement, used in the conceptual framework of this study, and provides sufficient evidence for the need for a gender-responsive and rights-based strategy to balance development with the equitable use of migrant workers. The adoption of this strategy, which forms the subject matter of the last analysis of my forthcoming research project, will enhance the ability of the government to address differences in gendered needs between women and men. In addressing actual or probable gender inequities in rural-to-urban migration, I suggest that there are three priority areas which need attention from policy-makers and monitoring efforts by researchers and activists.

The first is the need for more systematic examination and monitoring of the impacts of exploitative labour regimes on migrant workers from a gender relational perspective, in order to inform policy and legislation towards a more equitable and harmonious xiao kung society.

The second urgent issue is that of identifying gender-based biases in government policies and legislation that have potential bearings on the lives and work of migrant workers. An important area to examine is the gendered impacts of contradicting goals of policies to promote economic development versus social services and social security, including labour benefits, healthcare, migrant children’s schooling and the prevention and care of HIV/AIDS. One step to take is to harmonize these policies and remove gendered impacts by achieving compliance with international standards, including the MWC.
The third area for policy attention is the need for increased government action and institutional services to boost social support to migrant workers and to meet the different gendered needs of women. Civil society organizations and self-help groups can be established with the professional and technical assistance of government agencies and academia as well as the support of social institutions and service agencies. These organizations and groups may be formed voluntarily by migrant workers and operate with an agenda to eliminate discrimination against migrant workers, especially women. They likely provide a kind of social support that sometimes governments are unable to deliver due in part to gender blind policy making and uneven distribution of resources. Key to the adoption of gender sensitive policies towards migration is access to and participation in policy-making processes and social mobilization by migrant workers, especially migrant women workers themselves. China has been reminded by the international community of its obligation to its migrant workers and migrant women workers. The Chinese government will hopefully find a way, as it has already endeavored to do, to promote equality and justice towards the building of a harmonious xiao kung society.

ENDNOTES

2. See Sun Xiaohua, China Daily, 7 November 2005, p. 3, where it is stated that 40 percent of the population now live in urban areas in China.
4. According to Danforth (2003), "Male involvement seems to be the most comprehensive and useful term. Involvement can be of many kinds. Male participation is likewise quite broad, but implies participation in existing reproductive health activities, usually services for women. Male responsibility is less comprehensive than the first two terms. The term reflects the widespread belief that men have been 'irresponsible' and now should take their fair share of responsibility for birth control and STD use. Many men may well be irresponsible, but this cannot form the basis for a positive reproductive health programme that seeks to involve men and women in a transformative way." This paper employs the three expressions all in accordance with Danforth's delineation.
5. See Research Group of Rural Women Migrant Workers of the Sociology Institute of CASS (2000).
7. See Lanyan Chen's Gender and Chinese Development: Towards an Equitable Society (Routledge, 2008). Further references to this work will appear in the text.
8. Though the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) has been used in studies of migration in the world, it may have limited application here as China is not a party to the convention and has not considered different ethnic groups as races. The current study may have not had enough resources to expand the scope to include an examination of the gender issues encountered by migrant workers of ethnic minority origins.
For a discussion of an earlier version of the gender relational perspective, see Chen (2008).

For the notion of men as "gatekeepers," see Connell's paper on "The Role of Men and Boys in Achieving Gender Equality." The paper suggests that men still dominate the policy-making processes.

The absence of a legal definition of discrimination has been raised by the CEDAW Committee on China's sixth report on the implementation of the CEDAW as an issue that inhibits women's fight against discriminatory policies and practices.

The Chinese Premier confided on 21 February 2004 in a speech at a high-level seminar for provincial and ministerial officials at the Party School of the Central Committee of the Communist Party that building the "well-off" society would require the practice of a new "scientific concept of development." According to an official media discussion of the seminar, "the scientific concept of development proposed by the Chinese leadership featuring people-centred governance as well as comprehensive, coordinated and sustainable development of the economy and society will be crucial to the country's modernization drive in the future." See *Beijing Review*, vol. 47, no. 13, 2004, p. 22-23. Many believed that the unexpected SARS (severe acute respiratory syndrome) epidemic of 2003 sounded an alarm for China's leaders and prompted them to adopt the "scientific concept of development" (*ibid.*).

See Zai Liang and Yiu Por Chen (2003).

These numbers were first published by the China Labour News on 28 July 1997 and here they are taken from Chan (2001, p. 11). During my research trip to Shenzhen in September 2007, I learned from local informants that the minimum wage went up to RMB 800 per month.

For more, see Southern Weekend, 2002.

According to Ren Yuan (2003) there were a total of 10 million people employed at the urban community level and the rate of job increase at this level is 40 percent. Seventy percent of the employed at the urban community level are made up of laid-off women.


For a discussion of the social safety net in China, see Cook (2003) and ESCAP Study (2003).


The following discussion is based on my field notes.