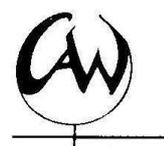




The Impact of Free Trade Agreements on Women Workers in Export Processing Zones in China

自由贸易对中国出口加工区女工的影响



China Labor Research Group

Committee for Asian Women

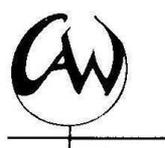
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中国劳工研究组

For



**Committee for Asian Women
2007**

The Impact of Free Trade Agreements on Women Workers in Export Processing Zones in China

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About CAW

Committee for Asian Women (CAW) is a regional network of 46 women workers groups in 14 Asian countries that aims to empower women workers to protect, advocate, and advance their rights. CAW is part of the global movement advocating workers' rights for over 30 years.

CAW's Vision

CAW envisions a world where all people are free to develop their potential without any form of domination and exploitation based on class, gender, colour or religious belief. This is a world where the common wealth is used for the common good, workers enjoy the fruits of their labour, women prevail against patriarchy, and women workers determine their own destinies.

China Labor Research Group

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Women Workers in China

Au Loong Yu , Globalisation Monitor, CAW Task Force Member on China

Over the past 10 years, the active urban working population in mainland China has grown to 200 million but its composition has changed greatly. Large-scale privatisation due to economic restructuring has dealt a big blow to the old working class. The number of workers in state-owned enterprises (SOEs) shrank from 190 million in 1995 to 83 million in 2000. The number of workers in collective enterprises has halved since 1995, or a net decrease of 14 million. Gone are the secured and well-paid jobs of the SOEs.

Women workers in SOEs are the first victims of such transformation. They were the first to get fired in the late 1980s and told by the government that women should stay at home to serve their families rather than competing with men for jobs. The propaganda of “women should return to their home” was so successfully promoted by the heavily censored media that it not only affected women workers but even fresh women graduates from colleges. In 1996, the Central government took the lead in barring or limiting women from getting new jobs offered by 42 departments of the State Council. Since then women workers have been more vulnerable than men in losing their jobs or getting new jobs. In 1999, while real unemployment rate for men was 4.18%, for women it was 5.64%.¹

More than 130 million workers from rural areas roamed the country in search of jobs. Workers were denied the basic right of association so they became totally defenseless against exploitation. They were less educated and less skilled than urban workers, thus their market value was considered to be substantially lower. All these factors made the wages of these migrant workers so low that it attracted a lot of foreign direct investment (FDI).

According to the ILO, there are 3000 Export Processing Zones (EPZs) in the world, employing about 43 million workers; most of them work in the 2000 Chinese EPZs.² While Chinese rural women migrants workers only accounts for 30 percent of the total numbers of rural migrants in urban, they accounts for 70 percent of the workforce in EPZs. The investments flow to countries where wages are exceedingly low, which implies a high profit rate. China was awarded the title of “the world’s factory” for its huge export. It should have been “the world’s sweatshop.”

In 1995 the government adopted the first labour code, offering protection on wages, working hours, employment regulations and holidays etc. But the code is rarely enforced. In 2006, eleven years after the enactment of the labour code, the State Council’s Research Institute still found out that only 12.5% of rural migrant workers had signed a contract.³ Most of the time labour departments ignores workers’ complaints and sometimes even pressures workers

¹ Gender and Labor Rights, edited by Guo weimin, North West Polytechnical University Press, 2005, p. 116-7.

² Export Processing Zones – Symbols of Exploitation and a Development Dead-End, ICFTU report, 2003, p. 8.

³ Investigation on China Rural Migrant Workers, Study Group of the State Council’s Research Institute, China Yanshi Press, 2006, p. 182.

to give up their rightful claims. In EPZs, the daily working hours is as much as 10 to 12 hours. During rush periods, it is common for workers to work from 8am to 10pm and in some cases they may even work until 2am. Many of them only have one day off or even none per month. That is much longer than the legal maximum working hours of 40 hours per week. Refusing to work overtime will result in firing.

Many women workers overwork at the expense of their health. In addition to this there are many more obstacles for workers to maintain their health: the management's harsh policy of no sick leave, restriction on using toilets, and high medical expenses charged by both private and public hospitals etc.

China is probably one of the most repressive states towards labour. Not only does it deny workers the right to organise, the labour department and official trade unions are so anti-labour that they often refuse to enforce existing laws when these laws are favourable to workers.

Another means to control migrant labor is the Hu kou system, or household registration, which denies permanent residency rights to rural households. As a result rural migrants cannot enjoy social benefits which are associated only with urban 'Hu kou'. Better jobs are often reserved for urban households as well. Migrant workers have to pay to get a "temporary residential card" in order to work. Failure to produce the card would be fined and harassed. The Hu kou system effectively bars rural migrant workers from raising families and putting roots in the urban areas. Those who have children often have to leave them in the rural areas. It was reported that there were more than 20 million children being left in rural areas while their parents work in the urban centres. Rural women migrant workers are often the ones who have to sacrifice their career in urban areas and return to their villages in order to take care of their children or elderly once they get married.

The economic restructuring and high unemployment resulted in the shrinking of formal work and the huge expansion of the informal sector. According to Shi Meixia's book on informal work, the numbers of workers in the informal sector reached 150 million in 2002. This labour force consisted of two main components: urban unemployed and rural migrants. In the informal sector, only 30 percent of them have some form of social security. Women again are more vulnerable than men in this aspect. While 20 percent of men in the informal sector have some form of pension, only 16.1 percent of women have the same benefits.⁴

In a 1987 investigation it was found out that the ratio of income for men and women was 10:8.3. In 2002 the situation had hardly improved. The table below shows that in 2002 women workers' wages remain lower than men workers. In mining and social services women's wages were less than 75 percent of men's.

⁴ Research on Labour Relations of Informal Employment, by Shi Meixia, China Labour Social Protection Press, 2007, Beijing.

Women's average wages as a percentage of men's

sectors	%
Agriculture and Fishing	87.0
Mining	74.7
Manufacturing	81.3
Electricity and Gas	88.1
Construction	88.5
Transportation and Telecommunication	86.1
Wholesales, Retails and food	80.1
Real Estates	84.5
Social Services	74.5
Others	81.3

Gender and Labour Rights, edited by Guo Weimin, North West Polytechnic University Press, 2005, p. 110.

Gender segregation in work remains another factor contributing to inequality of wages between men and women. For high paid professions, women remain a minority compared to men. In 2002 women only accounted for 37% of the workforce of middle and high ranking professional technicians. Meanwhile the Party is still heavily dominated by men: in 1990 women party members only accounted for 14.5%, and after 12 years in 2002 the figure moderately rose to 17.3%. Since Party membership is a necessary qualification for promotion to leading position, it is not astonishing to see that, in 2000, the numbers of men among leading cadres was four times the women.⁵

Now more women workers than before are beginning to become aware of their basic rights and fight for them. It is the responsibility of the international workers movement to support their cause both materially and spiritually. Only with such support can the Chinese workers advance their emancipation from the oppressive yoke of both the despotic state and the transnational corporations.

PROFILE: Au Loong Yu has been a very active writer and researcher working on the issue of China and Hong Kong with special attention on labour issues. He has published two books (in Chinese) on China and globalisation. His articles in English have been published in various journals such as Asian Labour Updates published by the Asia Monitor Resource Centre and Against the Current (United States). He is also very active in the social movement. He is one of the founding members and editors of the Globalisation Monitor which focused on the issue of globalisation and extending the solidarity to the struggle of workers in mainland China. He is also the founding member of the Hong Kong People's Alliance on the World Trade Organisation (WTO) and its coordinating team member, an umbrella organisation which hosted the action week against WTO in December 2005.

⁵ Gender and Labor Rights, edited by Guo Weimin, North West Polytechnic University Press, 2005, p. 109-110.

I. Background

China was admitted into World Trade Organisation (WTO) on 11th December 2001. On 1st January 2005, the Multi-Fibre Agreement (MFA) was eventually phased out among WTO members. Afterwards, China signed bilateral Free Trade Agreements (FTA) with countries such as Thailand, Pakistan and Chili, as well as the Closer Economic Partnership Arrangement (CEPA) with Hong Kong SAR. Negotiations on MFA with other countries (including India, New Zealand and Singapore) are ongoing. Among them significant progress was said to have been achieved with ASEAN (the Association of Southeast Asian Nations).

China's low technology and labour intensive manufacturing industries enjoy spectacular comparative advantage in international trade because of the abundant supply of cheap labour. China emerged as the biggest garment exporter in 2004 with 26.6% of the world's total export; if taking Hong Kong into account, the proportion was as high as 38%. In the same year, the textile and clothing industries in China employed 19 million workers or 18.9% of the total employment numbers in the country's manufacturing sectors. Economists generally anticipated that China and India would be two main beneficiaries from the phasing out of MFA.

In the face of the further liberation of global trade and integration of China into global economy, we are especially concerned about the situation of workers, in particular the women workers in Export Processing Zones (EPZ) who are directly affected by the free trade policies. This research project aims to investigate the impact of free trade policies on women workers on production lines as well as examine the new developments in their working and living conditions.

II. Introduction

This research project was initiated by Committee for Asian Women (CAW) and was conducted in China, India, Indonesia, the Philippines and Sri Lanka simultaneously. This part of the research in China was conducted by the China Labor Research Group in five main cities of the Pear River Delta (PRD) in Guangdong Province in 2006.

We carried out a questionnaire survey and found that although garment workers' income had risen in the past two years in some extent, it was mainly a result of extension of working hours, leaving the longstanding workplace abuses of extreme long overtime, high work intensification, disgusting working environment and sex discrimination unchanged. Therefore, the workplace labour relations were turbulent and the labour turnover rates were extremely high. We suggested measurements such as workers' representation and grievance mechanism, workers' rights and consciousness education programmes and better

procurement practices so as to ameliorate the plight of women workers and stabilise workplace conflicts.

III. Methodology

This research was conducted in the PRD, the largest EPZ in China. Participatory action research (PAR) approach was applied with a questionnaire survey conducted by worker interviewers. 22 workers interviewers were first recruited to two training workshops. In the workshops, after learning the research background and interview skills, workers were encouraged to share their working experience in the garment industry. Workers' participation played a key role in the formulation of the questionnaire in order to make it fit to the practice.

A snowball sampling method was used in the selection of interviewees. By this method, interviewers got appropriate interview subjects through their personal networks and the respondents in turn introduced their friends and relatives to be interviewed. The advantage of snowball method is that a rapport can be built up between the interviewer and the interviewee. More reliable and in-depth information can be obtained. However, the method is criticised as lacking 'representativeness'. In this respect, workers managed to diversify informants to different scales of factories, departments and posts for the sake of more representative data. Informants came from, in a sense of geographical balance, five main industrial cities in the PRD, i.e. Shenzhen (89 workers, 28%⁶), Guangzhou (63 workers, 20%), Dongguan (60 workers, 19%), Foshan (53 workers, 17%), Huizhou (50 workers, 16%). Meanwhile, interviewers tried to select informants from senior workers in the consideration that they can understand the industrial situation better and give more longitudinal information for comparison.

City	Factory scale												Total	
	<500		501-1000		1001-1500		1501-2000		>2000		unkown			
	No. of fty	No. of info	No. of fty	No. of info	No. of fty	No. of info	No. of fty	No. of info	No. of fty	No. of info	No. of fty	No. of info	No. of fty	No. of info
Guangzhou	23	43	3	5	1	10	0	0	3	5	0	0	30	63
Foshan	5	19	3	8	0	0	2	19	3	7	0	0	13	53
Shenzhen	14	59	3	17	0	0	0	0	0	0	3	13	20	89
Dongguang	4	20	3	25	1	1	0	0	1	10	3	4	12	60
Huizhou	2	10	5	40	0	0	0	0	0	0	0	0	7	50
Total	48	151	17	95	2	11	2	19	7	22	6	17	82	315

⁶ Some of the figures of % were rounded off.

The survey was carried out from July to September 2006. 315 valid questionnaires were collected of which 277 or 88% were from women workers. 249 informants had been working in the industry for consecutive two years of 2004 and 2005. They were invited to compare their working conditions in these two years in order to grasp the trend of the industry. The period of fieldwork was slightly extended from our plan because it was during peak season which was very common for workers to work 7 days a week, 11-12 (or even longer) hours work-days. Moreover, workers usually lived within the factory-provided dormitory complex. Interviewers faced some difficulties in accessing the informants.

Despite this, the main advantage of this method is its 'worker-based' orientation. It allowed the researchers to draw direct feedback from the research subjects towards the research questions. It is only through women workers' own experiences and perceptions, a satisfactory answer for this issue can be gained. Nevertheless, the method has its shortcomings as we didn't have chance to interview the informants' employers or to read the official documents of the factories. This weakness limited our capacity to know how trade policies and procurement strategies of transnational corporations shaped the operation of the industry and in turn exerted influence to workers.

IV. Analysis

Based on our experience in the industry and knowledge of the labour market in the PRD, we analysed the findings of the survey as follows:

A. Workers' Background

Just like other EPZs in the world, the work force of the clothing industry in the PRD mostly constituted of young migrant female workers. In order to reflect this gender proportion, most of the informants (88%) we selected in the sampling were women. Among all of our informants, 64% were 30 or below and 31% were 21 to 25. Most of them (61%) had graduated from junior middle school and only 28 % had only cleared primary school. 98% of them had education of primary school or above (see Appendix I).

We surprisingly found that 59% of the interviewees were married leaving those in single status 40%, and both divorced and unanswered proportion was less than 1%. It is thus well clear that more and more married women came back to the factories after marriage. On the demand side, the rapid expansion of the industry also forces the employers to employ married workers at older age, especially those with more experience or skill, in the light of 'labour shortage' in the region. Another evidence to support this assertion was that 23% of the workers were 31 to 35 according to the survey.

77% of the informants had worked in the garment industry for consecutive two years or more,

44% for 2 to 4 years and 15% for 4 to 6 years. Nearly half (49%) of the respondents said that more job opportunities were now available to them in the industry. Only 5% said that their friends or relatives had lost job in the garment industry during 2005. Therefore, we can see a trend that more and more workers join and stay in the industry for a longer period. As long as more workers make their ends meet in the clothing industry, the industry's working conditions and the possibility of workers' self-organisation will certainly exert a profound effect on the prospect of Chinese workers in general. One of the purposes in this research was, therefore, to answer this pivotal question that Chinese migrant workers face.

B. Working Hours

Long working hours is the most common abuse in the garment industry. The Chinese *Labour Law* stipulates a strict regulation on working hours. According to the Law, the standard working time is 8 hours a day and 5 days a week; the maximum overtime work is 3 hours per day and 36 hours per month; workers are entitled to a consecutive 24 hours rest day after consecutively working for 6 days. In garment industry, unfortunately, all the regulations are almost not enforced.

According to our survey, 94% of the informants averagely worked more than 8 hours per day, and most of them (60%) worked 10 to 12 hours. 63% performed 2 to 4 hours overtime and 11% did extra OT of 4 to 6 hours. Obviously, the average working hours is very high, but it is not enough to reflect the real predicament of workers without referring to the instability of working time. Workers may not have access to any work and hence earn any income when the factory does not have orders, while on the other hand they may be forced to work overnight to catch up on a deadline at other times. In response to the longest overtime workers did in the previous month, 11% answered more than 10 hours and 50% said 4 hours or more (see Table 1). It is unambiguous that the phenomenon of overnight work is very common in the industry. Besides, there were a number of workers who need to work very long hours and were too busy to be interviewed.

Table 1: Longest Overtime in One Day during the Month before the Interview

Overtime (Hour)	Frequency (Person)	Percentage
<2	21	6.7%
2.1 - 4	133	42.2%
4.1 - 6	102	32.4%
6.1 -8	17	5.4%
8.1 - 10	6	1.9%
>10	33	10.5%
No answer or missing	3	1.0%
Total	315	100%

According to workers, both peak and low seasons spanned over all of the 12 months in one year. But in general, most (over 60%) chose the period from September to December as peak season while a largest number (20% to 30%) said that low season is from February to June. 22% also said that their factories did not have a differentiation of high and low seasons. The unstable market thus, directly becomes the burden of workers: their working hours and income are a big seasonal fluctuation. During low season, over half of the workers (56%) were underemployed working less than 8 hours per day. During peak season, in contrast, no one worked less than 8 hours, 63% worked 8 to 12 hours and 13% more than 12 hours per day. Reflecting on the income level, 26% got a monthly salary between 500 to 1000 yuan⁷ while all of the others (74%) earned more than 1000 yuan or did not answer. During the low season, however, more than half of the workers (53%) earned from 500 to 1000 yuan.

Table 2 : A Comparison of Salary and Working Hours in Peak and Low Seasons

Average Daily Working Hours (Hour)	Low Season Percentage (Person)	Peak Season Percentage(Person)
<4	2% (4)	0% (0)
4.1 - 8	54% (170)	0% (0)
8.1 - 12	19% (60)	62.5% (197)
>12	0% (0)	12.7% (40)
No answer or missing	25% (79)	24.8% (78)
Total	100% (315)	100% (315)
Average Monthly Salary (yuan)		
<500	6% (19)	0% (0)
501 - 1000	53% (167)	26% (82)
1001 - 1500	9% (28)	32% (100)
1501 - 2000	3% (8)	14% (43)
>2000	2% (7)	4% (13)
No answer or missing	27% (86)	24% (77)
Total	100% (315)	100% (315)

C. Wage Level

Wage is the real interest that concerns the migrant workers most. From the above we saw that workers' salary fluctuated dramatically as the working time change from peak to low seasons. The employment and income instability is indeed a result of 'just-in-time' and flexibility in production which are highly promoted in international trade today. In this research, one of our concerns is the change in wages earned before and after the phase out of the MFA. 249 workers provided comparable information on their working conditions in 2004 and 2005, the first year after MFA was totally phased out. According to the data (Table 3), workers'

⁷ 1 yuan \approx US\$0.125 as at August 2006

income in 2005 increased from 2004. In 2004, 2% of the informants made an average monthly salary lower than 500 yuan, whereas 67% between 500 and 1000 yuan and 31% more than 1000 yuan. In 2005, no one earned a salary lower than 500 yuan, and the percentage of those who had earned between 500 to 1000 yuan had reduced to only 31% while those earning more than 1000 yuan had increased to 48%.

Table 3: A Comparison of Wages in 2004 and 2005

Monthly Salary (yuan)	2004 Percentage (Person)	2005 Percentage (person)	Change (Percentage)
<500	1.6% (4)	0% (0)	-1.6%
500 - 1000	67.1% (167)	51.8% (129)	-15.3%
1001 - 1500	24.9% (62)	32.5% (81)	+7.6%
1501 - 2000	3.2% (8)	11.6% (29)	+8.4%
2001 - 2500	0.8% (2)	1.2% (3)	+0.4%
2501 - 3000	1.2% (3)	0.4% (1)	-0.8%
>3000	1.2% (3)	2.4% (6)	+1.2%
Total	100% (249)	100% (249)	-----

On the one hand, this improvement was, as the discussion on working hours, a result of the prolongation of overtime and the intensification of work. On the other hand, the hourly or piece rate was also increased. Nearly half (47%) of the informants indicated that their hourly or piece rate was enhanced in 2005 from 2004, while only 3% said that the rate was lowered. As showed in Table 4, this trend was in line with the remarkable augmentation of legal minimum wage rate in the region over the years.

Table4: The Change of Legal Minimum Wage Rate from 2004 to 2005

City	2004 - minimum wage (yuan)		2005 - minimum wage (yuan)		% Change of Legal Minimum Wage Rate
	Monthly wage	Hourly wage	Monthly wage	Hourly wage	
Shenzhen (inside SEZ)	610	3.7 ⁸	690	4.0	+13%
Shenzhen (outside SEZ)	480	2.9	580	3.3	+22%
Guangzhou	510	3.1	684	4.1	+34%

⁸ Rounded off to the nearest 10 cents.

Foshan	450	2.7	574	3.4	+28%
Dongguan	450	2.7	574	3.4	+28%
Huizhou	400	2.4	494	3.0	+24%

Generally speaking, most garment workers in 2005 earned 500 to 1000 yuan per month, depending on post, skill and experience, and worked 10 to 12 hours per day. By scrutinising the average hourly rate of the informants from June to August 2006, we found that workers' hourly wage rate was generally lower than the local legal minimum standard (see Table 5).

Table 5: A Comparison of Average Hourly Wage Rate and Legal Minimum Wage Rate from June to August 2006 in the PRD Cities (Unit: yuan)

	Guangzhou	Foshan	Shenzhen		Dongguan	Huizhou
			inside SEZ	outside SEZ		
Monthly Average Working Days	20.92	20.92	21.75		20.92	20.92
Legal Minimum Monthly Salary in July 2006	684	574	810	700	574	494
Legal Minimum Monthly Salary in June 2006	As above	As above	690	580	As above	As above
Legal Minimum Hourly Wage in July 2006	4.1	3.4	4.7	4.0	3.4	3.0
Legal Minimum Hourly Wage in June 2006	As above	As above	4.0	3.3	As above	As above
The Average Hourly Wage of Informants from June to August 2006 (Remark 1)	4.1	4.6	5.8	3.6	4.6	3.7
The Average Hourly Wage of Informants During Normal Working Hours from June to August 2006 (Remark 2)	3.3	3.9	4.9	2.9	3.8	3.0
Number of Informants in Each City	39	48	54	17	44	48

(Remark1) Hourly Rate = Monthly Real Income/(Total Working Hours)

(Remark 2) Hourly Rate = Monthly Real Income /(Normal Working Hours+1.5*Overtime Working Hours)

The Labour Law stipulates that the overtime wage rates of the normal working day out of 8 hours, rest day and status holiday 1.5 times, doubles and triples the normal rate respectively. If we ignored this regulation (see Remark 1), the average hourly rates of the informants in the five cities were between 3.6 and 5.8 yuan. Guangzhou and outside SEZ districts of Shenzhen were slightly lower than the minimum rate, while all of the other cities higher than that. Nevertheless, if we deducted the extra payment for overtime (see Remark 2), then in all of the cities, the hourly rates were lower than minimum standard except Foshan which were slightly higher than that. In Guangzhou, for example, the legal minimum hourly rate was 4.1 yuan, but the average normal hourly rate was as low as 3.3 yuan. Moreover, in our calculation, we simplified all of the overtime work as during normal working days (Remark 2). Had we considered the overtime work of rest days and status holidays, the gap would be even bigger.

However, the wages also include fees deducted by the factory for such as food, electricity, water, dormitory management and pension. If these amounts were excluded, then the real hourly wage received by the informants should be:

	Guangzhou	Foshan	Shenzhen		Dongguang	Huizhou
			Inside SEZ	Outside SEZ		
The Average Hourly Wage of Informants from June to August 2006	3.8	4.2	5.4	3.5	4.2	3.3
The Average Hourly Wage of Informants During Normal Working Hours from June to August 2006	2.9	3.5	4.6	2.8	3.3	2.7

As showed, the real hourly rate ranged from 2.7 to 4.6. All of the cities were lower than the legal minimum except the city of Foshan. The reasons for workers at Foshan had comparatively higher wages need to be further studied.

D. Working Environment

Working and living environment, labour discipline and work intensification are also striking problems prevailing in the low-technology and labour-intensive industries such as garment manufacturing. Our concern is whether liberalisation and deregulation of international trade in the recent years have been improving or deteriorating these conditions.

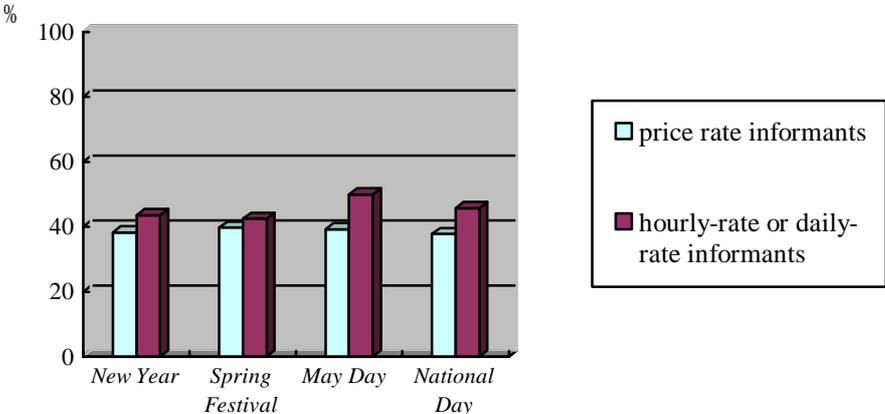
Comparing the situation in 2005 with what existed in 2004, 37% of the workers indicated that they had done more overtime work, 18% said that their work pace had increased, and nearly half (47%) said that work tasks had increased whilst 38% said that the tasks remained

unchanged. A general view of the industry is that piece rate workers preferred more overtime and faster work pace as these will contribute to an increase in their income. However, when we asked workers if higher income boosted up their motivation to work, only 6% said yes and 43% gave a definite answer - 'no'. It showed that workers' capacity for physical labour was reaching or had reached its limit and proves that when labour intensification has reached a threshold, wage stimulation does not necessarily advance the production efficiency.

21% said that they felt more 'exhausted' in 2005, but 28% said that they were 'not as exhausted as' before. This revealed that the working conditions in the industry were improving in the experience of some workers. Accordingly, 53% said that the factory environment in 2005 was better off in general. However, the improvement was only in terms of wages while progress in other relevant indicators was still very limited. One example is 0.4% agreed that the factory management control had tightened, but the statement was denied by 7% of the informants and as high as 93% did not give answer. 6% agreed that the management control had relaxed, and 47% denied this statement. 8% agreed that the managers were more tolerant to complaints over wage and working conditions, and 45% denied this. 16% agreed that the food was better off, and 37% disagreed. 19% agreed that the dormitory had improved, and 34% disagreed. 9% said that they enjoyed more paid leave. 25% agreed that the factory environment was cleaner in terms of sanitation and 28% denied this. Thus, a picture of general improvement was not present in management, food quality, welfare as well as environment in dormitory and workplace.

Moreover, it is not common for workers to enjoy the paid holidays. Among the 199 piece rate informants, the percentage enjoying paid leave on these holidays were: New Year (38%); Spring Festival (39.7%); May Day (39%); National Day (38%). All figures as we can see were lower than 40%. A higher ratio of the 92 hourly-rate or daily-rate workers enjoyed this benefit: New Years (44%); Spring Festival (42%); May Day (50%). Besides, only 13% female informants (36) were entitled to half day leave in the women's day on March 8th.

Comparison of Paid Leave



Furthermore, the survey revealed the severe sex discrimination at the workplace. More than half (53%) of the informants said that the treatment of male and female workers in the factory was unequal and an unfair environment existed for women. The most serious unfairness was discrimination with regard to the job position. 75% said that women and men performed different jobs. In addition, only 43%, or 3 of the 7 victims of sexual harassment, said that the offenders were punished by the factory.

E. Occupational Safety

We particularly investigated the occupational safety and maternity protection status of women workers. The survey showed that the dust, noise and work pressure are the top three prevailing pernicious elements in the factories. As showed in Table 6, among the 277 female informants, more than half worked in an environment with dust (74%), noise (63%) and severe work pressure (51%). In addition, 34% talked of eye-fatigue and suffered from muscular strain caused by repeated motion respectively. 28% worked in too high or low temperature. However, few factories adopted sufficient preventive and protective measures. Among those affected by the 3 hazards, only 19% said that their factories had dust prevention, 9% had noise protection and work pressure prevention respectively. Even amid the informants whose factories had taken preventive measures, as low as 35% and 16% respectively said that the preventive steps taken against dust and noise problems were enough. 46% said that work pressure was sufficiently reduced. Other aspects of preventive measures on OSH were even rarer. For instance, no one under the threat of toxic chemicals and heavy metals said that the preventive measures in their factories were enough.

Table 6: The Most Common Occupational Hazards and Protection Measures provided by Factories

	Hazard	% of affected workers (frequency)	% of workers in factories with protection over affected workers (frequency)	% of workers reported that protection was sufficient over workers in factories with preventatives (frequency)
1	Dust	74.4% (206)	19.4% (40)	35.0% (14)
2	Noise	62.5% (173)	11.0% (19)	15.8% (3)
3	Working pressure	50.5% (140)	9.3% (13)	46.2% (6)
4	Eyes fatigue	34.3% (95)	30.5% (29)	6.9% (2)
5	Muscular strain caused by repeat of motions	33.9% (94)	29.8% (28)	57.1% (16)

6	Workshop temperature too high/ too low	27.8% (77)	31.2% (24)	8.3% (2)
7	Injuries caused by machine operation	7.2% (20)	25.0% (5)	40.0% (2)
8	Chemicals	5.4% (15)	33.3% (5)	0% (0)
9	Eelectromagnet or radiation	4.3% (12)	8.3% (1)	100.0% (1)
10	Muscular strain caused by lifting	4% (11)	36.4% (4)	25.0% (1)
11	Heavy metals	2.9% (8)	0% (0)	-----
12	Biological factors (such as fungus)	1.4% (4)	25.0% (1)	100.0% (1)

Besides the threat from industrial disasters, concealed occupational diseases stemming from intense work were also very common. 51% said that they were suffering from intense work pressure which was followed by 34% suffering from eyes fatigue, 34% from muscular strain caused by repetitive motions. With regard to preventive measures for alleviating work pressure, eye-strain and muscular strain, only 8%, 14% and 8% of the workers respectively said that steps were taken by their factories. From the question concerning whether the measures taken by the factory were sufficient, no single measure was viewed as 'sufficient' by 10% or more of women interviewees. Only 7% said that dust prevention was sufficient and 4% said noise prevention was sufficient. Although the law stipulates regulations and requirements on industrial safety as well as prevention of the occupation diseases, the result showed that they were barely implemented. It was even more detrimental to women workers for whom special protection is needed.

40% of the female informants experienced menstruation abnormality, and 30% experienced anemia. 11% became pregnant while working in a garment factory. Among the 29 pregnant workers, 31% (9 persons) could not continue their work in the factory after becoming pregnant. All of the 9 workers said that the cause of their quitting was because they could not cope with the long working hours. 3 of them added that the boss' unwillingness to grant them leave for medical check was also one of the reasons that made them resign, while 6 said that they wanted to return to home village by themselves. Among the pregnant workers, 14% or 4 of them experienced a miscarriage while working in a garment factory. Long working hours, insufficient time for rest, work pressure, accidents during work, still birth, premature labour all accounted for their miscarriage.

The above phenomena are all a consequence of the failure to enforce the legal protection for women workers at the workplace. None of the workers said that their factory bought them birth insurance as requested in the law. Only 17% said that the 90 days of paid maternity leave was offered by the factory; only 2.5% said that health check of the pregnant workers

during the working time was counted as paid working time in their factory; only 1.4% said the factory provided paid leave for miscarriage. 70% said that pregnant women's overtime working pattern was the same with other workers, and nearly half (48%) said that they contacted poisonous materials even during pregnancy and lactation.

In addition to workers' legal rights not being enforced, an effective grievance channel is also totally absent which can further protect their rights and interests. For instance, 74% of the pregnant women said that it was impossible for them to discuss their maternity protection with the management. As a result, according to more than half (52%) of the women informants, pregnant workers in their factories collected wages and then resigned after finding out about their pregnancy; 14% of them even said that women quit the factory without collecting their wages; 34% said that they applied for unpaid leave to give birth at home; 1.4% said that pregnant workers were dismissed without any compensation. Either of the cases reflects the helplessness of women workers. Quitting work seems to be the only possible way to cope with discrimination.

F. Collective Organisation

The main reason for workers to continue working in a factory was 'wages are fine' (43% of the informants), while the main reasons for quitting a factory were 'working time is too long' (34%) and 'have got a better job' (34%). Unambiguously, as soon as the wage level in one factory is not compelling, workers change their jobs to show discontent over the working conditions, such as the long working hours.

The survey also found that most of the workers did not understand the labour laws well. For example, only 19% or 61 workers were able to answer the calculation method of overtime wage according to the labour laws accurately. Also only 22% or 68 workers could answer correctly the minimum wage rate in the city that they were working.

This scenario means that the trade union has not performed its primary role to educate workers on labour laws and reflect the opinions of workers. First, only 21% or 14 of the 68 factories from which the informants came established a trade union (see Appendix II). In terms of the number of interviewees, only 16% or 50 of the interviewed workers worked in a factory with a trade union. Even within a factory with a trade union, the trade union basically did not function in the eyes of workers. Among these 50 workers, 58% or 29 did not know who the trade union chairperson was; 62% or 31 said that trade unions could not represent the interests of workers or they did not know if trade union could do it or not; 40% or 20 thought there was no benefit to be a trade union member. Moreover, merely 5 of the 50 workers said that they were trade union members and only 3 could clearly state the benefits of joining a trade union including 'can voice out unreasonable issue' or 'can reflect [one's] own opinions'. The two informants came from 2 factories with more than 1000 workers in the city of Foshan.

Among the 50 workers, 42 were women. 43% or 18 of the 42 women said that there was woman representative in the trade union. 67% or 12 of the 18 women workers said that female representative was more able to reflect their opinions than the male while 17% or 3 disagreed with this statement and another 3 were uncertain about this.

As the trade union could not perform its primary role, workers sought help from local authority labour bureau (45%) and independent NGOs (30%) (See Appendix III). The former is responsible to handle the complaints from workers over the unlawful misconducts of their factories, while the latter promotes legal education and support among workers.

V. Concluding Remarks

This research was conducted 5 years after China joined the WTO. We found a series of changes in the garment industry. First of all, this industry is expanding so the demand for workers, especially the skilled and experienced workers, is going up. This development drives more workers into the industry on the one hand, and retains more married and older workers in the industry on the other hand. Therefore, the essential role of garment industry in Chinese economy and migrant workers' livelihood is rising further.

However, this rising role does not mean Chinese workers are major beneficiaries of the deregulation and liberalisation of the international trade policies in China. We found that workers' monthly salary had increased to some extent, but it reflected both an increase in working hours and an increased intensity of work or a rise of legal minimum wage. Actually the hourly or piece rate of most of the workers was still lower than legal minimum standard. Despite the income rise, their working time fluctuated highly and in particular workers suffered due to the rise and fall of working hours in the peak and low seasons. Employment relations are highly unstable in the industry. The protection and regulation on working hours in Labour Law is not enforced at all. Income is not the sole criterion to assess the working and living conditions of workers; given their work intensification and environment, it is clear that the predicament of garment workers today in general is still very horrible.

Similarly, the national laws and regulations on industrial safety and occupational health are also not enforced. Workers are at the high risk of occupational diseases and industrial disasters as they come in contact with toxic substances and pollutions as well as repeat a task intensively without proper breaks. In spite of huge stress, grievances and discontent, modern representative mechanisms and complaint procedures are absent. As a result, workers are forced to use 'quitting' as an individual way of protest and expression of discontent.

Although most of the workers in the garment industry are women workers, sex discrimination and oppression at workplace are very serious. Not only are women workers denied the legal

rights of paid maternity leave, maternity insurance and menstrual period protection, some of them are also physically traumatised by the unfair treatment because of their special needs such as pregnancy and menstruation.

Workers do not have a proper understanding of their basic legal rights. The positive role of official trade unions in supporting workers is very limited. Most of the factories do not establish a trade union at all. Even when there is a trade union in the factory, its primary role of representing and reflecting the opinions of its members is not performed. Given the imbalance of power between labour and management in the factories, the Labour Bureaus of the local state become a comparatively effective channel for workers' complaints. However, the prevalence of unlawful behaviour in garment factories is a sign of difficulty in law enforcement. For example, the problem of rushing to fulfil a deadline is structurally embedded in the procurement practice of the global buyers. The derived extremely long working hours in peak season is never easily resolved solely by administrative monitoring. Moreover, workers' awareness on the laws is still restricted and so more external support is needed. In this regard, labour NGOs can play a positive role. But the workers who are able to access their services are proportionately small.

The industry is now suffering from high work intensification and turnover rate, which is well signified by the problem of 'shortage of labour'. In the long run, the unstable labour relations will be harmful to the interests of both the factory owners and the global buyers. Thus, a stable labour/management relation is necessary for the sake of all stakeholders including the workers. Responding to a variety of problems we discovered in this research, we suggest four aspects of improvement:

- 1) To establish complaint and representation mechanisms in factories to channel workers' grievances and discontent;
- 2) To promote education of labour laws and labour rights among workers;
- 3) To promote the education of women's rights, feminist consciousness and women representatives in workplace;
- 4) To urge buyer corporations to modify their procurement behaviour and build up a long term stable relationship with factories and workers.

自由贸易对中国出口加工区女工的影响

中国劳工研究组

2007年5月

I. 背景资料

中国在2001年12月11日加入世界贸易组织。2005年1月1日，多边纤维协议（MFA）在世贸成员国之间全面取消。此后，中国先后与泰国、巴基斯坦、智利等国签订了双边自由贸易协议，与香港签订了类似自由贸易协议的《更紧密经贸关系安排》（CEPA），并与更多的国家（包括印度、新西兰、新加坡等国）讨论自由贸易协议，其中与东盟的谈判取得重大进展。

由于拥有大量低成本的劳动人口，中国的低技术、劳动密集型制造业在国际贸易中享有明显的比较优势。2004年，中国成为世界最大的成衣出口国，占世界成衣出口总额的26.6%；连同香港则高达38%。同年，中国的纺织和成衣业雇用了1,900万工人，占全国制造业就业人数的18.9%。经济学者普遍预测中国和印度将是MFA全面取消后的主要受益者。

在全球贸易越来越步向自由化，中国正全面融入全球贸易体系的同时，我们特别关心工人的处境，特别是直接受贸易自由化政策影响的出口加工区的女工。本研究旨在了解生产线的女工如何受到自由贸易政策的影响，她们的工作和生活处境的最新情况。

II. 研究简介

本研究计划由亚洲妇女劳工联系（Committee for Asian Women）推动，同时在中国、印度、孟加拉、印度尼西亚、菲律宾和斯里兰卡进行。中国方面的研究由中国劳工研究组于2006年在珠江三角洲的5个主要城市进行。

透过问卷调查，我们发现近年来，虽然制衣工人的收入有所增加，但主要是由于加班时间延长所致。行业长期存在的长工时、高劳动强度、恶劣的生产环境和对女工的性别歧视并没有改变。这导致了工作场所内的劳资关系高度不稳定，员工流失率高企。因此，我们建议透过建立工厂内的员工投诉和代表机制，对工人进行权益和意识的宣传教育，及改善采购商的采购行为等方法，稳定制衣行业的劳资关系，改善女工的处境。

III. 研究方法

本研究在中国最大的出口加工区——珠江三角洲进行。我们采用参与式行动研究法，由接受过专门培训的工人以问卷形式访问制衣工人。首先我们培训了22位工人担任访谈员。在培训访谈员的工作坊中，我们除了介绍研究背景和访谈技巧外，也让参与者分享她们在制衣行业的工作经验，以帮助起草和改善调查问卷，令其更适应实质情况。

访问在2006年7月至9月期间进行，共访问了315人，其中女工277人，占被访者的88%。被访者中在行业工作满两年，即2004年和2005年都从事制衣业的共249位；为了掌握行业最新的变化趋势，我们邀请该类被访者对这两年的情况进行比较。

在接触和选择访谈对象上，我们采用雪球样本法，即访谈员透过私人的关系网络找寻适当的调查对象，再经由这些调查对象介绍她们的亲友和相识接受访谈。这种研究法的好处是访谈员和调查对象之间有一定的信任关系基础，以便取得更可靠和深入的资料。但雪球样本法也存在缺点，被批评为代表性不足。回应此点，访谈员尽量选择来自不同规模工厂（见下表）、不同部门和不同职位的工人进行访谈，以取得更有代表性的数据。我们也尽量令被访者均衡分布于珠江三角洲内5个主要的工业城市：深圳（89人，占28%⁹）、广州（63人，占20%）、东莞（60人，占19%）、佛山（53人，占17%）和惠州（50人，占16%）。但访谈员倾向选择在行业内工作年资长的工人，因为她们更熟悉行业状况，以及可以提供较长时期的情况进行比较。

城市	工厂人数												总计	
	500人以下		501-1000人		1001-1500人		1501-2000人		2000人以上		不详			
	工厂数目	受访人数	工厂数目	受访人数	工厂数目	受访人数	工厂数目	受访人数	工厂数目	受访人数	工厂数目	受访人数	工厂数目	受访人数
深圳	14	59	3	17	0	0	0	0	0	0	3	13	20	89
广州	23	43	3	5	1	10	0	0	3	5	0	0	30	63
东莞	4	20	3	25	1	1	0	0	1	10	3	4	12	60
佛山	5	19	3	8	0	0	2	19	3	7	0	0	13	53
惠州	2	10	5	40	0	0	0	0	0	0	0	0	7	50
总计	48	151	17	95	2	11	2	19	7	22	6	17	82	315

访谈所花时间比原计划稍长，因为该段时间刚好是制衣业的旺季，工人需要加班加点工作，通常是每周工作7天，每天工作长达11至12小时，甚至更长，且居住在工厂提供的宿舍内，所以访谈员在接触工人上出现了一些困难。

这一以工人为中心的研究法有利于直接响应本研究的主体，即自由贸易协议对女工的影响，因为只有回到女工自身的经验和感观里，我们才能得到有效的答案。但也存在着不足之处，就是我们无法直接访谈被访者的雇主，或取得工厂的官方档案，以了解贸易政策和市场策略是如何改变行业的经营方式，从而转为对工人的影响。

IV. 调查结果分析

参考访谈员和研究员在行业内的经验和对珠江三角洲劳动力市场的了解，我们对问卷调查结果进行了分析。

⁹ 取整数；下同。

A. 工人背景

和世界其它出口加工区一样，珠江三角洲的制衣业劳动力也以外来年轻女性为主。所以，我们在选择访谈对象时，也偏向女工。接受我们访谈的工人中女性占88%。在所有的被访者中，64%年龄是30岁或以下，21至25岁的占31%。文化程度方面，接受过初中教育者占大部分，小学程度者28%，初中61%，小学或以上文化程度的被访者高达98%（见附录1）。

但是，在分析被访者的婚姻状况时，我们发现近6成（59%）的被访者是已婚人士，未婚者只占40%，离婚和未选者各占0.6%。可见，越来越多的女工在结婚后继续回到城市打工。而行业的快速膨胀发展，也令雇主在劳工供应紧张的情况下更愿意聘用年纪较大的已婚工人，特别是有经验的技术工人。31至35岁的工人，也占了23%，就是其中一个左证。

被访者当中，77%在制衣行业工作了两年或以上。两年至4年的有44%，4年至6年的占15%。有接近一半（49%）的被访者表示发现行业内有更多的就业机会，表示2005年有亲友失去制衣工作的只有5%。可见，就整个制衣行业而言，越来越多人加入，并较长时间留在行业之内。这就为本研究留下了一个重要的问题和任务，越来越多工人自愿或被迫地加入制衣业，靠这一行业维持生活，它的工作条件和前景，以及工人自我组织的可能性，都将有十分深远的影响。

B. 工作时间

长工时是制衣业最普遍存在的问题。中国的《劳动法》对工作时间做了严格规定，标准工作时间是每周5天，每天8小时。加班最多每天3小时，连续工作6天后不间断休息24小时，每月加班累计最多36小时。在制衣业，这些规定几乎没有落实。

调查发现，94%的被访者平均每天工作8小时以上，其中大部分（60%）工作10至12小时。反映在加班时数上，63%的工人每天加班2至4小时，加班4至6小时的有11%。可见平均工作时数颇高，但仍然没有完全反映工人在实质工作上的苦况，就是工作时间的不稳定。没有订单时可能没有工作和收入，赶货时却通宵达旦地工作。在被问及上个月加班最长的一天工作了多少小时时，11%的被访者表示加班10小时以上；超过一半（50%）表示加班4小时或以上（见表1）。可见通宵赶货的情况十分普遍。

表1：访谈前一个月最长一天的加班时数

	频率（人）	比例
2小时以下	21	7%
2.1—4小时	133	42%
4.1—6小时	102	32%
6.1—8小时	17	5%
8.1—10小时	6	2%
10小时以上	33	11%
无选择或无法辨认	3	1%
总计	315	100%

一年的12个月都有工人选择是旺季，也都有工人选择是淡季，但大致上选择9月至12月为旺季的最多，都超过60%；选择2月至6月为淡季的最多，约20%至30%。根据以上资料判断，制衣行业的旺季大约在每年9月至12月，淡季在2月至6月，但不同工厂的情况不完全相同，其中有23%的被访者更表示他们的工厂没有淡旺季之分。市场的不稳定，也直接转嫁在工人身上，令工人的工作时间和收入出现季节性的大波动。在淡季，超过一半工人（56%）开工不足，每天工作少于8小时。但是在旺季，没有工人的工作时间少于8小时，工作8至12小时的占63%，12小时以上的有13%。这反映在收入上，在旺季，只有26%的工人的收入介于500至1,000元之间，其它被访者都超过1000元或没有提供确实答案；在淡季，超过一半的工人（53%）收入在500至1,000元之间。

表2：旺季和淡季的工时和工资比较

平均每天工作时数	淡季 比例（频率）	旺季 比例（频率）
4小时以下	2%（4人）	0%（0人）
4.1—8小时	54%（170人）	0%（0人）
8.1—12小时	19%（60人）	62%（197人）
12小时以上	0%（0人）	13%（40人）
无回答或者无法辨认	25%（79人）	25%（78人）
总计	100%（315人）	100%（315人）
平均每月工资		
500元以下	6%（19人）	0%（0人）
501—1000元	53%（167人）	26%（82人）
1001—1500元	9%（28人）	32%（100人）
1501—2000元	3%（8人）	14%（43人）
2000元以上	2%（7人）	4%（13人）
无回答或者无法辨认	27%（86人）	24%（77人）
总计	100%（315人）	100%（315人）

C. 工资状况

工资是一般外来工最关心的具体利益，在上面我们看到工资随着淡旺季和工作时数的变化而出现波动，显示工人的就业和收入十分不稳定，这同国际贸易所要求的即时供货（just-in-time）、弹性生产（flexibility）一脉相承。我们要了解的另外一大重点是，工人的工资在MFA全面取消后的变化。共有249位工人提供2005年和2004年工作条件的比较资料。据她们提供的数据分析（见表3），2005年收入比起2004年有一定的增长。2004年，2%的被访者每月平均工资在500元以下，67%在500至1,000元之间，31%超过1,000元。到了2005年，没有人平均工资低于500元，在500至800之间的减至52%，48%的工人每月都赚取超过1,000元。

表3：2004年与2005年工资比较

	2004年 比例（频数）	2005年 比例（频数）	变动 （比例）
500元以下	2%（4人）	0%（0人）	- 2%
500—1000元	67%（167人）	52%（129人）	- 15%
1001—1500元	25%（62人）	33%（81人）	+ 8%
1501—2000元	3%（8人）	12%（29人）	+ 8%
2001—2500元	1%（2人）	1%（3人）	+ 0.4%
2501—3000元	1%（3人）	0.4%（1人）	- 0.8%
3000元以上	1%（3人）	2%（6人）	+ 1%
总计	100%（249）	100%（249）	-----

这一增长一方面是由工人的加班增加或者劳动强度加强而达致的，在前面工作时间的讨论上做了阐述。另一方面，工人的时薪或件薪也有所增加，近一半（47%）的被访者表示她们2005年的时薪或件薪比2004年增加了，表示降低了的只有3%。如表4所示，这一基本趋势反映了同期区内最低工资标准的大幅提高。

表4：2004和2005年最低工资标准变动率

	2004年 （月最低工资）	2005年 （月最低工资）	最低工资 变动率
深圳特区内	610元	690元	+ 13%
深圳特区外	480元	580元	+ 21%
广州	510元	684元	+ 34%
中山	450元	574元	+ 28%
东莞	450元	574元	+ 28%
惠州	400元	494元	+ 24%

综合工资和工时的状况，我们可以了解到现时大部分制衣工人是每天工作10至12小时，每月工资在500到1,000之间，视乎岗位、技术和熟练程度。详细分析2006年6月至8月被访者的平均时薪，我们发现工人的工资以时薪计，普遍稍低于当地的最低工资标准（见表5）。

表5：2006年6月至8月各城市时薪工资比较（以元为单位）

	广州	佛山	深圳		东莞	惠州
			特区内	特区外		
每月平均工作日（法定）	20.92	20.92	21.75		20.92	20.92
2006年7月法定最低工资（月薪）	684	574	810	700	574	494
2006年6月法定最低工资（月薪）	同上	同上	690	580	同上	同上
2006年7月法定最低工资（以时薪计）	4.1 ¹⁰	3.4	4.7	4.0	3.4	3.0
2006年6月法定最低工资（以时薪计）	同上	同上	4.0	3.3	同上	同上
2006年6月至8月被访者的平均时薪（注1）	4.1	4.6	5.8	3.6	4.6	3.7
2006年6月至8月被访者正常工作时的平均时薪（注2）	3.3	3.9	4.9	2.9	3.8	3.0
各城市被访工人数目	39	48	54	17	44	48

（注1）时薪=月实际收入/（总正常上班时数）

（注2）时薪=月实际收入/（正常上班时数+1.5*加班时数）

《劳动法》保障工人每天8小时工作以外、休息日和法定假日的加班工资分别以1.5倍、2倍和3倍计算。假若不考虑这一保障（见注1），在5个城市之中，被访问工人的平均时薪在3.6元到5.8元之间，除了广州和深圳特区外稍低于当地法定最低工资标准外，其它地方均高于最低工资。但是，假若我们扣除加班时间的额外津贴（见注2），则除了佛山市的被访者时薪稍高于法定标准外，其它城市均低于最低工资。以广州市为例，法定最低工资的平均时薪为4.1元，但被访工人的正常工作时的平均时薪才3.3元。而且，我们已经将所有加班时间简化为每周5天正常工作日内的工作（见注2），若考虑到其中也包括休息日和法定假期的加班，则差距更大。

但是，被访者收到工资后，还要扣掉伙食费、水电费、管理费以及养老保险等的支出。如果扣掉这些支出，按被访者每月实际领取的工资计算时薪的话，可以得出如下结果：

¹⁰ 取至小数点后一位。

	广州	佛山	深圳		东莞	惠州
			特区内	特区外		
2006年6月至8月被访者的平均时薪	3.8	4.2	5.4	3.5	4.2	3.3
2006年6月至8月被访者正常工作时数的平均时薪	2.9	3.5	4.6	2.8	3.3	2.7

可见，在5个城市之中，被访问工人的实得时薪在2.7元到4.6元之间。除了佛山之外，其它地方都低于最低工资标准。

D. 工作环境

除了工作时间和工资之外，工作和生活环境，劳动纪律和劳动强度，也是制衣这类低技术劳动密集型行业所突出的问题。我们所关心的是，该行业在近年的变化趋势，它是随着自由贸易的全面展开在改善中，还是在恶化中。

将2005年与2004年相比，37%的工人表示她们的加班多了，表示工作速度加快了的有18%，将近一半（47%）的被访者表示工作量增加了，表示工作量不变的有38%。一种普遍的看法是，在计件制之下，加班多和工作速度加快，都意味着工人收入的相应增加，工人是欢迎的。我们询问工人是否因工资多了，工作就更起劲，只有6%的被访者给予肯定的答案，明确否认的高达43%。可见，工人的体力是有一定的限度，在劳动强度已经达到一定程度的情况下，进一步的工资刺激并不一定可以提升工作效率。

整体而言，30%的工人表示比以前更疲累了，而更高比例（28%）却表示没有比以前更疲累。可见，在工人的感觉上，行业工作条件是有所改善的。所以，53%表示2005年工厂环境总的来说变得更好了。但这只要是体现在工资的改善上，因为在其它相关的指标上，我们没有发现明显的改变。

例如：表示管理人员的管理比以前更严的有0.4%，没有表示比以前更严的7%，高达93%没有给予答案。表示管理比以前宽松的有6%，否定的47%。表示管理人员更加容许工人投诉工资或工作环境的有8%，否定的45%。表示伙食比以前好的有16%，否定的37%。表示宿舍比以前好的有19%，否定的34%。表示有薪假期多了的有9%。表示工厂环境更干净和卫生的有25%，否定的28%。可见，从管理、伙食、福利，到宿舍和车间的环境，并没有十分普遍的改善。

此外，工人享有有薪法定假期的情况并不普遍。在199名计件工人中，所有的法定有薪假，表示放假而且有底薪的都少于四成，分别是：元旦38%、春节40%、五一39%和国庆38%。计时或者按天计算工资的工人共92位，有薪假期放假且得到底薪的比例稍高，但也没有超过50%，分别是元旦44%、春节42%、五一50%。只有36位被访者表示三八妇女节有半天的有薪假，占被访女工的13%。

调查也显示工厂场所存在严重的性别歧视。所有被访者中，超过一半（53%）表示女工和男工在工厂的待遇是不一样的，显示女工比起男工受到更多的不平等对待。其中最严重的现象是岗位歧视，8%表示男女工种不一样。在7位表示工厂常有性骚扰的被访问者当中，只有3位（43%）表示侵犯者受到工厂的惩罚。

E. 职业健康

我们特别调查了女工的职业安全和生育保障状况。调查发现，粉尘、噪音和工作压力是最普遍的有害因素。如表6所示，在277位被访女工中，一半以上表示在工作中会接触到粉尘（74%）、受噪音影响（63%）和有工作压力（51%）。另外三成左右表示眼睛用神过度（34%）、重复动作引致筋肌劳损（34%）和车间温度过高或过低（28%）。但却很少工厂有采取足够的防护措施。在受影响者当中，表示工厂有粉尘防护的占19%，有噪音防护的低至11%，有减小工作压力措施的占9%；在表示有防护措施者当中，只有35%表示粉尘防护措施足够，16%表示噪音防护足够，46%表示减小工作压力措施足够。其它方面的防护措施就更少见，例如有可能导致中毒的化学物质和重金属都没有受影响的工人表示工厂的防护措施是足够的。

表6：女工最常见的职业病害及工厂的防护措施

有害因素	受影响的比例 (频数)	工厂有防护措施 占受影响者的 比例(频数)	表示措施足够占 有防护措施者的 比例(频数)
1. 粉尘	74% (206人)	19% (40人)	35% (14人)
2. 噪音	63% (173人)	11% (19人)	16% (3人)
3. 工作压力	51% (140人)	9% (13人)	46% (6人)
4. 眼睛用神过度	34% (95人)	31% (29人)	7% (2人)
5. 重复动作引致筋肌劳损	34% (94人)	30% (28人)	57% (16人)
6. 车间温度过高/过低	28% (77人)	31% (24人)	8% (2人)
7. 操作机器引致受伤	7% (20人)	25% (5人)	40% (2人)
8. 化学物质	5% (15人)	33% (5人)	0% (0人)
9. 电磁及辐射	4% (12人)	8% (1人)	100% (1人)
10. 负重、登高引致筋肌劳损	4% (11人)	36% (4人)	25% (1人)
11. 重金属	3% (8人)	0% (0人)	-----
12. 生物性因素(如真菌)	1% (4人)	25% (1人)	100% (1人)

除了这类因工作环境而造成的职业危害潜在威胁之外，因劳动强度而带来的隐形职业病也十分普遍。51%的被访者表示存在工作压力的问题，34%工作时有眼睛用神过度的情况，34%经常重复一个动作引致了筋肌劳损。分别只有8%、14%和8%的工人表示工厂有做减轻工作压力、眼睛和筋肌劳损方面的防护措施。在被问及工厂所采取的各类的防护措施是否足够时，没有一项防护措施被10%或以上的女工认为是足够的，其中只有7%

表示粉尘的防护是足够的，4%表示噪音防护足够的。虽然法律对生产安全和防止职业病作出要求和规定，以上调查结果显示极少工厂有遵守和执行，这对需要特别保护的女性劳工来说，伤害就更大。

39%的被访女工有月经异常的情况，有贫血症状的30%。11%的被访女工在制衣厂工作期间曾经怀孕。在29位曾经怀孕的女工中，31%（共9人）表示她们怀孕后不能继续留在工厂工作。这9人全都表示她们离职的原因是不能应付长时间的工作，其中有3人更表示老板不肯放假给她们检查身体也是原因之一，另外6人表示是自己想回乡。在这批曾经怀孕的女工中，14%（4人）在制衣厂工作期间曾经经历过流产。工作时间太长和休息不够、工作压力太多、工作期间发生意外、死胎都是导致女工们流产的原因。

以上种种状况，正是工厂没有落实法律对女工的权益保障所造成的。完全没有工人表示工厂为她们购买了生育保险。只有17%的被访女工表示工厂有提供给女工90天的带薪产假；只有3%表示工厂将女工在怀孕期间的工作时间内进行的身体检查算为劳动时间；即使流产，也只有1%的工人表示工厂会提供有薪假期。70%的怀孕女工表示，工厂在她们怀孕期间需要加班时，她们和其它工人的加班时间一样长，近一半（48%）在怀孕和哺乳期间仍然接触有害物质。

工人的法律保障得不到落实，但她们并没有有效的途径伸冤和维护自己的权益。例如，74%的怀孕女工表示她们并不可能与管理人员就她们的生育保障商议长短。所以，超过一半（52%）的被访女工表示在她们工厂，女工怀孕后会拿工资然后辞职回家；14%更表示会丢掉工资、自己离厂；34%表示在生育前自己请无薪假回家；1%表示女工会在收不到任何赔偿的情况下被解雇。以上任何一种情况，都意味着女工们的无奈，只能采取个人的适应方法应付问题，而离职就是最普遍的方式。

F. 集体组织

工人选择留在原有工厂的最主要原因是工资还不错（43%的被访者选择此项）。但工人选择离厂的最主要原因却是工作时间太长和已找到更好的工作（各有34%的被访者选择）。可见，当工厂的工资水平不再吸引，工人就会透过转换工作的方法表示对工作条件的不满，例如长工时等。

调查也发现，大部分工人对劳动法规还是一知半解的。例如：只有19%的被访工人（61人）能准确回答“劳动法”中加班工资的计算方法。能准确回答所在城市最低工资的，也只有22%（68人）。

以上的状况，意味着工会在宣传劳动法规、反映和代表工人的意见上，发挥不了应有的作用。首先是被访工人来自68家工厂，其中只有14家建立了工会（见附录2），占21%。若以被访工人数目计，就只有16%（50人）的被访工人的工厂建立了工会。但即使是存在工会的工厂，工会也没有发挥到作用。在表示工厂存在工会的50位工人之中，58%（29人）不知道工会主席是谁；62%（31人）表示工会不能或者不清楚能不能代表工人利益；

40%（20人）表示做工会会员没有好处。更甚者，在这50人之中，只有5人表示自己是工会会员，只有3人能相对清楚地指出工会的好处包括“可以说出不合理的事”或者“可以反映自己的意见”。该3名工人分别来自佛山市两家1,000人以上的大工厂。

在表示工厂存在工会的工人中，女工共42位，她们中的43%（18人）表示工会有女性的工人代表。在这18人中，67%（12人）表示女工较男工更能反映她们的意见，表示不能和不知道的各占17%（3人）。

在工会形同虚设的情况下，所能想到的能为她们提供服务的机构主要是劳动局（45%）和独立的民间团体（30%）（见附录3）。前者主要是工人就工厂的违法行为进行投诉和反映不满的部门；后者则在法律的宣传教育中发挥作用。

V. 总结建议

我们这一调查是在中国加入世界贸易组织5年后进行，发现制衣行业发生了一些变化。首先，这一行业是在膨胀之中，工厂需要更多的劳工，特别是拥有技术和经验的劳工。这一发展趋势一方面令更多工人加入这一行业，另一方面令已婚和年纪较大的工人可以继续留在这一行业。因此，制衣业对中国经济和工人生计的重要性在提升。

然而，这一重要性的提升并不意味着中国工人有很大的受益。我们发现工人的月平均收入有所提高，但这部份是靠工作时间的增加和劳动强度加强而改善的，部分则反映了最低工资标准和生活成本的增加。事实上，大部分工人的件薪或时薪虽然是增加了，却仍然低于法定最低标准。在收入增加的背后，是越来越不稳定的工作时间，特别是旺季和淡季的波动对工人的影响十分大，工人缺乏稳定的职业保障。《劳动法》对加班时间的管制和保障完全无法落实。工人的收入并不是衡量劳动条件和工人处境的唯一标准，考虑到工人的劳动强度和工作环境，可见目前制衣业工人的整体处境仍然十分恶劣。

同样地，国家在生产安全和职业健康上的法规在制衣业也完全无法落实。工人不但需要接触有害物质和污染，还要在缺乏休息的情况下，重复和密集地工作，存在着职业危害的严重威胁。尽管工人感到很大的压力和不满，却没有现存的集体代表机制和申诉途径去有效处理这些压力和不满，最后导致工人普遍利用个人手法，以离厂另寻出路的方法表达这些不满。

尽管制衣行业的工人以女性为主，但工作场所的性别歧视和压迫却十分严重。女工不但无法享有法律规定的有薪产假、生育保险、经期保护等权益，部分人还因生育和月经等特殊需要而受到不合理的对待，使她们身体受到多一层的伤害。

工人不但缺乏集体代表机制，连基本的劳动法规的掌握也十分不足。在现存的支持资源中，工会能发挥的角色十分有限，因为大部分的工厂没有工会，即使有，也没有发挥到代表和反映会员意见的基本功能。在工厂内劳资力量严重失衡的情况下，政府的劳动部门成为了工人投诉和伸冤的相对有效途径。但是，制衣工厂的严重违法行为十分普遍，

反映了劳动部门的执法存在着一定困难。例如，在制衣行业，赶货期的问题是结构性的，由此衍生的长工时问题并不容易透过执法完全解决。况且，工人在工资和工时以外的领域，法律意识和知识有限，需要更多外部支持。在这方面，民间团体或许可以扮演部分角色，但接触到这类服务的工人比例很小。

现时这种劳动强度和劳动力的流失率都很高的行业状况，十分不稳定，反映在越来越严重的“民工荒”上。长远而言，对工厂和购买商的利益也会带来损害。因此，要保障包括工人在内的各利益相关方（stakeholders），就必须要有稳定的劳资关系和劳动保障。针对本研究发现的种种问题，我们建议在下面四方面作出改善：

- 1) 在工厂设立投诉和代表机制，处理工人的投诉和不满；
- 2) 加强对工人劳动法律的宣传和教育；
- 3) 加强女性权益和女性意识的教育，并推动产生女性的代表；
- 4) 促使购买商改变采购行为，与工厂和工人建立稳定和长远的关系。

Appendix I: The Education Level of Informants 附录 1：被访者学历

Schooling level 学历	Frequency (Person) 频率 (人数)	%
No schooling 未读过书	2	0.6%
Primary school 小学程度	87	27.6%
Junior secondary school 初中程度	192	61.0%
Specialised secondary school 中专程度	13	4.1%
Senior secondary school 高中程度	18	5.7%
No answer 未选择	3	1.0%
Total 总计	315	100%

Appendix II: Background of Factories with Trade Unions 附录2：有工会的工厂背景

Factory	City 所在城市	Factory Size (Person) 工厂人数	The Number of Interviewees 被访工人数目
Factory 工厂 1	Foshan 佛山	201 - 500	1
Factory 工厂 2	Foshan 佛山	501 - 1000	1
Factory 工厂 3	Guangzhou 广州	201 - 500	1
Factory 工厂 4	Guangzhou 广州	<200	2
Factory 工厂 5	Foshan 佛山	1501 - 2000	7
Factory 工厂 6	Shenzhen 深圳	<200	4
Factory 工厂 7	Shenzhen 深圳	<200	2
Factory 工厂 8	Foshan 佛山	1001 - 2000	5
Factory 工厂 9	Foshan 佛山	>2000	1
Factory 工厂 10	Dongguan 东莞	>2000	8
Factory 工厂 11	Shenzhen 深圳	201 - 500	2
Factory 工厂 12	Shenzhen 深圳	501 - 1000	6
Factory 工厂 13	Dongguan 东莞	201 - 500	9
Factory 工厂 14	Shenzhen 深圳	>2000	1

Appendix III: Workers-serviced Individuals or Organisations as Reported by the Informants

附录3: 被访者所知道的能为工人服务的个人或组织

Individual or Organisation 个人或组织	Frequency (Person) 频率 (人数)	%
Labour Bureau 劳动局	9	45%
A Non-governmental Organisation 某非政府组织	6	30%
District Government 区政府	2	10%
Lao Xiang Association 老乡会	1	5%
Staff Birthday Party 员工生日晚会	1	5%
No Answer 未选择	1	5%
Total 总计	20	100%

Remark: Other informants reported that they did not know individuals or organisations serviced for workers or did not provide answer.

注: 其它被访者表示不知道有其它个人或组织会为工人服务, 或者未有选择答案。