

April LAI

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empowering workers to reclaim basic rights
through worker organizing and collective actions

RISE OF WORLD FACTORY

- State policy -- market economy;
- Globalizing production;
- Attractive incentives for foreign investments
 - Low tax, lax labour standard, huge subservient rural labour supply

PEASANT MIGRANT WORKERS

- segregated in the 3D jobs –
dirty, dangerous and demeaning

PEASANT MIGRANT WORKERS

FACING SUBSTANDARD WORKING CONDITIONS

- Back wages and default payment;
- Deposit money;
- Long working hours and unpaid overtime work;
- Wage deduction with all kinds of factory regulations;
- Deprivation of termination compensation;
- Expose to occupational injuries and diseases;

PEASANT MIGRANT WORKERS FACING SUBSTANDARD WORKING CONDITIONS

- **Denial of autonomous labour organizations to defend workers' rights;**
- **Absence of labour voice in law making and monitoring process;**
- **Non functioning of government administration;**
- **Ineffective legal proceedings (vague legal interpretation and lengthy time consumption) – resulting workers withdrawal.**

PEASANT MIGRANT WORKERS & SOCIAL SECURITY

- Deprivation of minimum subsistence allowance (最低生活保障) at the working city owing to household registration (hukou) issue;
- Deprivation of unemployment and maternal insurances as workers are entitled to five insurances (occupational injury, old age, medical, unemployment and maternal);

PEASANT MIGRANT WORKERS & SOCIAL SECURITY

- Deprivation of full old age insurance when employers deny contribution, structural problems of non transferrable disbursement across provinces and the constraint of hukou system that workers unable to enjoy the benefits when retiring at the rural residence;
- Difficulty in meeting the old age pension criteria of having 15 year job and premium within the same province;

PEASANT MIGRANT WORKERS & SOCIAL SECURITY

- Insufficient medical insurance: only hospitalization, implementation various;
- Employers not mandatorily to subscribe employees five insurances;
- Confusion in implementation, leading workers difficulties to exercise the rights stipulated in the provisions.

WORKER EMPOWERMENT(WE)

- Hong Kong based labour rights support organization with target at peasant migrant workers in China
- AIMS:
 - ✓ Support migrant workers to reclaim basic rights through worker organizing and collective actions;
 - ✓ Promote worker self-help network.

WE

3 BELIEVES:

- ✓ Empowerment is the key;
- ✓ Worker self-organization is the pillar;
- ✓ Mutual partnership is the abler.

APPROACHES:

- ✓ Community approach

Dagongzhe, the
migrant worker
centre in South
China

Targets: Injured migrants, migrants in labour
disputes, woman migrant workers and
workers who believe in justice, mutual help
and collective action for change

Work priorities

Empowering migrant workers

- Rights publicity & education

Labour laws and
rights leaflets

Outreach-laws & rights
exhibition

Outreach—dispute counseling

Work priorities

- Worker analysis and formulation of worker positions on work-related issues

Work priorities

- worker initiatives in hospital visits of injured workers, labour dispute counseling, outreach publicity, internship (Gong Feng) & other centre routine work;
- Assisting workers' rights claim thru litigation & campaigning.

Work priorities

- ✓ mobilizing solidarity actions towards labour right violations

**Bossini, HK wear brand
supplier violated labour
rights**

**Swatch supplier labour
rights violation**

Work priorities

- ✓ minimum wages hike advocacy
- ✓ action research and lobbying on labour contract law implementation

Work priorities

- **Statements to government labour related consultation papers**

- ✓ Opinion on PRC Labour Contract Law March, 2006
中华人民共和国劳动合同法意见稿
- ✓ Opinion on Guangdong Labour Disputes and Arbitration Ordinance (Draft) Nov 2006
《广东省劳动争议仲裁条例（草案）》的意见
- ✓ Opinion on PRC Employment Promotion Law April 2007
中华人民共和国就业促进法意见稿
- ✓ Opinion on Implementation of Labour Contract Law Ordinance May 2008
劳动合同法实施条例意见稿

Work priorities

- statements to government labour related consultation papers
- ✓ Opinion on Shenzhen Employees Industrial Injured Rehabilitation Management and Methods Law July 2008
深圳市职工工伤康复管理办法意见稿
- ✓ Opinion on PRC Social Insurance Law Feb 2009
中华人民共和国社会保险法意见稿
- ✓ Opinion on Shenzhen Employees Salary Payment Ordinance Draft Amendment June 2009
《深圳市员工工资支付条例草案修改》建议
- ✓ Opinion on Industrial Injury Insurance Ordinance Aug 2009
工伤保险条例意见稿

Work priorities

- Worker self-organization
 - worker participation in management and decision making process

Gong Feng, a worker 3-6 month internship programme to enhance worker familiarization with the Centre mission and participation. Outcomes: worker publication “Gong Feng”, active participation in group activities and centre management

work priorities

- Building mainland worker network

Some successes

- ✓ in the definition of claiming overtime allowance period;
- ✓ administrative litigation (legal claim against non-functioning of government authorities such as labour and social security bureau) as alternative to the direct legal claim to employees.

challenges

- Absence of labour participation in law making and monitoring process;
- Absence of worker representation in collective bargaining
- Individualizing labour grievances in flawed legal framework

**Voices for fair trial, zero violence and labour NGOs
safety echo in Mainland, HK, Taiwan and
international community**

**Labour organizations and human rights support groups protesting in front
of the HK China Relations Office**

Challenges ahead

- Encouraging and strengthening autonomous worker organization is a MUST;
- Using national and international instruments to negotiate the existence of autonomous labour organizations i.e. freedom of association (ILO c87) and collective bargaining (ILO c98)
- Mobilizing solidarity action in national and global levels in fighting back workers rights.

A migrant worker's meals

Lyrics: Mr. Yang Qinghai

Music and Vocal: Sun Heng

Cannot afford buying fruits for a long time,
Cannot afford buying tea for a long time,
For the new school year is to start soon,

Have not had fish and meat for a long time,
For the flood attacked his hometown again,
His wife is waiting anxiously at home,
His boy is waiting at home.

Have quit smoking for a long time,
Have quit drinking liquor for a long time,
For his mother is sick at home,
She is sighing and waiting in bed.

Have not bought any new clothes for a long time,

Everyday when the Sun rises,
He waits outside the factory gate,
He waits for the one,
Who sells steamed bread.

He has steamed bread and drink plain water for lunch,
His lunch is rice and vegetable,
The living cost is so high and the income is so low,
And the salary can never catch up with the rise of price.