

Chinese Migrant Workers' Labor Relationship Management for 40 Years

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Abstract—New labor relations emerged and the management of labor relations of migrant workers sprouted in 1978-1988. In 1989-1993, Discrimination existed and no regulations can be obeyed in employment. In 1994-2001, corporate social responsibility was lack and regulations were not obeyed. In 2002-2007, industrial and Labor contradictions were explicit and regulations were difficult to comply with. In 2008-2018, the system environment was perfect and there were laws to follow.

Keywords—migrant workers, labor relations, management

I. INTRODUCTION

In the middle and late 1980s, more and more rural surplus laborers poured into the cities to work, and "migrant workers" began to appear on the stage of Chinese history. "Migrant Workers" is a special social group that emerged in China during a special historical period[1]. They are neither non-traditional workers nor "pure farmers" who still stay in rural areas to engage in agricultural activities[2]. This emerging new working class has a total of 210 million people[3] [4]. "Migrant workers are the pillars of the family and the backbone of the country." [5] However, migrant workers contribute to the society by providing labor, but in the actual operation of labor relations suffered all kinds of discrimination and unfair treatment, so, since the reform and opening up, the discussion of labor relations management of migrant workers has important theoretical and practical significance.

II. 1978-1988: NEW LABOR RELATIONS EMERGED AND THE MANAGEMENT SPROUTED

From the beginning of reform and opening up in 1978 to 1989, China did not have an institutional design for migrant workers. From high-level decision-making to various policies, the issue of migrant workers was not involved. However, when the household registration management system, the household contract responsibility system, the huge urban-rural differences under the dual structure of urban and rural areas met the industrialization, urbanization, marketization and internationalization brought about by the reform and opening up, the social structure changed and migrant workers officially appeared as a new social class. In 1988, the number of migrant workers working in cities and township enterprises exceeded 100 million, which was equivalent to the number of state-owned enterprises at that time.

A. Southern Jiangsu Model

Throughout the 1980s, township enterprises sprang up in various parts of the country. Migrant workers were combined with the resources owned by townships and towns. The typical example of farmers "leaving the land and entering factories and not entering the city" was the "Southern Jiangsu model." This model completed capital accumulation through public resources of the collective economy. Therefore, its transfer of agricultural labor force was basically an administrative distribution, and the income distribution gap was not large. The labor relationship was similar to that of state-owned enterprises. It was dominated by "humanism" management, and labor disputes were relatively small.

B. Wenzhou Model

The Wenzhou region in Southeast Zhejiang province developed non-farm industries in the way of domestic industry and specialized market, thus forming the development pattern of "small commodities and large markets". "Wenzhou model" depended on the accumulation and use of private capital, relying on products to promote the market, labor transfer depended on wage leverage, income gap was large, and labor relations had the nature of employment. In the initial stage, most of the migrant workers employed by individual industrial and commercial households were local relatives, friends and acquaintances. Therefore, this kind of labor relationship was not only different from the complete employment relationship, but also different from the labor relations of traditional planned economy enterprises. Labor disputes have a certain degree of the nature of negotiation.

C. Shenzhen Model

"Shenzhen model" depended on the promotion of foreign capital, and its migrant workers flow was regulated by the relationship between supply and demand. It was an employment relationship in the full sense. Labor disputes became the expression form of the game between capital and migrant workers. Since there were no labor laws and other laws, migrant workers did not establish their own trade union organizations, and many employers forced migrant workers to work overtime. The labor protection of these enterprises was seriously lacking, and the rights and interests of migrant workers were seriously violated. However, given that the development of the economy was the top priority, the pressure on the transfer of rural surplus labor and the scarcity of capital, this problem of violating the legitimate rights and interests of migrant workers in the

employment and labor relations did not attract enough attention from the society. It was even considered as a natural phenomenon in the economic activities of enterprises.

III. 1989-1993: DISCRIMINATION EXISTED AND NO REGULATIONS TO BE OBEYED

After 1989, the phenomenon of "blind flow" entered the social perspective. The market-regulated flow of migrant workers collided with the adjustment of administrative plans, resulting in the closing of gates opened to farmers. In 1992, starting with Deng Xiaoping's southern conversation, China's reform and opening up entered a new stage.

A. Employers Discriminate against Migrant Workers

Some enterprises deliberately reduced labor safety standards, labor protection, and had no legal restrictions. Some enterprises operated in small areas without safety protection. The vast majority of migrant workers did not sign labor contracts with the factory, worked long overtime and less paid. Wages were very below the minimum wage. The protection of female migrant workers was lack. Some employers even beat up migrant workers and trampled on their dignity.

B. The Government Is "Absent" and "Misplaced"

On the one hand, the government was "absent" and did not formulate relevant regulations or laws for the coordination of labor relations. The whole society was not prepared for the changes in the social structure caused by the flow of migrant workers. So the institutional design and regulatory management were lack, and the labor relations were seriously unfair. On the other hand, the government is "misplaced" and local governments lack impartiality and self-interest. Local government leaders and functional departments were keen to attract investment. Labor employment and labor relations management were not within their vision, let alone institutional arrangements and institutional development.

C. Migrant Workers Lack Interest Expression and Defenders

The Shekou Industrial Zone established strong trade union organizations to resolve labor conflicts timely. However, the vast majority of regions did not draw lessons from their labor management when studying the "Shekou model". They did not attach importance to the labor relations of migrant workers and did not establish appropriate coordination mechanisms. Before 2000, there were few trade union organizations in foreign-invested enterprises and private enterprises, and it was difficult to find institutional design to safeguard the interests of the atomized migrant workers in various systems.

IV. 1994-2001: LACK CORPORATE SOCIAL RESPONSIBILITY AND REGULATIONS NOT OBEYED

After the reform of state-owned enterprises in 1994, there was also a "lay-off wave" of employees. To a certain extent, the return of migrant workers to rural areas can ease the employment pressure of the "lay-off tide" caused by the reform of state-owned enterprises. Various factors combined brought about the "return tide" of migrant workers.

A. Lack of Corporate Social Responsibility

Migrant workers were engaged in hard, dirty, tired, dangerous, and heavy work that urban people did not want to do. The amount of labor was very large, but the income they receive was very small. A considerable amount of corporate social responsibility was missing, did not buy industrial injury insurance for migrant workers, resulting in those workers injured bleeding and dropping tears.

B. Government Regulation and Legislation

The reform of state-owned enterprises led to the "lay-off tide" in cities. Local governments took measures to regulate the flow of migrant workers: employers must obtain prior approval to recruit migrant workers to control the total number of migrant workers; Adhere to the procedure of "first city, later foreign", "first town, later rural" to carry out recruitment. Although the government did not have a top-level design for the flow of migrant workers, the central government could always respond at the first time when a major incident occurred and made arrangements at the legislative level. The "Labor Law" and "Safety Production Law" were successively promulgated to provide regulatory basis for the management of labor relations. However, the laws and regulations were not perfect, so that employers could arbitrarily infringe on the legitimate rights and interests of migrant workers, and the punishment for foreign companies' violations of the "Labor Law" was not strong enough.

C. The National Trade Unions Actively Investigated the issue, While Corporate Trade Unions Were Absent

The Federation of Trade Unions actively investigated the issue of migrant workers. After the government adopted a series of macro-control measures on labor, it applied various kinds of social discrimination. The National Federation of Trade Unions investigated the problems such as the survival status of migrant workers and industrial injuries and issued the "1997 Survey of China's migrant workers", which caused the administrative department to pay attention to the issue of migrant workers. However, in the process of industrial autonomy of various enterprises, it was often difficult to see trade unions, or even no trade union organizations established at all. Some labor disputes were reported by the media and caused greater influence. They were resolved under government intervention, such as the Sun Tianshuai incident.

V. 2002-2007: EXPLICIT LABOR CONTRADICTIONS AND REGULATIONS DIFFICULT TO COMPLY WITH

After 2002, the central government conducted a top-level design of the issue of migrant workers from the overall situation of economic and social development, promoted the solution of a series of practical problems, and demonstrated the characteristics of the positive interaction between the policy direction and the flow of migrant workers. This period is not only the obvious period of the accumulation of labor and capital conflicts in the early period, but also the intensive period of the

central government's policy on migrant workers. Due to the postponement of the old system, the inertia of the old thinking habits, the GDP assessment indicators and the corruption of local sections and officials, there was still a process for the landing of central policy. In addition, the strength of capital and laborers did not undergo major substantive changes. Therefore, labor and capital conflicts were still prominent.

A. The Responsibility of Enterprises Is Not Implemented

Some enterprises failed to establish and implement effective systems and measures for the prevention and control of occupational disease hazards in accordance with the requirements of relevant laws and regulations, and failed to provide necessary safety and health facilities for their employees according to law. The desire of migrant workers for employment and increased income and ignorance of occupational disease prevention were used to make high profits. During this period, the vicious incidents caused by migrant workers' wages continued, and the incidents of industrial accidents were still repeatedly banned. Occupational diseases and malignant events still continued, and the incidence of occupational diseases was high as before.

B. Policies and Regulations on Migrant Workers Were Intensively Introduced

In January 2002, the "Opinions on Doing a Good Job in Agriculture and Rural Areas in 2002" put forward "fair treatment, reasonable guidance, complete management, and good service" for migrant workers working in cities. In January 2003, the General Office of the State Council "Circular on Doing a Good Job Management and Service for Migrant Workers in the City" proposed to "remove unreasonable restrictions on the employment of migrant workers in the city." In January 2004, the "Opinions on Several Policies for Promoting Farmers' Income Increase" recognized for the first time at the policy level that migrant workers were part of the working class and demanded that urban policies included issues related to migrant workers entering the city for employment in government management services. On December 1, 2004, the "Regulations on Labor Security Supervision" was implemented, and penalties for violations of workers' rights and interests such as unpaid wages were increased. At the same time, labor inspectors must be held accountable for malfeasance. In March 2006, the State Council issued the Opinions on Solving the Problem of Migrant Workers, and for the first time systematically formulated measures to solve the problem of migrant workers. However, the selection of the benefit filtering mechanism, the erosion of the benefit delivery mechanism and the lack of government accountability system led to a gradual decline in the implementation of state policies, and there was no significant improvement in the treatment of migrant workers by grassroots governments. Nor was there any "immediate" change in the working environment for migrant workers.

C. Migrant Workers' Self-protection Consciousness is Awakening, but the Collective Consultation Mechanism and Payment Guarantee Mechanism Are Blank

During this period, the consciousness of migrant workers' self-protection rights was awakened, and the amount of asking-for-pay was unprecedented. Various forms of asking-for-pay and even violent asking-for-pay incidents continued to occur. However, for a long time in the early days of the market economy, the trade union organizations did not cover foreign-invested enterprises and private enterprises. The asking-for-pay consultation mechanism and payment guarantee mechanism that should be regulated by the trade union organizations were in a blank state. In this situation, migrant workers did not have an effective response to employers' wage arrears, and often could only take some extreme personal actions. The rights and interests of the occupational disease patients of migrant workers during this period were basically implemented in accordance with the "media exposure, Leadership intervention, special rectification, and handling" approach.

VI. 2008-2018: GRADUALLY PERFECT SYSTEM ENVIRONMENT AND LAWS OBEYED

The coming of the new generation of migrant workers promoted new vitality into the industrial workers. The transfer of surplus rural labor to non-agricultural industries and towns was an inevitable trend of industrialization and modernization. Since then, the elimination of institutional barriers to the movement of migrant workers became a policy orientation at the top of the central government. The biggest feature of migrant workers' mobility during this period was integration into the city.

A. The Management of Labor Relations of Migrant Workers Was Gradually Standardized

The new generation of migrant workers gradually became the main body of migrant workers. Their awareness of rights protection was stronger, and their rights protection methods were more collective than their father migrant workers. At the same time, the state's legal policies for safeguarding the rights and interests of migrant workers also gradually improved, and "sweatshops" were difficult to establish. However, there were still some problems that needed to be solved, such as the lack of social insurance for migrant workers and arrears.

B. The Government Gradually Improved the Institutional Environment

The promulgation and implementation of the "Opinions on Solving the Problem of Migrant Workers", the "Labor Contract Law" and the "Social Insurance Law" showed that promoting the integration of migrant workers into cities and towns and safeguarding the legitimate rights and interests of migrant workers was promoted as the will of the state and incorporated into the rule of law. With the improvement of the overall level of old-age insurance and medical insurance for migrant workers and the transfer of social insurance relations, the issue of social insurance for migrant workers was guaranteed by the system. In 2015, the "Opinions on Constructing Harmonious Labor Relations" proposed 26 measures for constructing harmonious labor relations. In 2016, the "Opinions on Comprehensive Governance of Migrant Workers' Wages" improved the monitoring and guarantee system for the payment of migrant workers' wages.

C. The Awareness of Migrant Workers' Rights Protection and the Role of Trade Union Gradually Increased

With the gradual improvement of the legal system and the new generation of migrant workers gradually became the main body, migrant workers' awareness of rights protection increased. Trade union organizations at all levels continued to improve and their role gradually increased. Trade union organizations at all levels increased their efforts to protect migrant workers' rights through policy participation platforms and paid attention to the construction of grass-roots trade unions. They formed typical models such as the "Wenling model", "Xinyang City's two-way rights protection" and "Wuhan collective consultation".

VI. CONCLUSION

Over the past 40 years, migrant workers have officially emerged as a new social class, and they have made great contributions to national economic construction and social development. The labor relations management of migrant workers is constantly changing, and the overall trend is constantly improving. For the management of migrant workers' labor relations, the government has transferred from the initial neglect to paying great attention, from the control of migrant workers' mobility to the protection of employment, and from the intervention of micro-events to the design of the macro-top system. The laws and policies concerning the management of migrant workers' labor relations have gone from zero to being gradually improved. The role of employers in the management of migrant workers' labor relations is also constantly changing, from the initial pursuit of profit maximization to the assumption of due social responsibility. The consciousness of migrant workers' rights protection is not only strengthened, but also trade unions play an increasingly important role in the management of migrant workers' labor relations.

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