

## Fight back against outsourcing and casualization! Solidarity with Chinese workers!

On December 13, 2014, a cruel labor incident took place in Shanxi Province. A rural migrant woman worker in a construction site of a developer was violently beaten by the police while protesting the company office for not paying the wage abandoned heavily injured on the cold street for one hour, carried to a police outpost and died there and died. Chinese workers are now raising their angry voices all over the country for the brutality.

This happened against a background of lawless and inhumane labor conditions (unpaid wages, etc.) of Chinese rural migrant workers (in irregular employment). Outsourcing and contracting-out of business is its vicious cause, which is actually

We strongly denounce the December 13 incident together with Chinese workers. We also want to make it clear openly that confrontation with outsourcing and contracting-out combined with irregular employment are the most urgent and crucial issues for the working class of the whole world.

Chinese workers! Workers of the whole world! Let's unite beyond national borders against the neo-liberal policy of outsourcing and fight to abolish irregular employment!

On December 29, 2014, Chinese labor problem researchers issued an open letter to the president Xi Jinping by internet.

By publishing this letter, we declare our firm determination to fight in solidarity with Chinese workers.

### Open letter

## We earnestly ask you to practice constitutional politics (rule by law) and defend the legal rights of construction workers!

Honorable Chairperson Xi Jinping,

We seriously concern ourselves with the recent case of a rural migrant woman worker who died "in extraordinary circumstances" as she demanded the company to pay unpaid wage in her workplace in Taiyuan of Shanxi Province.

The case took place on December 13, 2014 in Shanxi on the construction site of Longruiyuan building project, in which she was employed together with 13 migrant colleagues, coming from Dancheng of Henan Province. These workers' wage, amounting to 29,000 yuan (\$9,000), had not been paid for long time and they had been making legitimate complaint on their unpaid wages. Their repeated requests were after all rejected by the employer.

As the Chinese New Year's Day approached, they planned to put forward their demand directly to the office of this construction project. But their attempt was hindered by guards of the company and ended in a squabble. Alarmed police rushed to the spot and violently assaulted the protesting workers and beat down to the ground one of the protesting workers, Ms. Zhou-Xiuyun, a rural migrant worker and a mother. She died an "extraordinary death" in the end.

It is hardly believable that a woman worker and a mother should die in such an abrupt and cruel way by being beaten and ill-treated.

This is not a simple case of police brutality or illegitimate execution of official duty. The underlying problem is the actual working conditions of 40 million rural migrant workers, employed in construction companies, who are denied or hindered to conclude legal employment contract. As a result,



Police beating on Dec 13

numerous difficulties and irregularities occur for those workers: long-time unpaid wages; lack of means of complaining about wage arrears; no social security; no protect measures against work-related accidents; insufficient or lacking compensation for occupational disease or injury, etc. . . .

Following is a report of the investigation which we have conducted into the real state of working conditions of 40 million rural migrant workers, employed in construction companies. It constitutes a part of the "Programs of Research into the Present Situation of Rural Migrant Workers of the New Generation"

Firstly, the Ministry of Labor doesn't have law-enforcement power, and consequently "Labor Contract Law" has lost its substances.

The rate of the rural migrant workers in construction industry who formally sign written labor contract has been low for so long term.

Our investigation carried out in 2013 in the cities, Beijing, Shenyang, Zhengzhou, Wuhan, Chengdu, Zhongqing and Xian, etc. has found out following facts:

82.6% of rural migrant construction workers have not signed formally written labor contracts. In some cities, the rate of no-labor-contractors is very high: for instance, 94.5% in Zhongqing, 93.2% in Zhengzhou, 87.9% in Wuhan.

Secondly, it is a common fact for rural migrant workers in construction industry that wages are rarely or not at all paid, and they cannot receive compensation for occupational injuries and diseases.

The survey in 2013 shows that only 19.9% of construction workers receive monthly wages in accordance with the Labor

Law, and about 40% of rural migrant workers have not yet received last one years' wages.



Striking workers of Qingsheng Leather Garment Factory in Shenzhen, Guangdong Province, protesting unpaid social insurance premiums and harsh conditions

As an extremely outrageous instance, we found a company, in which 10.5% of its employees answered to the researcher that they had never received any payment.

It all means that it is generally and covertly “admitted” for construction companies as common business behavior to violate the Labor Law, which stipulates that wages must be paid monthly. So, long-term unpaid wages for rural migrant workers has become an obstinate social malady.

In construction sites occupational injuries took place very often and consistently, but the injured workers cannot claim the compensation because they have no labor contract.

Thirdly, “the Building Construction Law” prohibits with written clause illegal outsourcing of construction companies. Actually,

however, subcontracting of construction companies has been widely practiced in spite of repeated legal prohibition.

“Illegal subcontracting of construction work” is to evade the responsibility of construction company as employer. It is the chief cause of damaging of rural migrants’ interest of construction work.

We have published the results of the research of a large amount of construction workers for seven years. The report consists of 138 cases of collective claims of wage payment.

The cases of construction work have complex structure, involving many subcontracts, sub-subcontracts and outsourcings, amounting to 97.1% of the investigated cases. That is the main cause of unpaid work. . . .

We provide the following propositions for reference.

Firstly, to investigate and punish illegal outsourcing cases in construction work, and to get rid of big bosses of villains who practice illegal outsourcing.

Secondly, to demand strictly the Ministry of Labor to carry out conclusion of exemplary written labor contract and to practice social security policy, and to give these benefits to the rural migrant workers.

Thirdly, to institute a nationwide network, Weibo, SNS and e-mail for the protection of rural migrant workers and to disclose monthly a list of the companies which don’t pay wages.

Fourthly, to promote organizing of labor union of the forefront construction workers and to oversee by the people’s power illegal employment and labor behavior.

Economic development of the state and construction of megalopolis must be based on securing of the workers’ interest of rural construction migrants.

Rural migrant workers should earn living wage and their labors must be respected.

Practice of the principle of putting priority on people’s benefit means that 40 million construction rural migrant workers have to be given guarantee to conclude labor contracts so as to embody dignity of labor.

The core of constitutional politics (rule by law) is to give them safety net for securing their labor interests. Don’t crush their hope for the rule of law. You must not disappoint them.

We appreciate President Xi for reading this message to the last during your busy schedule . . . .

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|-----------------|--|
| Shen Yuan       | Tsinghua University School of Social Science, Professor<br>Chairperson of the department of Social Science     |
| Guo Yuhua       | Tsinghua University Department of Sociology, Professor   |
| Tong Xin        | Beijing University Department of Sociology, Professor  |
| Lu Huilin       | Beijing University Department of Sociology, Assistant Professor  |
| Pan Yi          | The Hong Kong Polytechnic University Department of Applied Sociology, Professor                                |
| Dai Jianzhong   | Beijing Academy of Social Science Sociology Research Institute, Professor, former Director                     |
| Guo Weihe       | China University of Political Science and Law, School of Sociology, Professor                                  |
| Shen Hong       | Chinese Academy of Social Science, Researcher  |
| Zheng Guanghuai | Nanjing University School of Sociology, Assistant Professor<br>Vice-chairperson of the department of Sociology |
| Ren Yan         | Sun Yat-Sen University, Department of Sociology, Assistant Professor   |