

Beijing Cultural Development Center for Rural Women

The Shadow Report of Chinese Women's NGOs
on the Combined Seventh and Eighth Periodic Report
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the Elimination of All Forms of Discrimination against
Women*

The Rights of Migrant Women

(For public information)

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I. Efforts and Progress

The development of the domestic service sector, with the high concentration of migrant women, has been identified by the Chinese government as a strategic priority. In June 2009, the Ministry of Commerce, the Ministry of Finance and the All-China Federation of Trade Unions (ACFTU) jointly issued the *Notice on the Implementation of the Domestic Service Project* (ShangMaoFa [2009] No. 276). In July 2009, the State Council approved the inception of the joint employment promotion meeting mechanism on the development of the domestic service sector co-initiated by the Ministry of Human Resources and Social Security, the Ministry of Commerce, the ACFTU, the ACWF and other four departments, whose main duty is to promote the establishment and improvement of systems related to the domestic service sector. In September 2010, the State Council officially issued the *Guidance on the Development of the Domestic Service Sector* (GuoBanFa [2010] No. 43). And also, preferential policies to support the development of local domestic services have been introduced across the main recipient cities of migrant women, such as Zhejiang, Beijing and Shanghai.

Labor and social security policies regarding migrant women have been refined. The *Labor Contract Law* and the *Employment Promotion Law* coming into effect as of January 2008 respectively provided labor standards for part-time employment and labor and social security policies in line with non-formal employment developed by governments at all levels. In December 2009, the State Council promulgated the *Interim Measures for the Transfer and Continuation of the Basic Old-age Insurance for Urban Enterprise Workers*, initiating a unified national transfer system. The *Social Insurance Law of the People's Republic of China* approved in October 2010 and coming into effect from July 2011 incorporates migrant women into the coverage of maternity insurance through legislation at the state level.

In terms of health and safety, legislative efforts have been made to enhance health care services for migrant women, coupled with more education and publicity focused on occupational health. In recent years, the government has increased migrant women's health care services through laws and policies, extending the educational campaigns to cover migrant women and paying attention paid to their occupational health problems. A number of non-governmental women's organizations have also carried out many gender-sensitive health promotion initiatives targeted at migrant women, including the prenatal care program for migrant women by the Beijing Cultural Development Center for Rural Women, the program for sexual and reproductive health and rights of migrant women in Beijing by the Beijing Zhongze Women's Legal Consulting Services Center, etc.

The social network has taken shape to secure migrant women's rights and interests. Government authorities have encouraged and supported women's

federations to make use of regional development cooperation platforms and connected organizations, striving for the cross-regional docking of migrant labor force. In 2006, the first “Home to Migrant Women” was established in Beijing, providing work skills training and legal aid for migrant women while safeguarding the rights and interests of migrant women and children. As of October 2008, the practice had been extended beyond the whole capital city, reaching as far as some places in Fujian, with 159 similar institutions set up to help over one million migrant women. In addition, local non-governmental organizations have urged the whole society to safeguard the rights and interests of non-formal female employees through engagement in the development of sample contracts, legislative research, research into the living conditions of migrant non-formal female employees, legal assistance to poor migrant women, seminars and other approaches.

II. Gaps and Challenges

Migrant women are outperformed by men in employment rate and occupation level, and are subject to a more unstable income. Among migrant people of a working age, the proportion of employed female accounted for 77.5%, 19.7 percentage points lower than that of men. The majority of the employed females engaged in informal sectors, where 19.4% of women were housekeepers, 19.1 percentage points higher than that of men. The proportion of women unemployed or laid off was 1.8%, compared to the 1.3% of men. In addition, wage arrears or deductions are impeding women’s income. According to the Third Wave Survey on The Social Status of Women in China, the main problems troubling migrant women during their work included "being despised" and "delayed or deducted wages," respectively accounting for 14.7% and 14.2% of all options.

In terms of health and safety, migrant women lack access to healthcare resources, while the measures for occupational disease prevention and control are not satisfactory, coupled with inadequate compensation and relief for occupational injuries. This results from three causes. First, the availability to healthcare resources should be improved for migrant women as so far the unmarried migrant women are not yet covered by family planning and reproductive health services. In the *Research Report on Migrant Women's Reproductive Health* issued in August 2009, Beijing Zhongze Women’s Legal Consulting Services Center pointed out that nearly a million migrant women were excluded from maternity insurance due to a hukou restriction. Second, among migrant women, occupational disease prevention and control has not yet shown fundamental improvement, where women should be enabled in their cognition of occupational diseases as well as in their awareness of self-protection and their own rights and interests. According to a survey on female migrant workers in Guangdong, the majority of migrant workers suffering from occupational diseases were aged 20-25, of whom 45.9% had no idea about the occupational diseases they caught. Third, due to the low engagement of migrant women in work-related injury insurance, adding the existence of hidden occupational injuries, disability treatment and compensation is even harder to be available.

In terms of social and political participation, migrant women are not well-engaged at either their domicile or the recipient city or their workplace. The Third Wave Survey on The Social Status of Women in China found that the political and social engagement of migrant women in each age group were significantly lower than that of both urban and rural women. They are not only cut off from the political and social life of their home, but also failed to get access to the political and social life

in the recipient city. A survey in Hunan Province showed that only 12.2% of migrant women had participated in the election of community committees, 4.3% often took part in community activities, while more than 60% had never be informed of or engaged in them. Meanwhile, the proportion of migrant women engaged in formal and informal organizations (including unions, associations and civil society groups) remain at a very low level. Few migrant workers resorted to complaints for damaged rights and interests or participated in activities of the trade union. A survey in Guangdong in 2008 found that although the trade union and the women's federation are supposed to protect the rights and interests of migrant workers, very few of them know the functions of these two organizations.

III. Suggestions in Response

The employment of migrant women should be facilitated, with the social security network improved. A detailed and workable program and schedule of action should be developed, giving priority to the following issues: First, encourage and guide them to take up formal jobs rather than informal ones; Second, internalize flexible social security measures and encourage migrant women to join the social security system through the reduction of insurance costs, especially the expansion of maternity insurance coverage.

Health and safety of migrant women should be bettered through increased investment, improved institution and enhanced publicity. First, strengthen input in the protection of the rights and interests of migrant women. Second, remove discriminatory provisions relevant to migrant women in health, safety and other aspects. Third, strengthen training and awareness building among migrant women in terms of health and safety, particularly giving full play to the role of non-governmental organizations on health and safety issues of migrant women, including publicity and advocacy, legal assistance, education and training and so on, with a close eye kept on the construction of the social support network for migrant women.

Institutional resolutions should be introduced to ensure the social and political participation of migrant women. First, there should be institutional arrangements to ensure women of their equal rights and opportunities to social and political life. Second, outstanding migrant women should be fully taken into account in the training and selection of women leaders. Third, in the process of formulating policies and regulations, the government authorities should engage migrant women representatives and listen carefully to their views and suggestions, as well as the comments from the relevant non-governmental organizations. Fourth, foster and support the advancement of non-governmental organizations to facilitate the engagement of migrant women, with some preferential policies and tax incentives provided to encourage migrant women's participation in elections as well as in other public affairs.

Public services should be rolled out to facilitate migrant women to get integrated with the urban life. In the recipient cities, the governments should provide public services to migrant women, including housing and their children's education through improved capacity in social administration and public services.

Appendix

Catalog of the Organizations

Beijing Cultural Development Center for Rural Women

The Beijing Cultural Development Center for Rural Women, founded in August 2001, is a social welfare organization aiming at the development of rural women in China. With a vision to work with rural women and create an independent, equal and happy life for them, the Center is committed to developing the potential of rural women, safeguarding their rights and interests, training women leaders, and incubating women organizations among them.

Website: <http://www.nongjianv.org>