

China suppresses workers' attempts to demand wages

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Wage arrears have been a serious and long-standing issue confronting millions of workers in China since the capitalist restoration in 1978. For the year 2020, according to the *China Labour Bulletin*, there were at least 660 collective protests by workers against wage arrears covering almost all provinces. From the Workers' Calls-for-Help Map, which tracks individual workers' attempts to appeal for help on social media, 207 cases related to wage arrears have been recorded since September 2020. These records are certainly an underestimation as many grievances are not reported on the local news or in social media.

The struggles of workers amid already heated social tensions are regarded by the Chinese Communist Party (CCP) as a serious threat. In January 2020, Prime Minister Li Keqiang hypocritically signed a regulation designed to make sure migrant workers receive their pay. In reality, the CCP regime has, in recent years, been deepening its attacks on the democratic rights of workers and using all means to prevent them from demanding their unpaid wages—through legislation, vilification and arrests.

In November 2019, in a case where construction workers sued for wage arrears, the Supreme People's Court made a ruling that significantly increased the difficulties workers face when attempting to recover their wages. The ruling, in essence, only allowed workers to demand wages from an intermediate person or agent who subcontracted a work project, and denied the right of workers to demand wage arrears from the main contracting company.

Specifically, Mingfa, a real estate company in Huai'an, Jiangsu contracted to carry out a construction project in 2016 for another company called Fujian Sihai Construction. In fact, the project was carried out by an individual, Peng, who was affiliated with Sihai, but not

employed by it. Peng did not engage his own construction team, but instead subcontracted the project to a group of construction workers.

However, the real estate company did not pay for the construction as indicated in the contract. So the leader of the group of construction workers sued Peng and Sihai Construction, demanding the 359,849.50 RMB (\$US51,400) in arrears. The High People's Court in Fujian Province (where Sihai Construction is based) ruled in favor of the construction workers and issued an order to enforce this payment.

In the enforcement order, the provincial High People's Court established that neither Peng nor the construction company possessed any assets that could be used to pay back workers and implemented restrictions on large expenditures by Peng. As a result, despite the favorable ruling, construction workers did not receive their pay in the end.

The construction workers later appealed to the Supreme People's Court, the top court in China, demanding that the real estate company, Mingfa, should also be held at least partially responsible for the payment of their unpaid wages. However, the Court ruled that the construction workers had only a labor service relation with Peng, who subcontracted the project to them, but this did not constitute a contractual relation with Peng. Therefore, the Court declared that, in a narrow legal sense, the "construction undertaker" was Peng, not the construction workers. Since only the "construction undertaker" has the right to demand payments from original contractor, Mingfa, the construction workers had no right to demand wages from Mingfa directly.

This ruling has far reaching implications for workers, shutting off the already very limited means for workers to demand unpaid wages. The employment of workers

via subcontractors is very common in the construction industry. Wage arrears happen very frequently with 54 percent of the protests reported by the *China Labour Bulletin* in 2020 being in the construction sector. As one lawyer from Wuhan University commented, this ruling will “undoubtedly have disastrous consequences in practice.”

Workers who demand their pay are not only oppressed by the judicial system, but are also attacked and vilified by the state through the media.

In recent months, various articles have appeared denouncing protests by workers to demand their wages. For instance, when reporting on a protest by more than 20 construction workers demanding wages on January 20, several local media characterized the workers as “marching illegally” and accused the leading worker of “intentionally instigating other workers into protests.”

The police have also brutally intervened in many workers’ protests. Seven workers were detained for weeks after the aforementioned protest in Guangdong Province in January. Another worker in Jiangsu Province who threatened to jump off a crane tower unless he was paid was also detained by the local police for 10 days. The police have also issued statements that there would be “zero tolerance” against future attempts of migrant workers to demand wages through “malevolent means.”

Such statements are outrageous. Nothing is done about the real criminals—the employers who fail to pay the wages on which workers rely. Moreover, workers resort to protests because there are no “benevolent” avenues to be paid what they have earned.

The city of Tongxiao in Zhejiang Province has gone even further with a recent regulation published on February 7 that establishes a blacklist for employees who exhibit “abnormalities” in labor disputes. The criteria for “abnormalities” include: applying for arbitration at the same labor department more than five times in a year, filing more than 10 complaints at the same social security office within three years, and appealing to the same social security office to demand wages more than three times every year. The personal information of any blacklisted worker is be published on the city court’s official website and through social media. This information will also be circulated through the local employment markets.

This anti-working class regulation, despite claiming

to “regulate local labor market through legal means,” clearly serves to intimidate and bully workers to prevent any opposition being voiced.

The source of the widespread practice of failing to pay wages is not merely the greed and criminality of individual company owners and construction project contractors. The suppression of workers’ protests over unpaid wages is carried out with the active involvement of the police, media, the judicial system—in short, the Stalinist CCP state apparatus that enriches itself through the oppression and exploitation of the working class.



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