

**MIGRATION AND THE RIGHT TO SOCIAL PROTECTION:  
PERCEPTIONS OF OFF-FARM MIGRANTS' RIGHTS TO  
SOCIAL SECURITY IN CHINA'S JIANGSU PROVINCE**

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**Abstract**

While social protection is recognised as a human right in many international conventions, there are no national laws or guidelines mandating employers to pay social insurance to off-farm migrant workers in China. There is evidence that the inclusion of migrants in urban social insurance programs causes resentment among the urban population because of a belief that it will reduce the share of social security available for urban workers. This study looks at whether such resentment is also a function of urban workers' beliefs that migrants do not enjoy a natural right to social protection. Results indicate that younger urban workers, workers in state-owned enterprises and those with existing social security cover believe migrants do have a natural human right to social protection. Implications of these findings for policy development are discussed.

*We thank Gary Swinton from the School of Geography and Environmental Science, Monash University for providing us with the map of Jiangsu Province*

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# MIGRATION AND THE RIGHT TO SOCIAL PROTECTION: PERCEPTIONS OF OFF-FARM MIGRANTS' RIGHTS TO SOCIAL SECURITY IN CHINA'S JIANGSU PROVINCE

## INTRODUCTION

Social protection is recognised as a human right in many international covenants and declarations including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These instruments hold that people have a right to demand that their communities provide for their fundamental needs should circumstances beyond their control render them unable to provide for themselves. Needs, in this context, are understood to be those things that humans *require*, as opposed to desires, which are unsatisfied longings or cravings.

In China, the Labour Law<sup>1</sup> legislation that came into operation in 1995 deems that all workers in cities are expected to join a social insurance scheme (Nielsen, *et al*, 2005). Millions of Chinese off-farm migrants though, who for the most part do not have the urban residential registration (*hukou*) required to be recognised as city workers, are restricted from accessing the forms of social security that accrue as a right to those with an urban registration (Chan, 2001; Solinger, 1999). Such exclusionary practise can be interpreted as indicating that while social protection is viewed as a right for some in urban China, it is not viewed as a right for all workers, namely, migrant workers. Evidence for the validity of such an interpretation comes from the fact that while Article 72 of the Labour Law deems that all workers in cities are expected to join a social insurance scheme, this prescription is not always interpreted as extending to migrant workers, and furthermore, there are simply no national guidelines that mandate that employers must pay social insurance to migrant workers.

Nevertheless, some senior legislators, such as Liu Huailian and Jiang Deming of China's National People's Congress (NPC) and Ren Zhenglong of the NPC Agriculture and Rural Affairs Committee have called for national policies to guarantee that migrant workers receive the same social insurance entitlements as urban workers. Wang Yuancheng, who is a former migrant worker and now member of the NPC, proposed motions institutionalising the protection of migrants' rights at the Ninth and Tenth NPCs in 2003 and 2004 (Xinhua News Agency, 2004). Jiangsu, where the data for the present study were collected, does not have a province-wide social insurance scheme for migrant workers. Individual municipalities, however, have started to extend urban coverage to migrant workers in the five main social insurance areas of pensions, medical insurance, unemployment insurance, industrial injury cover and maternity insurance, consistent with national guidelines. It is a common perception among urban residents that the extension of social protection to migrants will have negative fiscal implications for urbanites, who already view the influx of migrants to the cities as one factor undermining their labour market position and, more broadly, their social and economic stability (Roberts, 2001).

While it has been observed that there is some resentment among the urban population towards the inclusion of migrants in urban social insurance programs because of a belief that the inclusion of migrants will reduce the share of social security available for urban workers (Desai, 2004), no studies have looked at this resentment from the broad perspective of social protection as a human right. In this paper, we seek to determine the reasons why many urban residents do not embrace the idea of extending social security to migrants from a rights perspective. Given that urban residents commonly view migrants as second-class citizens (Solinger, 1999), it is a logical extension that resentment over the inclusion of migrants in social protection schemes may be

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1 The Labour Law of The People's Republic of China, issued and translated by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China, and published by the Ministry of Labour. The Labour Law of the People's Republic of China was adopted at the Eighth Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on 5 July, 1994 and came into force on 1 January 1995.

based on the belief that as second-class citizens, migrants do not have the automatic right to social protection. Drawing on data collected in Jiangsu Province, we ask urban residents firstly, whether they think migrants workers should be included in urban social protection schemes, and secondly, whether they believe migrants have the same right to social protection as urban workers. The paper is set out as follows: section 2 introduces the intellectual roots for the claim that social protection is a human right by identifying the values and associated philosophical traditions that underpin this notion. Also explained is why understanding of what this right entails in practice remains opaque, with views differing widely across national communities. Section 3 outlines the social insurance position of migrant workers in China, with a focus on Jiangsu Province, which is the location from which the data for our empirical study are drawn, and then sets out our model to be tested in the empirical study. Section 4 describes the methodology of our empirical study. Section 5 sets out our hypotheses and provides the results of our analysis of urban workers' perceptions of migrants' rights to social protection in Jiangsu. Section 6 discusses these findings and their implications for the development of social protection policy in urban China.

## **SOCIAL PROTECTION AS A UNIVERSAL HUMAN RIGHT**

The Universal Declaration on Human Rights observes:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family ... and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Article 25).

The notion that existing welfare states should be preserved and that developing nations should deem the construction of universal social protection regimes a normal part of the development process has been subjected to sustained assault by neo-liberal economists and political theorists over the last quarter century. At the core of this challenge has been the claim that apportioning significant resources to social protection cannot be justified because it is unduly patronising, undermines personnel initiative, and severely limits the resources available to further national efficiency in an age of heightened global competitiveness. Those who defend the building and preservation of social protection, on the other hand, have sought to counter this challenge by arguing that comprehensive and indeed universal welfare regimes are justified both in order to ensure the competitiveness of national economies and because the capacity to access social protection is a basic human right. The latter advocates sustain their economic argument by advancing evidence that they claim shows that the long-term competitiveness of national economies is furthered if governments secure their populations against the volatility that characterises global markets. There is a further argument though that extends beyond efficiency and competitiveness and asserts that even should those opposed to universal and comprehensive social protection be able to win the economic argument this would not justify social policy retrenchment. It would not, because the ability to access social protection is a human right and as such, social protection must be provided for by the communities in which people reside irrespective of the impact on efficiency and competitiveness (Eide, Krause & Rosas 2001; Mishra, 2005; Scheinin, 2001).

Scholars who have advanced the claim that social protection is a human right include Alain Euzéby (2004, p.109) who has observed that the claim is underpinned by three core principles and their associated intellectual traditions - solidarity, human dignity and social justice. The solidarity principle expresses the notion that the individual is an inseparable part of a community that necessarily has a collective responsibility to provide mutual help, relief and assistance to all its members. Euzéby suggests that, conceived in this manner, solidarity is the cardinal virtue of social protection. It is a notion with a very long antecedence but which only began to be affirmed in practice when the Enlightenment cast aside the notion that sovereigns have a divine right to do as they wish. With this step it became necessary to justify private property given that God had supposedly provided the earth to all in order to secure and protect the well-being of all. What

those who denied that 'property is theft' needed, once a regent's ruling was deemed sufficient to resolve any issue, was an argument that could justify privatisation of the earth while leaving all people with the security that is their God-given natural right.

The latter is a key theme in John Locke's *Two Treatises on Government* and the arguments he advanced became a foundation upon which subsequent analysts built the case that private property is justified only if the owners of wealth concede that ownership carries a responsibility to show solidarity with the property-less should the latter, for reasons beyond their control, prove incapable of providing for themselves. In the subsequent development of this notion, the most influential theoretical contributories came from the socialist and social Catholicism traditions, with much of the debate centring on whether partial or total expropriation of wealth is justified if this is needed to secure the well-being of all. These debates led in time to broad acceptance of the notion that security of private property is justified if the fundamental needs of all are also secured by collective action on the part of the community. In practice, this has generally involved the establishment of a set of mechanisms for the redistribution of income toward people who are unable to provide for themselves due to illness, old age, dependency, unemployment and/or poverty.

Human dignity is the second core principle and concept that informs those who claim that social protection is a human right. This notion is anchored in Immanuel Kant's assertion that because human beings have consciousness, spirit and a soul, they must always be treated as an end and not purely as a means. Treatment as an end is required because if people are treated solely as means they are necessarily denied the dignity that is due to beings that possess these core human attributes. That this is the case is the essential notion that informs the philosophy of human rights. Those who insist that social protection is a right draw on this principle when they assert that all humans must be guaranteed the respect and dignity that accrues to those able to enjoy decent living conditions. Explicit in this claim is that if individuals are not able to provide for themselves, for reasons beyond their control, they have a right to call upon the community to provide for their needs and thus preserve their dignity.

Social justice is the third principle that informs those who assert social protection is a human right. This concept has been the subject of intense and sustained debate since John Rawls published *A Theory of Justice* in 1971. Rawls argued that because individuals are born with a set of equal rights (life, liberty, pursuit of happiness, etc.), they are justified in claiming an equality of opportunity to realise the capacities inherent in these rights. Hence, economic and social inequalities are justified only if they are attached to positions that are open to all under fair conditions. Rawls argued that this requirement justifies the existence of institutions that can attenuate the impact of social risks and natural chance. More recently, Sen argued that:

Every person whose well-being is affected by circumstances over which they have no control therefore has to receive compensation, with the objective of everyone having the same options to choose from and opportunities for well-being throughout their life. More precisely, social justice must be evaluated .... in terms of capabilities, that is, real freedom for different individuals to choose a specific type of life (cited in Euzeby 2004, p. 111).

Sen's argument speaks to the notion that social justice presupposes that inequalities which limit people's ability to realise their capacities needs to be corrected by collective action, and that furthermore, social justice demands that people be given the ability to make real choices. Sen's commitment to the notion that social protection is a human right contributed to his appointment as joint chair of the Commission on Human Security. Clearly manifest in the goals of this body is the notion that social protection is a right underpinned by the values/principles of solidarity, human integrity and social justice (Chen, Fukuda-Parr and Seidensticker 2003). This is in conformity with the whole tenor of relevant UN instruments. Thus the ICESCR, the covenant most directly concerned with social protection rights, opens by insisting that the rights it identifies "derive from the inherent dignity of the human person", and proceeds to assert that all people have "duties to other individuals and to the community to which [s]/he belongs", and that states ratifying the

Convention must recognise that the entitlements identified apply equally to both genders and that all people must be assured the opportunity to gain the minimal level of education needed to realise their basic needs.

In the process of insisting that social protection is a fundamental human right, scholars such as Euzéby (2004) are correct to highlight the continuing confrontation with those who would rely on economic argument alone to inform social policy. That every human being has a right to social protection is now conceded by all member states of the UN and this includes those that have not ratified the ICESCR. However, there is great diversity of perception across nations and communities as regards the obligations this acknowledgement imposes on societies and governments. Mishra (2005) has correctly observed that this diversity of understanding is due partly to the ambiguity of the language utilised in the primary rights instruments and partly to the level and form of social protection that communities at different levels of economic development should provide their populations. That the latter issue can rightly impact the level of entitlements that individuals can demand of their communities is compatible with the ICESCR, as the entitlements specified in this agreement are conditional on a nation's level of development. This contrasts with civil and political rights specified in the UNDHR which the international community insists apply equally and at all times and under all circumstances.

The ambiguity in the ICESCR and other fundamental rights instruments enables nations at the same stage of economic development to provide very few benefits to their populations while still being able to assert that they are honouring the requirements of the Convention. The diversity of understanding of what constitutes a minimal level of social protection is manifest in both the developed world (Europe versus the USA) and in the developing nations (China versus India). The coexistence of low and high redistribution societies has motivated critics to insist that the international community needs to specify minimum social protection standards that nations at every level of development should be expected to meet (Mishra, 2005). In practice, this proposal is bound to prove difficult to implement, not the least because there exists wide, cross-country understandings of what it means to say someone has a right to social protection when, *for reasons beyond their control*, they cannot provide for themselves. The sting lies in the italicised words because populations and individuals have very different understandings of what is beyond one's control. Views in the US, for example, tend to be more demanding than in continental Western Europe and perspectives normal in the latter region are in turn more demanding than the prevailing views in the former socialist states of Central and Eastern Europe and the former Soviet Union and in China.

Researchers who have sought to explain the existence of the great divergence of perspectives as regards what level and form of benefit people have a right to demand across communities with comparable levels of economic development, have suggested this diversity reflects rational expectations of what *is* likely to be provided by differing social protection regimes. It is also recognised that this diversity of views reflects the differing understanding that characterises national communities when it is asserted that individuals have a right to assistance if for reasons *beyond their control* they cannot provide for themselves. Alesina and Angeletos (2005) have argued that the key to understanding what the latter judgment means in specific societies are the dominant beliefs regarding how fair social competition is and what determines income inequality. These views are fundamental for they can influence greatly the redistributive policies embraced by the state in democratic societies.

If a society believes that individual effort determines income, and that all have a right to enjoy the fruits of their effort, it will choose low redistribution and low taxes. In equilibrium, effort will be high, the role of luck limited, market outcomes will be quite fair, and social beliefs will be self-fulfilled. If instead a society believes that luck, birth, connections and/or corruption determine wealth, it will tax a lot, thus distorting allocations and making these beliefs self-sustained as well (Benabou & Tirole 2005).

That the views of a population regarding social protection rights have the social policy impact Alesina and Angeletos (2005) suggest must be deemed moot given scholars have been able to demonstrate that a wide space may exist and be sustained between what populations believe individuals have a right to be provided with, and what is forthcoming (Wong & Wong 2005). Why populations do not act to close this space in democratic societies is likewise moot given people commonly suffer cognitive dissonance when they seek to sustain and promote the claim that effort ultimately pays off and everyone gets their just deserts when their daily lives tell them this is seldom true. Benabou and Tirole (2005) have confronted this latter issue with a model that seeks to explain: i) why most people have a need to believe in a "just world"; ii) why the prevalence of this need varies considerably across countries; and iii) the implications of this phenomenon for the political ideology, levels of redistribution, labour supply, aggregate income, and popular perceptions of the poor. This is an important contribution that should open the way to an exploration of how people cope and respond when they believe members of their community are not receiving social protection entitlements to which they are entitled by dint of the fact that they are a human being.

In the next section, we outline the current social insurance position of off-farm migrants in urban China. Our discussion focuses on the situation in Jiangsu Province, an eastern coastal province in China that is a key destination for migrant workers.

## **THE SOCIAL INSURANCE POSITION OF CHINESE MIGRANT WORKERS**

While no national laws or guidelines exist prescribing that state employers must pay social insurance to migrant workers, the call for legislating for migrant rights at the national level has gathered momentum in recent times with the recognition that there is an emerging problem of a shortage of migrant labour in China. By mid-2004 a spate of reports surfaced in the press indicating that this problem had reached crisis proportions in the coastal industrial regions. The shortage was first noticed when fewer migrants than expected arrive from the countryside to look for jobs after Chinese New Year in February 2004 and made headlines around June 2004, when migrant workers normally work large amounts of overtime, but Chinese newspaper photos showed factories setting up roadside stalls attempting to recruit workers (Chan, 2005). The shortage of migrant labour was taken as a signal that migrant workers were withdrawing their labour in response to poor working conditions and wage arrears. According to the All China Federation of Trade Unions, at the end of 2003 migrant workers' unpaid wages totaled as much as 100 billion RMB (Bechtel, 2004)<sup>2</sup>. At the Tenth NPC in 2004, Premier Wen Jiabao responded by vowing to solve the problem of wage arrears for migrant workers in the construction industry within a period of three years.

Despite government claims of commitment to the protection of migrants' rights, most observers are skeptical about whether government initiatives will have much practical effect. For instance, for several years, just before Chinese New Year, local governments have launched "chasing after wage-arrears campaigns" (*zhuihui qianxin yundong*) followed by announcements that several million RMB had been "chased back" for migrant workers. These amounts, though, are only the tip of the iceberg of the total amount of unpaid wages to migrants, since many cases of underpayment or nonpayment are not reported. Moreover, even when they are reported and dealt with by the authorities, employers who have not paid migrant workers often simply refuse to comply with government directions to do so (Chan, 2005).

In practice, the decision on whether to extend social insurance coverage to migrants has been left to governments at the municipal level. In some cities, social insurance coverage has been extended to migrant workers. In 2002 the Shanghai municipal government was a pioneer in passing *Interim Procedures on Comprehensive Insurance for External Labour Forces in Shanghai*, which specifies employer obligations to migrant workers in Shanghai, excluding domestic service

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<sup>2</sup> The renminbi (RMB) is the Chinese currency. In May 2005 US\$1= 8.28 RMB.

workers and farming activity workers. The social insurance premiums for migrant workers for each firm are levied on a base which is 60 per cent of the average previous year's monthly wage of all workers in Shanghai, multiplied by the number of migrant workers employed by the firm. Employers of migrant workers in Shanghai are required to pay 12.5 per cent of this base, while for outside construction teams the comparable rate is 7.5 per cent (Article 9). This provides migrant workers with coverage for work-related injuries, hospital treatment and pensions on retirement, but not coverage for maternity or unemployment insurance (Article 13). In January 2005, there was estimated to be four million migrant workers in Shanghai and the government claimed that 2.09 million migrant workers or more than 50 per cent were covered by the scheme (Xinhua News Agency, 2005).

In 2005 the Shenzhen Municipal government extended its social insurance card scheme to cover migrant workers. The Shenzhen government introduced the social insurance card in 1996, but at that time coverage only extended to those working in the public sector and for large enterprises in the non-state sector. Under the new scheme, the cards will cover old age pensions, medical care, work injuries, unemployment, maternity insurance and a housing accumulation fund. The cards are designed to be flexible in terms of the coverage that they provide. For instance, migrants can apply for cards with different levels of social insurance coverage depending on their needs through paying 10 RMB. Approximately three million urban residents hold social insurance cards under the scheme started in 1996 and under the extension of the scheme the Shenzhen government expects to issue a further one million cards to migrant workers in 2005-2006 (Shenzhen Daily, 2005).

The extension of social insurance coverage to migrant workers in some cities in Jiangsu – the province from which data for our study was collected - is premised on two pieces of legislation, which are motivational rather than prescriptive. The first is Article 72 of the Chinese Labour Law – operational since 1995 and which deems that all workers in cities are expected to join a social insurance scheme. The second is the Jiangsu Provisional Regulations on the Collection of Social Insurance Fees, first issued in 1999 and extended in 2003, which stipulates that all workers in foreign-invested enterprises, urban enterprises, and public institutions should join a social insurance scheme, with details of the level of provision available to be specified by individual municipalities.

There are no accurate figures on the proportion of migrant workers who have social insurance coverage in Jiangsu. However, a conservative estimate is that there are at least six million peasant migrants working in the cities of Jiangsu province and that there are 2.5 million residents without a Jiangsu *hukou* working in the province, of whom at least 70 per cent are off-farm migrants (Bureau of Jiangsu Rural Economy Survey, 2004). Officials from the Department of Labour and Social Security in Jiangsu told us that about 200 to 300 thousand off-farm migrant workers took part in the insurance schemes.<sup>3</sup> In Yizheng at the end of 2003, there were 8187 peasant workers participating in the pension scheme, 3400 peasants had medical insurance coverage, 3799 peasant workers had unemployment insurance coverage, 3179 peasant had industrial injury insurance and 2892 peasant workers were covered by maternity insurance<sup>4</sup>. In Kunshan, between 20 per cent and 30 per cent of non-local peasant workers have social insurance coverage<sup>5</sup>.

Even when municipalities have regulations in place covering migrant workers, employers do not always comply with those regulations. This means that apart from whether specific municipalities have relevant regulations there are a myriad of factors that can influence whether migrants actually receive social insurance coverage in practice. In Jiangsu, a major factor that is likely to influence whether migrants actually receive social insurance is the nature of the ownership structure of the enterprise. Our interviews in Jiangsu suggest that state-owned enterprises tend to treat their contract migrant workers the same as their regular urban employees in terms of both salary and

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3 Interview at the Department of Labour and Social Security, Nanjing, Jiangsu, December, 2003.

4 Interview at the Yizheng Municipal Bureau of Labour and Social Security, Jiangsu, December, 2003.

5 Interview at the Kunshan Bureau of Labour and Social Security, Jiangsu, December, 2003.

providing social security. Most non-state-owned enterprises, however, do not provide social insurance coverage to migrants in order to reduce their labour costs. In contrast to the state-owned sector, non-state enterprises tend to pay social insurance contributions only for their 'key' migrant workers. Generally speaking, these 'key' migrant workers are workers who are skilled and who have been at the enterprise for a long time. Key migrant workers generally receive equal pay to city workers and enjoy all social insurances except for a housing subsidy.

The remainder of our paper presents an empirical study that we undertook in Jiangsu province in December 2003. The aim of our study was to determine the attitudes of urban workers towards social security coverage for migrant workers. In particular, we were interested to see whether urban workers viewed social protection as a fundamental right that should extend to migrant workers. Using the following equation:

$$RIGHT=f(X, OWNERSHIP, \varepsilon) \quad (1)$$

Here *RIGHT* is a binary dummy variable that takes the value of 1 if a respondent believes that migrant workers have the same right to social protection as urban local workers, zero otherwise. *X* is a vector of individual (age, gender, education, household income, current social protection) variables; *OWNERSHIP* is the ownership form of the respondent's employer and  $\varepsilon$  is the error term, reflecting unobserved random factors. We used a binary logit model to estimate Equation 1.

We expected that local urban workers would view the extension of social security to migrants as a human right if they worked in a state-owned enterprise (SOE), where both levels of salary and social security are not typically demarcated because of residential residency status.

We expected that younger residents would be more likely to view social protection as a natural right for migrants. Unlike older residents, who will be from the 'iron ricebowl' generation where automatic rights to social protection depended on whether one lived in an urban or a rural area<sup>6</sup>, younger residents are from the post 'iron ricebowl' generation, where the social protection rights of migrants have emerged as a significant social policy and human rights issue.

We also expected that those respondents with higher levels of human capital (in the form of higher education and higher income) would be more likely to view social protection as a natural right of migrant workers. It is arguable that those with higher levels of human capital would have better access to the rights instruments and labour legislation in favour of extending social protection to migrants.

The sign on the variable measuring whether respondents currently enjoy social security benefits is ambiguous. On the one hand, the economic argument that extension of social security provision to migrants will reduce the share for urbanites may simply override the consideration of rights per se and lead respondents to answer in the negative. On the other hand, those who currently receive social protection in Jiangsu may be more likely to see it as a universal right in light of the current movement towards the dismantling of the *hukou* system – once a fundamental structural divide between the social protection haves and have-nots – in Jiangsu.

As there is no clear argument that either males or females would be more likely to view social protection for migrants as a rights issue, the impact of gender will be explored.

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6 Entitlement to social security further depended on the ownership status of the enterprise for which one worked. In urban areas social security was a danwei-based (organization-based), defined-benefit and was restricted mainly to workers in the public sector such as those employed by SOEs.

## METHOD

### Participants

Participants in this study were 822 local urban residents working in 23 enterprises in six cities in Jiangsu Province, which is one of China's thriving coastal provinces attracting a large number of migrant workers. The locations in Jiangsu from which participants were recruited were Nanjing, Yizheng, Suzhou, Kunshan, Chuzhou and Changzhou. The location of these cities within Jiangsu is shown in Figure 1. Basic social economic statistics for the six cities are contained in Table 1.

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Figure 1 and Table 1 about here  
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The survey was administered in the chosen 23 enterprises for three reasons. First, the enterprises contained a representative range of ownership forms consistent with Jiangsu's mixed ownership economy. There were five state-owned enterprises, five privately-owned enterprises, four joint ventures, four shareholding firms and five wholly foreign-owned enterprises. Second, the enterprises were spread across cities representing different economic regions of Jiangsu. Third, the enterprises are across a range of different industries.

### Materials

All participants completed a survey, developed by the authors, to measure local urban workers' attitudes towards extension of social security to migrant workers, and in particular, whether migrants are viewed as having a fundamental right to social protection. Basic demographic data (gender, age, education, income) were also collected. Table 2 provides a description of each of the variables used in the study.

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Table 2 about here  
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There were 481 males and 341 females of mean age 33.42 years ( $SD = 8.24$  years), in a range of 18 to 68 years. Overall, our sample is a bit younger and better educated than the average urban resident in China, but in other respects is typical. Our sample contains 54.9 per cent males, while the urban population contained 50.06 per cent males in 2002 (SSB 2003, p. 7). In our sample 42 per cent of respondents were aged 30 years or less, while 27.5 per cent of people employed in urban areas were aged 30 years or less in 2002 (SSB 2003a, p. 69). The reported level of tertiary education among respondents in our sample was 36.5 per cent, while for the urban population as a whole it was 15.8 per cent in 2002 (SSB 2003a, p. 71). While the education distribution is skewed in the overall context of China, it is to be expected in the current data as the sample comprised managerial level staff who tend to be better educated than other city workers. Nevertheless, as the current sample is not representative of Chinese urbanites in terms of educational attainment, the results of this study should be interpreted with this caution in mind.

### Procedure

Workers responded to the questions anonymously, taking about 15 minutes. We achieved a 92.1% response rate. Data were pooled for the analyses.

## RESULTS

We asked respondents to what extent they agreed that migrants should be able to participate in the urban social insurance schemes of urban employees. The majority of respondents (65.4%) indicated some degree of agreement (see Table 3).

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Table 3 about here  
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We then undertook a logistic regression analysis to assess the main effects of gender, age, income, education, firm ownership form and participation in any of pension insurance, medical insurance, unemployment insurance and industrial injury insurance on urban workers' perceptions of migrants' *rights* to participate social insurance. The dependent variable took the value of 1 if respondents indicated that they believed migrants have the same rights to social insurance as urban workers, and zero otherwise.

Hosmer and Lemeshow goodness-of-fit tests indicated that the model fit the data well ( $\chi^2_8 = 2.31$ ). The perception that migrants have the same rights to social protection as urban workers was significantly predicted by age ( $\beta = -0.039$ ,  $p < .05$ ), having an existing form of social insurance coverage ( $\beta = 1.130$ ,  $p < .05$ ), and working for a state-owned enterprise relative to either a wholly foreign-owned enterprise ( $\beta = -1.398$ ,  $p < .05$ ) or shareholding firm ( $\beta = -0.534$ ,  $p < .05$ ), relative to a state-owned enterprise (see Table 4).

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Table 4 about here  
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The signs on the age and ownership variables were in the expected direction. Respondents were more likely to believe that migrants enjoy the same natural right to social protection if they were younger or if they worked for a SOE, relative to a WFOE or SHF. The sign on the variable denoting whether a respondent currently has social protection supported the argument that the dismantling of the *hukou* system is important to viewing social protection as a *universal* right. Respondents were more likely to believe that migrants enjoy the same natural right to social protection as urban workers if they had an existing form of social protection. There were no significant main effects of gender, income or education.

## DISCUSSION AND IMPLICATIONS FOR POLICY

As the Chinese economy changes, a major challenge has come in the form of how to support workers during poor health, in old age, and during periods of unemployment<sup>7</sup>. In pre-reform China, social insurance was bound to the organisation. For urban workers, these 'cradle to grave' benefits included pension and medical insurance and a range of everyday benefits such as food and housing subsidies (Guan, 2000). But under the reformed economic structure, social insurance is bound to the market, and hence the share of costs borne by the individual is increased. Given that urbanites commonly believe that the inclusion of migrants in urban social protection schemes will reduce the share of social security available for urban workers (Desai, 2004), it is not surprising that there is some resentment among the urban population towards the inclusion of migrants in urban social insurance. In respect of this though, our results are heartening as they indicate that a large majority of our sample nonetheless endorse social protection for migrant workers.

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7 Indeed unemployment in itself is conceptually quite novel in post-reform urban China, where hitherto under the planned economy jobs in the majority public sector organisations were for life (Dong & Ye, 2003).

The main focus of our study was to test a model of the belief in migrants' rights to social protection, based on characteristics of urban workers and the ownership form of their employer. Our results indicate that the characteristics that are important to whether urban workers believe their own right to social protection should extend to migrant workers are age, whether the respondent currently enjoys their own social protection and the ownership form of their employer. That younger respondents saw social protection for migrants as a human right is encouraging and indicates that acceptance of the urban/rural divide as one extending to social welfare obligation is receding. This finding speaks optimistically to the likelihood of a smoother passage for implementation of China's Labour Law legislation in the future.

The finding that those urban residents who currently enjoy social protection believe it should naturally extend to migrants as a right is some evidence that the current move towards reform of the residential registration system is having spill-over effects to issues of human rights. Under the *hukou* system, peasants and urbanites were strictly divided along several structural dimensions, including the right to social protection. In Jiangsu, where *hukou* reform is being tested, urban residents with existing social protection are more likely to believe it is a right for all, not just a right for themselves. Evidently for Jiangsu urban workers, residential residency is not seen as a natural divider of the haves and have nots. Rather, it seems that these residents think in an inclusionary way, such that if they are able to enjoy the benefits of social protection, it should necessarily extend to all, irrespective of *hukou* status.

Our finding that workers in SOEs are more likely to believe migrants have a right to social protection speaks loudly to the influence that organisational culture can have on the value systems of individual employees. In the state sector, where contracted migrant workers are more likely to be treated comparably to their urban counterparts, in terms both of salary and social protection, urban workers have embraced these same inclusionary principles and do not view migrants as second-class citizens.

### **Social Protection Rights and Perceptions: Implications for policy**

Scholars committed to the notion that social protection is a human right are correct to highlight the fact that the UN emphasises solidarity, dignity and social justice when arguing that social protection is a right that must be honoured by all communities. That every human being has a right to social protection is now conceded by every member state of the UN including those that have not ratified the ICESCR. However, understanding of what this concession requires of communities and governments differs widely across nation states. This diversity of perspective is a product of a complex mix of factors that include the ambiguity of the language utilised in rights instruments, different views regarding what can reasonably be demanded of people before it is accepted the community must provide for their needs, and divergent perceptions of who is a member of the community.

The ambiguity of the language utilised in the ICESCR and other global rights instruments enables governments and other agents to 'spin' the extent to which they honour the requirements of these instruments. As a result, governments that provide very different levels of entitlements are able to assert that they are fully meeting their obligations. This 'spinning' of the rights language has motivated Mishra (2005) to call on the international community to specify in very clear language what are the minimum social protection entitlements that nations must provide their people when, for reasons beyond their control, these individuals are unable to provide for themselves. While this is a laudable goal, it is a proposal that is bound to prove extremely difficult to institutionalise not least because understanding of what is '*beyond one's control*' varies widely across communities. As Benabou and Tirole (2005, 1) observe: "International surveys reveal striking differences between the views held in different countries concerning the causes of economic success or poverty, the extent to which individuals are responsible for their own fate, and the long-run rewards to personnel effort." Hence, what is deemed beyond one's control tends to be interpreted with much less generosity in the US than in continental Western Europe while perspectives normal in

the European Union are more demanding than in the former socialist states of Central and Eastern Europe (Suhrcke 2001; Redmond, Schnepf & Suhrcke 2002).

The generosity of perspective regarding what can be expected of the individual that is manifest in any society is important for social protection rights because it has been repeatedly shown that there is a strong correlation between such beliefs and the actual redistribution policies manifest in any given society. Amongst scholars who have explored this association, it has become orthodoxy that those governments that must respond to their people's perceptions will tend to shape social protection provision to a form that reflects these views (Alesina et al. 2001; Alesina & Angeletos 2005). This is an orthodoxy that has been challenged by Benabou and Tirole (2005) who have suggested that causality in fact runs in both directions. In short, the prevailing social contract is both shaped by the perceptions of the population and people's beliefs are shaped by this accord. In support of this proposition, Benabou and Tirole (2005) concluded that people need to believe they live in a just world in order to motivate themselves to sustain the effort required to survive with dignity, that diversity in the extent to which populations believe the world is just reflects an awareness of the costs associated with failing to be so convinced, and that awareness of the existing realities surrounding the social contract influences preferred social policies.

Benabou and Tirole's work is an important contribution that should act as an effective counter to the orthodox assumption that the social policies extant in a society are the policies desired by the population. This naïve belief needs to be countered not least because it is possible to demonstrate a wide space can be sustained between what populations believe individuals have a right to be provided and what is forthcoming (Wong & Wong, 2005). It can also give a greater reality to the work of those theorists who wish to assist policy makers who seek to shape people's understanding of what can be demanded of those who advance social protection claims and the responsibilities that communities must honour in relation to their members. But of course it is a contribution that can inform both social inclusion and social exclusion. The latter term refers to the manner in which dominant social groups exclude "less powerful groups from resources over which dominant groups exert control and to which they have privileged access." (Jackson, 1989; Musterd & Ostendorf 1998)

The notion of social exclusion is an important concept in the debate that surrounds the right to social protection and this is the more so as global rights instruments tend to condone exclusion. The provisions identified in the ICESCR, for example, are deemed to have universal application (apply equally to all human beings) only in relation to the minima needed for survival. Beyond this level the ICESCR provisions are conditional on the level of economic development achieved by a given society. This conditionality contrasts with the civil and political rights specified in the UNDHR which are held to apply equally, at all time, and under all circumstances. What this means in effect is that the notion of community and who belongs to a community is often unclear. Indeed, one may belong to a universal community and at the same time be excluded from a subordinate community. All humans are members of the human community, for example, but only those Chinese with urban residency have the right to access the social protection entitlements that the state has deemed are available to this community. Whether one belongs to a community, moreover, is often a highly contested issue and one that makes Mishra's call for global specificity regarding social protection rights difficult to achieve. Aware that this is the case Mishra suggests specificity should apply to each level of economic development. This is a suggestion with merit but is a solution that compounds what is already a difficult task and that provides policy makers with yet another rights ambiguity that they can spin.

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**Table 1: Social and Economic Statistics of the Survey Location Cities**

	Nanjing	Changzhou	Suzhou	Chuzhou	Yizheng	Kunshan
Population (10,000 persons)	572.23	346.22	590.97	908.66	59.35	61.95
Employees (10,000 persons)	280.68	199.74	346.19	382.03	32.19	43.35
GDP (100 Mn yuan)	1576.33	901.42	2801.56	905.79	72.41	430.37
Per Capita GDP (yuan)	27307	26149	47693	9992	12198	70184
Average Wage of Employees (yuan)	22190	17259	19790	13551	14558	17602
School Enrolment (10,000 persons)	112.9	62.23	93.98	191.82	8.78	9.08

Source: Statistical Yearbook of Jiangsu 2004 (E-version)

**Table 2: Description of variables used in the study**

Variable	Description	Frequency of '0' responses
Gender	A binary variable where 0=male and 1=female	Males = 54.9%
Age	Age in years	Mean age = 33.42 years
Education	Ordinal variable where 1=secondary school or less, 2=junior middle school, 3=senior middle school and 4=polytechnic or tertiary education	> senior middle school education = 36.5%
Income	Ordinal variable from 1=0-Y5000 to 6=Y30000 and above	Y15000 and below = 68.9%
Participation in at least one form of social insurance	A binary variable where 0=does not participate any form of insurance and 1=does participate in at least one form of insurance	Does not participate in insurance = 10.1%
Should migrants participate in urban social insurance	An ordinal variable from 1 = migrants should definitely not participate to 5 = migrants definitely should participate	31.4% should/definitely should participate
Do migrants have the same rights as urban locals to participate in urban social insurance	A binary variable where 1 = belief that migrant workers have the same rights to participate in urban social insurance as local urban workers, zero otherwise	62.1% believe migrants have the same rights as urban locals to access urban social insurance

**Table 3: Percentage responses to the question “Should migrants participate in urban social insurance?”**

<b>Response</b>	<b>Valid percent</b>
Migrants should definitely not participate	12.1
Migrants should not participate	53.3
Unsure	3.2
Migrants should participate	24.3
Migrants should definitely participate	7.1

**Table 4: Predicting urban locals beliefs in migrants’ rights to social insurance**

	<b>B</b>	<b>Wald</b>	<b>Sig</b>
Participation in social insurance	1.130	5.152	.023
Age	-0.039	3.953	.047
Firm ownership form*			
WFOE	-1.398	4.268	.039
SHF	-0.934	3.389	.050
PRI	.573	1.534	.215
JV	.092	.031	.860
Income	.237	.089	.817
Education	-.135	.082	.774
Constant	5.884	31.245	.000

\* Reference category is SOEs

Figure 1: Location map of surveyed regions

