

Report on the Migration Trend and the Status of Rights Protection of Domestic Workers

Zhang Shuai¹

I. Background

Domestic service workers perform housework, care for children, the elderly, and the sick, and manage household-related affairs, based on their clients' requirements. Domestic service is generally divided into three levels: basic services, which involve the performance of general chores, including cooking, washing laundry, making repairs, and cleaning; secondary services, such as nursing, providing nutrition, babysitting, home tutoring, which are more knowledge and skills-based; and tertiary services, such as housekeeping and social, leisure, and family financial planning, which require special expertise.²

In 2003, the Ministry of Labor and Social Security published a *White Paper on the Domestic Work Sector in China*, which highlighted the important role that the emerging domestic service industry plays in improving the quality of life and creating job opportunities for women. The Ministry's survey revealed that the Chinese domestic service industry is made up of over 600,000 companies and outlets which employ approximately 20 million domestic workers. The domestic service industry has an annual turnover of over 160 billion yuan. More than 90% of domestic workers are women between the ages of 16 and 48 (the modal age class being 30 to 40 years). Most of these women are less educated migrant workers or laid-off urban workers.³ Although a substantial portion of domestic workers are young girls, most employers prefer to hire young and middle-aged women with sufficient life experience. The survey did not include information regarding the working and living conditions of the substantial percentage of domestic workers who are introduced to their employer families by relatives and friends.

According to the Ministry of Education, 83% of migrant workers have received only primary or lower secondary education. Given the low educational requirements of the domestic service industry, less educated and unskilled migrant workers, especially females, choose to go into domestic service.⁴ Notably, the majority of domestic workers hold the traditional belief that housework, laundry, cooking, and caring for the young and old are the "natural duties" of women, and that they can therefore take up these jobs without any prior training.

The domestic sector is considered "informal employment" (*fei zhenggui jiuye*) due to the lack of laws and regulations governing working conditions and labor and social security. Individuals and families who hire domestic workers are not "employers" as defined by the *Labor Law*. As a result, the wages, working hours, training, labor rights, and social security of domestic workers are not regulated or protected by law.

A number of government departments have, however, taken over the supervision, administration, and implementation of laws relevant to the domestic service industry. The Ministry of Human Resources and Social Security, for example, is responsible for developing policies, laws, and regulations related to labor relations, employment, and vocational training. The Ministry of Commerce formulates development plans for the domestic service industry, creates implementation guidelines, rules, and regulations, supervises and guides industry associations at every level, and develops relevant training materials. The State Administration for Industry and Commerce issues

¹ The author is a lawyer and the Director of Litigation at the Center for Women's Law & Legal Services of Peking University

² Jiang Zengwei, New Opportunities Opened up to Domestic Service Industry, official website of the Chinese Government, http://www.gov.cn/jrzq/2007-11/17/content_808137.htm

³ ILO, *Situation Analysis of Domestic Work in China*, 2009

⁴ ILO, *Situation Analysis of Domestic Work in China*, 2009

domestic service business licenses and supervises market activities.

According to a 2007 UNIFEM report, the major sources of domestic labor in China are Gansu, Henan, Sichuan, Anhui, Hunan, and Shandong provinces. The major destinations of domestic workers are affluent cities such as Beijing, Shanghai, Shenzhen, and Guangzhou. The report also revealed that the domestic service industry not only creates job opportunities (in Beijing, Shenzhen, and Guangzhou, for example) for surplus labor from rural areas, but has also provided employment for many laid-off workers in urban areas, including Xi'an, Tianjin, and Chengdu.

Demand for domestic services stems from household consumption. The domestic services industry has created new job opportunities for people who come from areas where there has been little economic growth. A survey from the Ministry of Human Resources and Social Security revealed that the demand for domestic services increases as average income rises. According to the survey, approximately 40% of families have domestic service-related needs, translating into approximately 15 million potential jobs. Therefore, the domestic service industry is considered one of the key sectors of employment growth both now and in the near future.

Studies reveal inter-regional discrepancies in development within the domestic service sector. Domestic services in economically affluent and highly urbanized cities such as Beijing, Shanghai, and Shenzhen see a higher level of commoditization and strong local government support. For example, Shenzhen issued the *Shenzhen Regulations for Domestic Services* to boost development and regulate the market. The issuance of these regulations represented the earliest attempt to provide some legislation for the sector. Although many cities followed suit with regulations or "*hongtou wenjian*" (red letter headed official circular), these regulations do little to ensure the industry's orderly development. Problems that have surfaced include ambiguous definitions of rights and responsibilities, poor worker quality, a lack of protections for domestic workers' rights, non-conformity of employer demands, misguided consumption concepts and habits, flawed employment service mechanisms, and inadequate training.

The domestic service sector was not immune to the effects of the global financial crisis which began in 2008. According to reports and analyses, consumers' purchasing power and propensity to consume have decreased as a result of the crisis. The dip in consumer confidence is reflected in reduced employer demand. At the same time, the financial crisis both directly and indirectly led to the collapse of many small and medium-sized enterprises. The collapse of these enterprises has led to both regional and sectoral outflows of migrant workers in search of employment elsewhere, the most obvious of which is the movement of laid-off females into the domestic service industry. The sudden influx of labor into a particular sector or region leads to an oversupply of domestic workers, which in turn suppresses the wages of domestic workers.⁵

In light of the aforementioned crisis-induced circumstances (i.e. reduced income, income-elastic consumption, labor supply exceeding demand, wage suppression, and a dearth of job opportunities), we ask the following questions: What are the challenges confronting the domestic service industry, and how extensive are their effects on the industry? Is there any change to the movement pattern and rights of domestic workers?

In 2009, the All-China Women's Federation took on the task of organizing activities under the UNDP-Spain MDG Achievement Fund's "Youth, Employment and Migration Program." Key activities included providing research, advocacy, services, and training to the domestic service sector. The selected pilot regions were Tianjin, Changsha, and Hefei. Peking University's Center for Women's Law & Legal Services was charged with the task of surveying and analyzing the movement patterns and rights of domestic workers and reviewing current policies, services, protections, programs, and activities. Our study focused on the movement of domestic workers and the domestic service

⁵ How Does the Domestic Service Sector in Beijing Rise up to the Financial Crisis, Zhong Qing Domestic Work, <http://www.zqlw.com/hyxw/171433249.html>; Women Who Lost Jobs in Financial Crisis Turn to Domestic Service Sector, Beijing Dong Bao Domestic Work, <http://www.bjdbjz.cn/main/20081289304942/Page/200721319491622/NewsDetail.asp?NewsId=200811316313017>.

industry's changing market trends.

2. Methodology

Our survey methods included questionnaires and interviews. The questionnaires were designed by specialists in sociology, law, and women's studies. We spent a total of 3 months in three cities, Tianjin, Heifei (Anhui Province), and Changsha (Hunan Province), administering questionnaires, conducting interviews, and organizing focus group discussions.

Questionnaire: We distributed 3,000 questionnaires in the 3 cities, 1,000 per city. Interviewers were trained by the research team before fieldwork began. With the help of interviewers, most respondents completed the questionnaires. 2,969 valid questionnaires were recovered, making the valid response rate 99%. Random checks confirmed that the results were reliable.

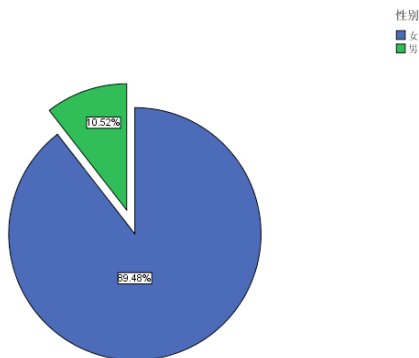
Interview: Our research team had one-on-one talks with 10 domestic workers in each of the 3 cities. As required, most of the interviewees were young and middle-aged adults who came from different regions and performed different kinds of domestic work.

We also conducted field research in the 3 cities and held focus group meetings with representatives from domestic service companies and agencies, with about 10 participants per session.

In conducting our surveys, we received support from a variety of organizations, including local women's federations and domestic work associations, which helped us ensure that our survey results were accurate and credible.

3. Respondents' Profile

Gender: 89.5%⁶ of respondents were female and 10.5% were male.



Women from rural areas accounted for 63.8%⁷ of respondents, making up the largest share of respondents.

Gender and Household Registration Cross Tabulation

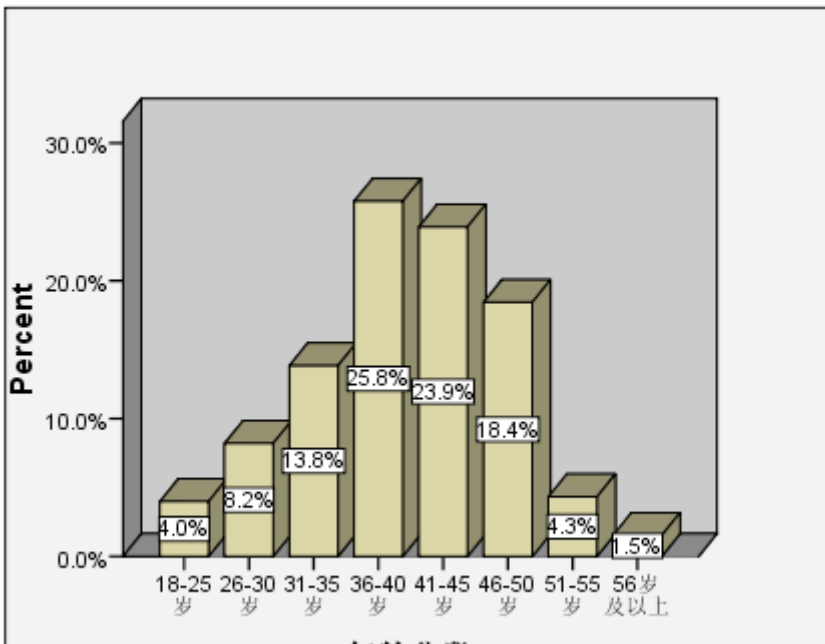
Count	Household Registration		Total
	Urban	Rural	
Gender Female	679	1671	2350

⁶ 2,719 respondents answered this question; 250 did not.

⁷ 2,691 respondents answered both questions.

Male	58	211	269
Total	737	1882	2619

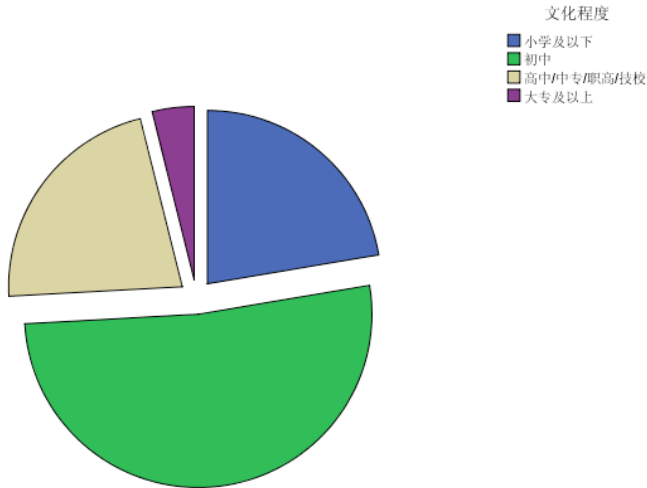
Age: A large proportion of respondents fell within the 36-45 age bracket. 25.8%⁸ were 36-40 years old; 23.9% were 41-45 years old. Together, these two groups accounted for almost half (49.7%) of respondents. 26% of respondents were 18-35; 24.2% were at least 46. The age distribution of respondents reflects the fact that a majority of domestic workers are young and middle-aged adults.



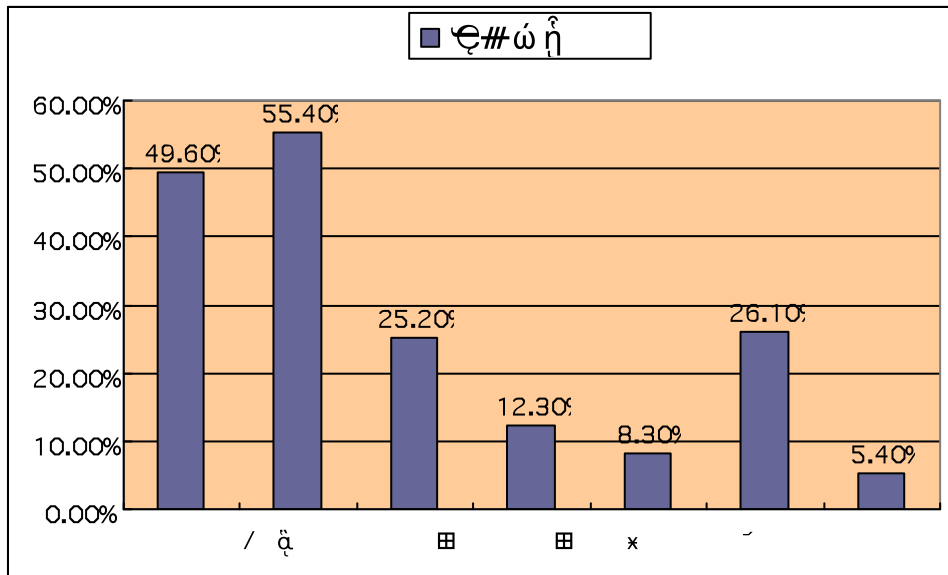
Educational Attainment: Our survey revealed that many respondents were poorly educated. 51.8%⁹ of respondents had finished only middle school. 22.3% had received primary education. In other words, 1 out of every 5 respondents had not completed the 9 years of compulsory education. Our survey also indicated that only 25.9% of respondents had at least a high school diploma.

⁸ 2,890 respondents answered this question; 79 did not.

⁹ 2,875 respondents answered this question; 94 did not.



Categories of Domestic Work: The largest proportion (55.4%¹⁰) of respondents did grocery shopping and cooking; the second largest (49.6%) performed cleaning. The percentages of respondents who were babysitters and geriatric caregivers were very close, at 26.1% and 25.2%, respectively. 12.3% were patient caregivers and 8.3% were confinement nannies.

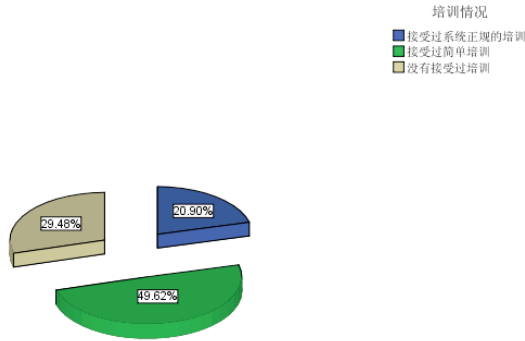


Training: Nearly half (48.1%) of respondents (2,880¹¹ in total) had received preliminary training; 20.3% had received proper training. 28.6%, or 1 out of every 3 respondents, said that they had

¹⁰ Respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 5,317 times. ¹⁰ The data represents to the percentage of domestic workers who made a choice as a percentage of all the respondents. Because respondents could select more than one option, the sum of the percentages is greater than 100%.

¹¹ 89 respondents did not answer this question.

received no training whatsoever. Our research was conducted among domestic workers employed by formal domestic service agencies. Given that a large number of domestic workers are employed through informal channels, the actual percentage of untrained domestic workers could be higher than what our survey indicated.



The quality of the services provided by a domestic worker depends on the worker's level of competence and the type of formal training the worker has received, especially for domestic workers from rural areas. Lack of education, personal hygiene, courtesy, legal awareness, city experience, and professional skills all may prevent domestic workers from effectively communicating with employers. Sometimes, these factors may even lead to accidents or legal disputes between domestic workers and their employers. Employers in the domestic service sector are often reluctant to compensate or claim compensation from a domestic worker. Therefore, employers should take domestic service safety into serious consideration.

A cross tab analysis of categories of domestic work and education levels revealed a huge disparity in education among respondents engaged in different categories of domestic work. Confinement nannies had the highest level of education. 47.9% of them had completed high school or polytechnic/vocational/technical school, much higher than the other categories.

Education and Categories of Domestic Work Cross Tabulation

		Categories of Domestic Work ^a							Total
		Cleaning	Grocery Shopping and Cooking	Care for the Elderly	Patient Care	Confinement Care	Babysitting	Others	
Education ≤ Primary School	Count	271	429	270	138	14	207	12	636
	% within \$a10	19.2%	27.2%	37.9%	39.9%	5.9%	28.0%	8.0%	

	Middle School	Count	824	827	351	166	95	369	58	1474
		% within \$a10	58.4%	52.5%	49.2%	48.0%	39.9%	49.9%	38.7%	
	High School/ Polytechnic/ Vocational School /Technical School	Count	271	276	76	35	114	130	64	614
		% within \$a10	19.2%	17.5%	10.7%	10.1%	47.9%	17.6%	42.7%	
	≥Junior College	Count	44	43	16	7	15	34	16	110
		% within \$a10	3.1%	2.7%	2.2%	2.0%	6.3%	4.6%	10.7%	
Total		Count	1410	1575	713	346	238	740	150	2834

Percentages and totals are based on respondents.

a. Group

A cross tab analysis of the training of domestic workers and the categories of domestic work revealed similar findings. The percentage of confinement nannies that had proper training was 68.8%, the highest among all categories of domestic work. Moreover, the percentage of confinement nannies who had received no training at all was 5.8%, the lowest among all categories.

Training and Categories of Domestic Work Cross Tabulation

		Categories of Domestic Work ^a							Total	
		Cleaning	Grocery Shopping and Cooking	Geriatric Care	Patient Care	Confinement Care	Baby-Sitting	Others		
Training	Proper Training	Count	321	254	53	23	165	126	32	594
		% within \$a10	22.7%	16.2%	7.5%	6.6%	68.8%	17.0%	21.6%	
	Preliminary Training	Count	683	840	447	247	61	473	66	1418
		% within \$a10	48.2%	53.5%	63.0%	71.4%	25.4%	63.8%	44.6%	
	No Training	Count	413	475	209	76	14	142	50	824

	% within \$a10	29.1%	30.3%	29.5%	22.0%	5.8%	19.2%	33.8%	
Total	Count	1417	1569	709	346	240	741	148	2836

Percentages and totals are based on respondents.

a. Group

The 2003 White Paper on the Domestic Work Sector in China was released when the sector began to flourish, and confinement care was accepted as a separate category of domestic service. Unlike cleaners or other ordinary domestic workers, confinement nannies take care of mothers and their newborns. Employment as a confinement nanny brings with it heavy responsibilities and requires a high degree of professionalism. Due to its unique nature, the government and domestic service agencies have attached great importance to the professional standards and regulation of confinement care. Confinement nannies are usually asked to provide their certificates, including health certificates, vocational qualifications, and work permits issued by domestic services companies, before they are hired. The Job Readiness Training Centre under the Ministry of Human Resources and Social Security issues the Vocational Qualification for Confinement Nannies. According to the Vocational Training Law, this certificate can be used as evidence of its holder's skill in caring for postnatal mothers and their newborns. The certificate can also serve as proof that a woman has received vocational training when she applies for a professional skills assessment. The certificate is valid across China. In one interview, a confinement nanny in Tianjin showed us the notes she took during her training. Her training was well-structured, informative, and covered a variety of topics, including neonatal nursing, the prevention of common diseases in newborns, and the introduction of solid food to babies. Some nannies have taken English lessons to prepare themselves for a wider range of vocational options and to increase their competitive edge in the marketplace.

Developing confinement care as a profession increases the incomes of confinement nannies. Our analysis of the relationship between the type of domestic work and monthly income revealed that confinement nannies made up the largest share (50%¹²) of respondents in the >RMB2,500 yuan salary bracket. The income of confinement nannies has been on the rise in recent years. In Beijing, the salary for an ordinary confinement nanny ranges from RMB1,500 yuan to RMB2,800 yuan, on the condition that confirmation of engagement is made 2 months in advance. Beijing, however, has never had a shortage of employers willing to pay between RMB4,000 yuan and RMB5,000 yuan for more experienced nannies. In 2008, for the first time, the Labor and Social Security Bureau of Shanghai announced salary guidelines for confinement nannies (top quintile: RMB3,200 yuan/month; mid quintile: RMB1,800 yuan/month; lowest quintile: RMB1,000 yuan/month). According to the pricing guide for domestic workers released by Shenzhen Government, the salary for confinement nannies should be over RMB2,900 yuan/month.

In recent years, the confinement care subsector has developed an effective training method and business model from scratch. The confinement care subsector's move towards professionalization sets a great example for the other subsectors of the domestic service industry.

Salary and Categories of Domestic Work Cross Tabulation

	Categories of Domestic Work ^a	Total
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¹² Refers to respondents (who fall within a certain category of domestic work) as a percentage of those earning more than RMB2,500 yuan per month. Because respondents were allowed to make multiple choices, the sum of the percentages is more than 100%.

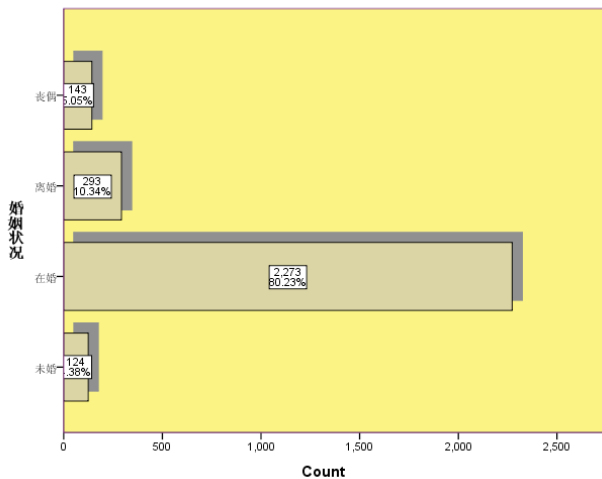
		Cleaning	Grocery Shopping and Cooking	Geriatric Care	Patient Care	Confinement Care	Baby-Sitting	Others		
Current Salary	< Local Minimum Wage	Count % within C1	166 75.5%	146 66.4%	32 14.5%	14 6.4%	7 3.2%	38 17.3%	4 1.8%	220
	Local Minimum Wage ~ RMB1,000yuan exclusive of RMB1,000 yuan)	Count % within C1	576 54.9%	572 54.5%	187 17.8%	85 8.1%	38 3.6%	271 25.8%	66 6.3%	1050
	RMB1,000 yuan ~ RMB1,500 yuan (exclusive of RMB1,500 yuan)	Count % within C1	532 46.8%	653 57.5%	365 32.1%	180 15.8%	97 8.5%	329 29.0%	55 4.8%	1136
	RMB1,500 yuan ~ RMB2,000 yuan (exclusive of RMB2,000 yuan)	Count % within C1	125 33.9%	185 50.1%	119 32.2%	61 16.5%	64 17.3%	92 24.9%	11 3.0%	369
	RMB2,000 yuan ~ RMB2,500 yuan (No inclusive of RMB2,500 yuan)	Count % within C1	19 39.6%	16 33.3%	7 14.6%	7 14.6%	15 31.2%	4 8.3%	9 18.8%	48
	5000	Count	8	15	9	6	17	18	3	34

	% within C1	23.5%	44.1%	26.5%	17.6%	50.0%	52.9%	8.8%	
Total	Count	1426	1587	719	353	238	752	148	2857

Percentages and totals are based on respondents.

a.
Group

Marital Status: Most respondents (80.2%¹³) were married. Only a small fraction (4.4%) was unmarried. This matches with the age distribution of the samples. 10.3%, or 1 out of every 10 respondents, were divorced. The divorce rate of respondents from rural areas was 11.1%, higher than that of the overall population. The stability of domestic workers' marriages warrants greater investigation. The data we captured in this survey is consistent with that collected in previous research. According to statistics from the Xi'an Domestic Workers Union, 40% of domestic workers are divorced. There are two explanations for this high divorce rate. First, domestic workers are often despised because of their low social status. Many men do not want to marry domestic workers. Divorced domestic workers therefore have difficulty remarrying.¹⁴ There is, however, another side to the story. A substantial number of women enter the domestic work sector because they are divorced and have no families. In other words, divorced women are more likely to work as domestic workers.



Household Registration and Marital Status Cross Tabulation

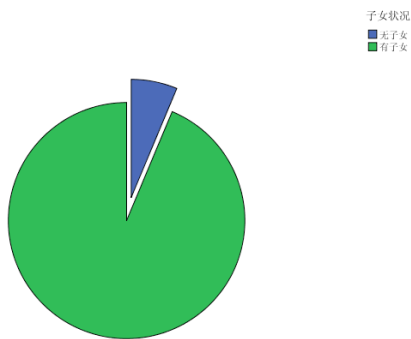
	Marital Status				Total
	Unmarried	Married	Divorced	Widowed	
工 〇 Urban Count	41	632	58	31	762

¹³ 2,833 respondents answered this question; 136 did not.

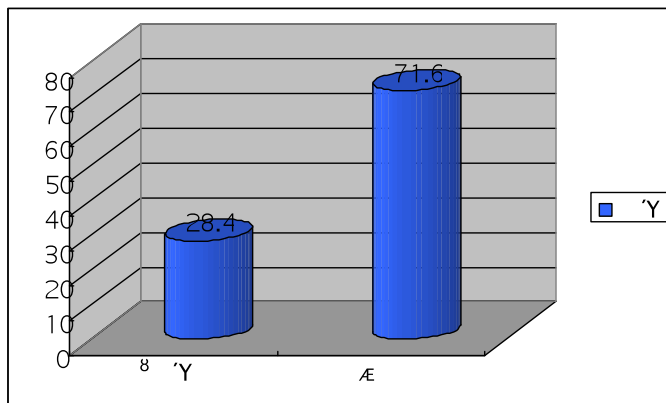
¹⁴ Wang Wei, Status and Protection of Domestic Workers' Rights, December, 19, 2009, Collected Papers from International Symposium on Decent Work and Employment Promotion for Domestic Workers

	% within Household Registration	5.4%	82.9%	7.6%	4.1%	100.0%
Rural	Count	78	1566	219	102	1965
	% within Household Registration	4.0%	79.7%	11.1%	5.2%	100.0%
Total	Count	119	2198	277	133	2727
	% within Household Registration	4.4%	80.6%	10.2%	4.9%	100.0%

Parenthood: The majority (93.7%¹⁵) of respondents had children; 6.3% did not.



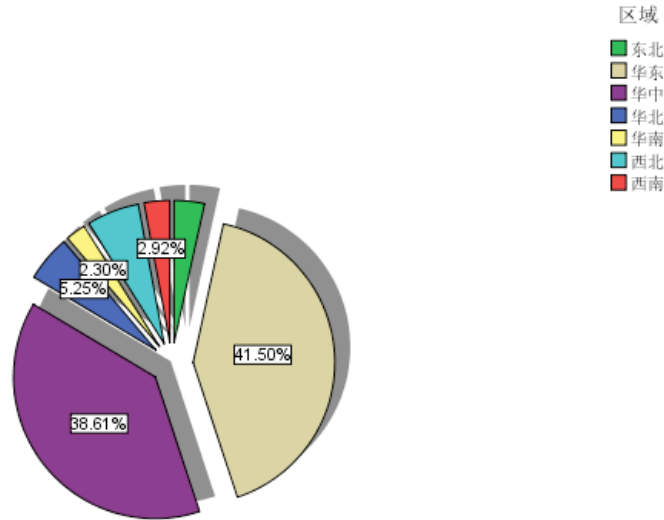
Household Registration: 71.6%¹⁶ of respondents had rural household registration; 28.4%, or 1 out of every 4 respondents, had urban household registration. We learned from our interviews that most respondents with urban household registration were laid-off workers.



¹⁵ 2,685 respondents answered this question.

¹⁶ 2,969 respondents answered this question; 122 did not.

Regions: Among the 7 regions (Northern China, Northeast China, Eastern China, Central China, Southern China, Southwest China, and Northwest China), Eastern and Central China were the biggest suppliers of domestic workers. 78.9% of respondents were from these two regions (with 41.5%¹⁷ from Eastern China and 38.6% from Central China). Northwest and Northern China were second, sending 6% and 5.3% of respondents, respectively.



Provinces: In Eastern China, Anhui topped the list with 76.9% of respondents¹⁸ from this province; Shandong province ranked second, with 9.1%. In Central China, Hunan took the first place with 54.3%¹⁹ of respondents from this province; Henan province came second with 14.6%. In Northern China, Hebei province was number one, with 39.7%²⁰; Tianjin was number two, with 25.2%. In Northwest China, Gansu province was the biggest exporter of domestic workers, with 94.8%.²¹

¹⁷ 2,875 respondents answered this question; 94 did not.

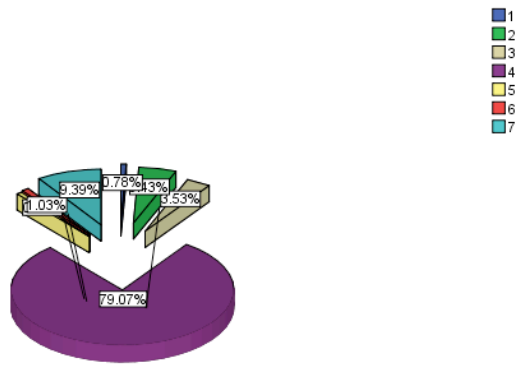
¹⁸ 1,161 respondents answered this question; 32 did not.

¹⁹ 867 respondents answered this question; 243 did not.

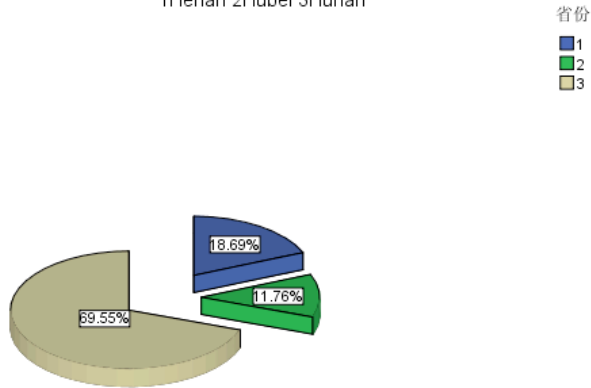
²⁰ 148 respondents answered this question; 3 did not.

²¹ 168 respondents answered this question; 4 did not.

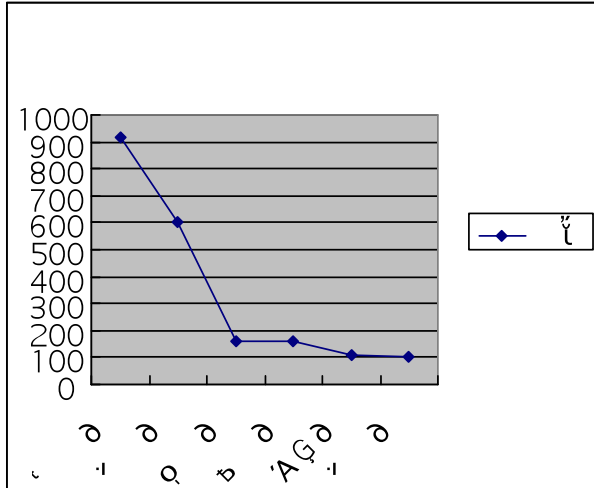
区域:华东
1Shanghai 2Jiangsu 3Zhejiang 4Anhui 5Fujian 6Jiangxi 7Shandong



区域:华中
1Henan 2Hubei 3Hunan



On the whole, Anhui, Hunan, Gansu, Henan, Shandong, and Hubei provinces were the top six exporters of domestic workers.



Specifically, Anhui, the home province of 918 respondents (31.93% of the 2,875²² respondents), was the biggest exporter of domestic workers. Gansu and Henan provinces came in second, with 163 and 162 domestic workers, or 5.67% and 5.63% of respondents, respectively, from these two provinces. 109 respondents came from Shandong province and 102 from Hubei province, making up 3.79% and 3.55% of respondents, respectively.

A closer look at the origins of respondents in our three targeted cities revealed distinct variations in the exporting provinces.

Most respondents²³ working in Tianjin were from Tianjin, Hebei, Shanxi, Jilin, Heilongjiang, Jiangsu, Zhejiang, Anhui, Shandong, Henan, and Gansu, especially the last three provinces.

Home Provinces of Domestic Workers in Tianjin

Region	Province	Number of Workers	Percentage
North China	Tianjin	35	3.5%
	Hebei	58	5.8%
	Shanxi	30	3%
Northeast China	Jilin	51	5.1%
	Heilongjiang	38	3.8%
East China	Jiangsu	54	5.4%
	Zhejiang	34	3.4%
	Anhui	28	2.8%
	Shandong	109	10.9%
Central China	Henan	148	14.8%
	Hubei	77	7.7%
	Hunan	37	3.7%

²² 94 respondents did not answer this question, i.e. the question was left unanswered in 94 questionnaires.

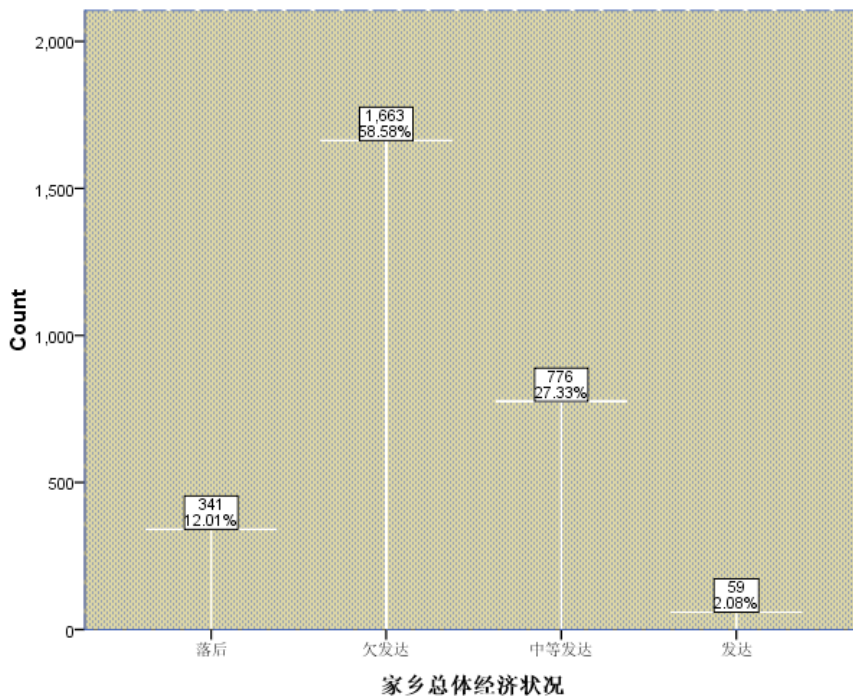
²³ In Tianjin, 999 valid questionnaires were returned. 997 respondents answered this question; 2 did not.

Southwest China	Sichuan	58	5.8%
Northwest China	Gansu	161	16.1%

907 respondents²⁴ in Hefei, the capital of Anhui province, answered this question. Among them, 882 (97.2%) were from other cities or counties within Anhui. This suggests that Hefei has limited sources of domestic workers.

Changsha, the capital of Hunan province, is in a similar situation. Of the 671 respondents²⁵ in Changsha who answered this question, 563 (83.9%) were from other places within Hunan, 24 (3.6%) were from Hubei, 12 (1.8%) were from Henan, and less than 10 were from other provinces.

Economic Status of the Hometown: More than half (56%) of respondents (2,839²⁶) were from less developed regions. 26.1% (about 1 out of every 4 respondents) were from moderately-developed regions. 1 out of every 8 respondents was from an underdeveloped region. Only 2.1% were from developed regions.



4 Movement Pattern

4.1 Motives for Migration

4.1.1 Duration and Frequency of Migration

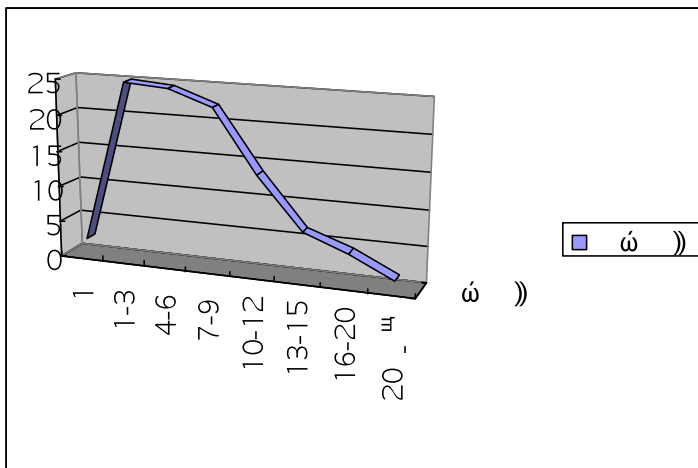
Respondents were asked to fill in the year when they first sought employment outside their hometowns. We calculated the number of years (rounded to the nearest year) since they first

²⁴ In Anhui, 999 valid questionnaires were returned.

²⁵ In Hunan, 971 valid questionnaires were returned; 671 respondents said that they were from other provinces.

²⁶ 130 respondents did not answer this question.

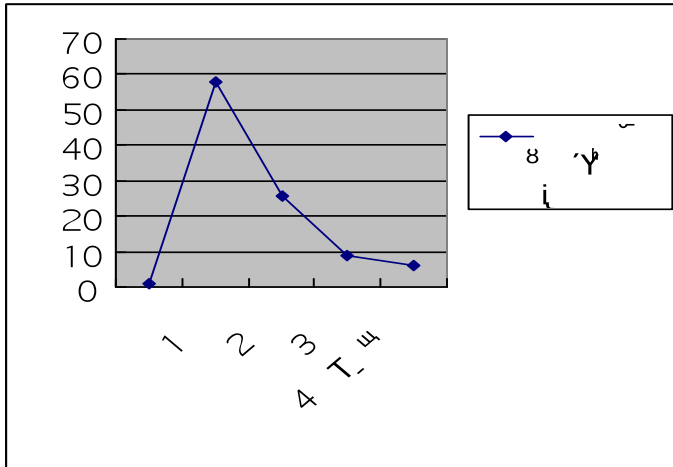
migrated. As shown by the graph below, 71.7% of respondents (2,820²⁷) had been away from home for 1 to 10 years. 25% had been away from home for 1-3 years, 24.4% for 4-6 years, and 22.3% for 7-9 years. 2.3% of respondents had left their hometowns for less than 1 year. Some respondents started to search for work outside their hometowns very early. 13.8% had been away from home for 10-12 years, 6.6% for 13-15 years, 4.4% for 16-20 years, and 1.3% for over 20 years.



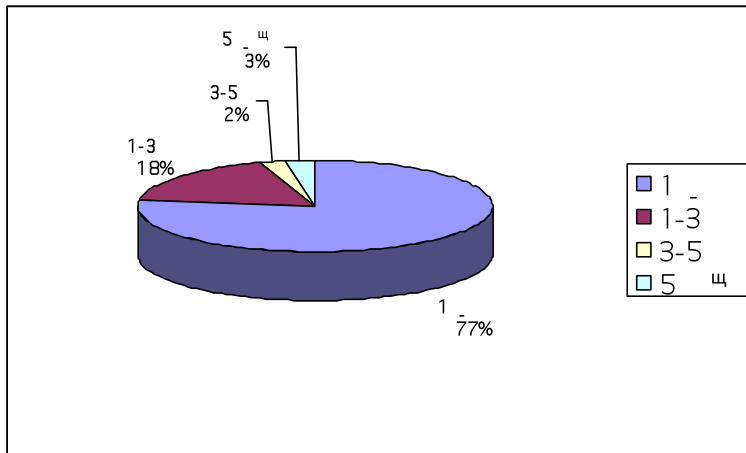
Over half (57.8%²⁸) of the respondents have worked in two cities; 25.9% in three cities. Mobility is low. This is related to the relatively short duration that the respondents have worked as migrant workers.

²⁷ 149 respondents did not answer this question.

²⁸ 2417 respondents answered the question, 552 did not. Movement will not be counted unless there was an interval of at least 3 months between the day the respondent left home and the day he/she returned.



According to our research, 77.3%²⁹ of the respondents have been in their current jobs for less than a year; 17.6% for 1 to 3 years; only 5.1% for at least 3 years. Most of them are newly trained domestic workers.



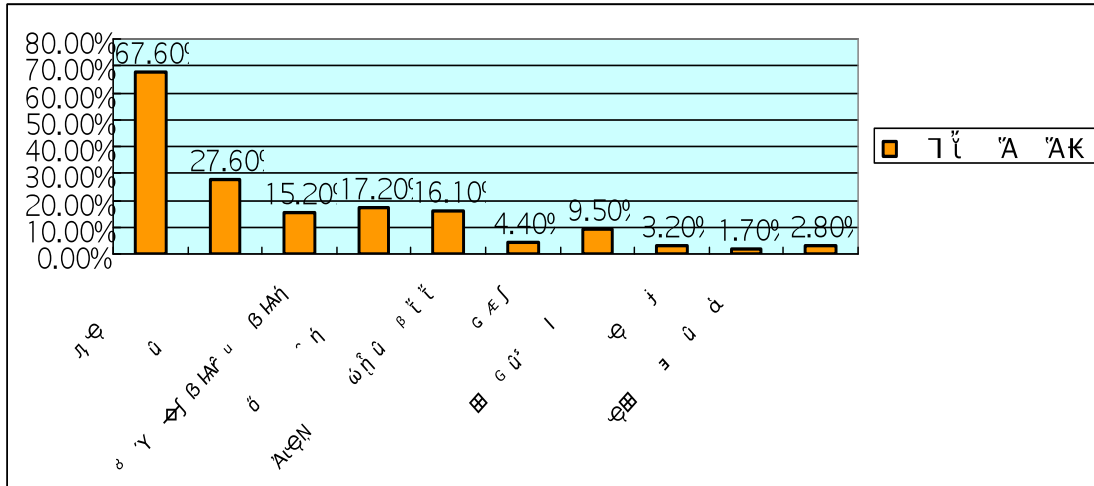
4.1.2 Motives for the First Migration

According to the analysis, the primary motive for migration is to make money. 67.6%³⁰ of the respondents wanted to “increase their family income”; 27.6% wanted to “expand vision and enhance knowledge”; 17.2% wanted to “look for a better future”; 15.2% wanted to enjoy “better living conditions and better education facilities in the cities”. The data shows a majority of the respondents moving from their hometown to cities on their own accord. The reason is obvious: To change their lives and to broaden their horizons.

Nevertheless, some respondents migrated because they had to. 16.1% moved to the cities because they “could not find any job in their hometown”. A fraction used migration as a way to “escape family conflicts”, were “pressured” by their families to look for a job in the cities, “hated farming” or were just “following the crowd”.

²⁹ 2642 respondents answered this question, 327 did not.

³⁰ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 4729 times. The data is the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.



For respondents aged 18-35, the reasons for the first migration do not differ much from that of the overall population. “To increase their family income” was the reason selected by largest proportion (68%³¹) of the respondents in this age group. “To expand their vision and enhance their knowledge” was selected by second highest proportion (44.5%). It is higher than the overall average because young people long more for adventure in the unknown world. Additionally, 28.2% said that their purpose was “to look for a better future”.

Like the respondents in other age brackets, some of the young adults did not move to other places of their own accord. “Many people left. I’m just following the crowd” and “I couldn’t find a job in my hometown” were the top two reasons mentioned by 12% and 10.5% of the respondents aged 18-35. Those “following the crowd” outnumbered those who “couldn’t find a job in their hometown”. But it was reversed for the overall population. The difference implies that it is easier for young people to get a job in their hometown. However, when migration becomes the order of the day, energetic and aspiring young people are more susceptible to the trend.

4.1.3 Choice of Destination

The choice of destination reflects the realistic needs of the respondents. Respondents who “thought it would be easier to find a job in the destination” (42.9%³² of the respondents) outnumbers those who “thought the income in the destination could be higher” (40.2% of the respondents). To some degree, having “acquaintances in the destination” increases the odds to be hired. So, it was the primary consideration for 23.5% of the respondents. 5.7% “thought the people in the destination were friendlier”; 6.7% “thought the living condition in the destination was better”. Besides economic considerations, migrant domestic workers increasingly cared about the environment of the cities where they were to migrate. At the same time, the data shows a few respondents moving blindly to new places. Only 2.7% were “following the crowd”.

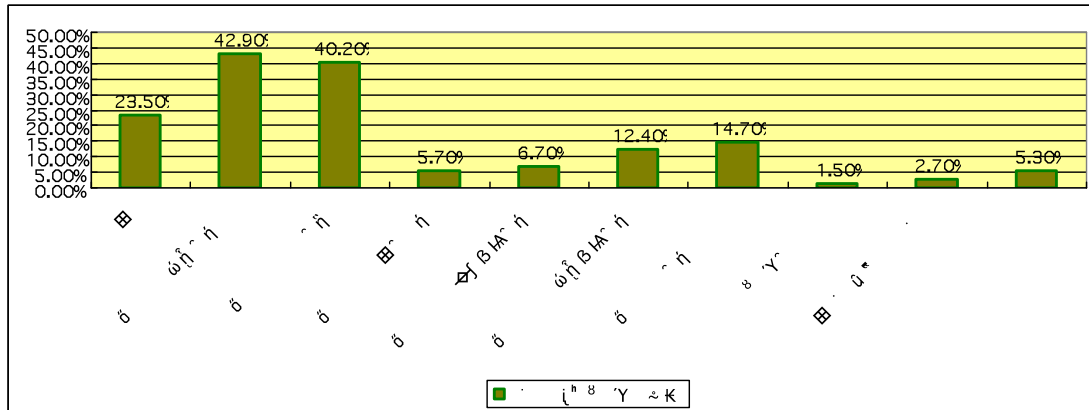
The respondents aged 18-35 did not demonstrate much difference from the overall population on destination selection. “I thought it would be easier to find a job in the destination” (42.3%³³) and “I

³¹ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 1395 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

³² The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 3706 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

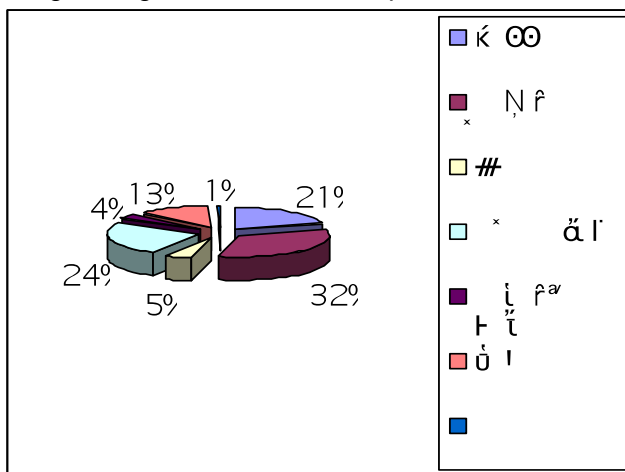
³³ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 996 times. The

thought the income in the destination could be higher” (36.4%) were the top two most frequently chosen options. The percentage of those having “some acquaintances in the destination” (23.1%) was very close to that of those looking “for a better future” (23.3%). They deviated from the data of the overall population, according to which, the later is 8.8 percent point higher than the former. It is very clear that the younger respondents are more likely to pin their hopes of changing their fates on migration.



4.2 Employment Channels

The informal network of support proved to be most important to the respondents obtaining their first job. More than half of the respondents³⁴ found their first job through either “referral from fellow townsmen or friends” (33%) or “help of relatives” (20.6%). Agencies, as a formal network of support, also played an important role in helping 24.7% of the respondents obtain their first job. The percentage is higher than that of respondents who received “help from relatives”.

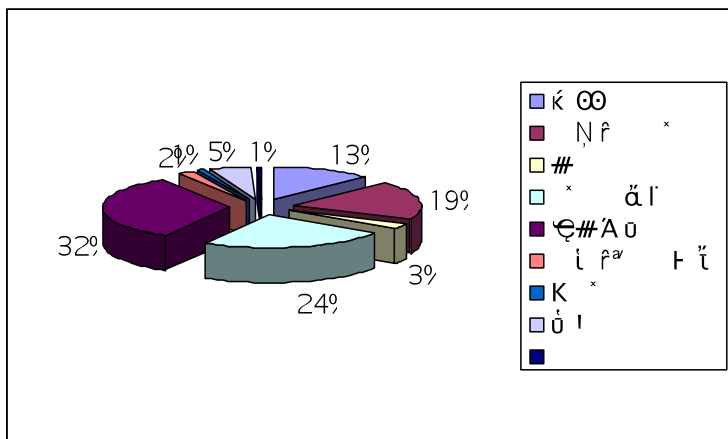


Based on the respondents’ current jobs, agencies and domestic services companies are the most important avenues of job search. These are the two channels through which 56.5% of the

data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

³⁴ 2869 respondents answered the question, 100 did not.

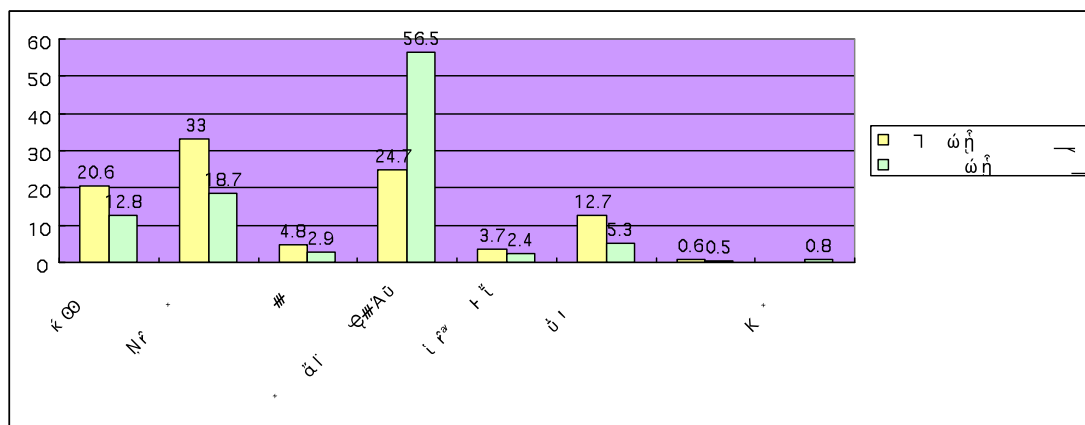
respondents obtained their current jobs. Only 31.5% found their current work with the “help of relatives” and through “referrals from fellow townsmen and friends”, much lower than the percentage of the respondents who found their first job through the two informal career support channels.



The comparison of the employment channels to the first and current job indicates the growing importance of the formal network of support. It also shows that domestic workers are more capable at leveraging market resources than they were when they first became migrant workers. .

The data of the respondents aged 18-35 is similar to that of the overall population. 54.9% of the respondents in this age bracket got their first job through informal networks of support: “referral from fellow townsmen or friends” (34.4%) and “help of relatives” (20.5%).

Agencies, as a formal employment channel, also played an important role. They are given credit by 22.5% of the 18-35-year old respondents for assisting them in finding their first job. 59.7%³⁵ of the respondents said their current jobs were recommended by the “agencies” (24.4%) and “domestic services companies” (35.3%).



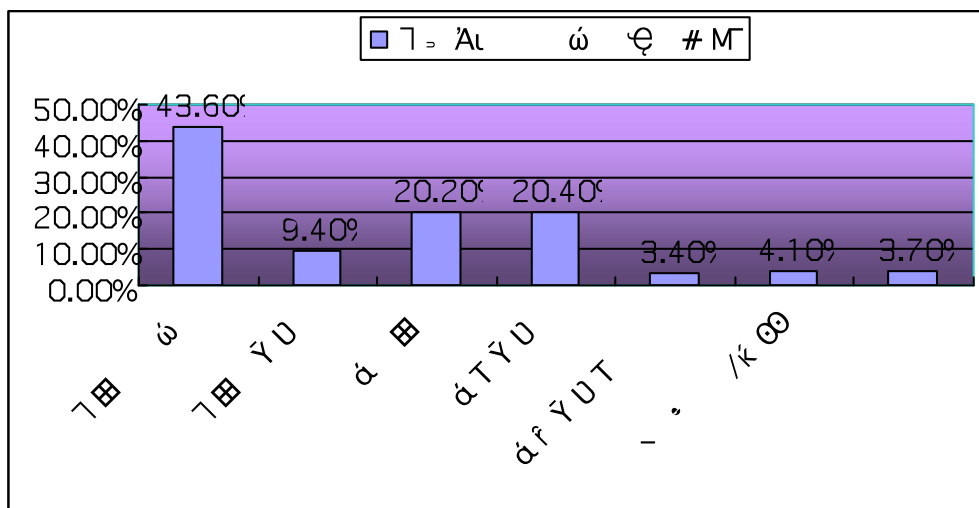
4.3 Forms of Migration

43.6%³⁶ of the respondents “migrate alone”. Among those who migrate with family members, 20.2% migrate with their “spouse” and 20.4% with their “spouse and children”. 9.4% of respondents migrate

³⁵ 730 respondents answered this question, 22 did not.

³⁶ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 3012 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

“with children”; 3.4% “with spouse children and parents”; 4.1% with “with siblings/relatives”. This suggests that “migrating alone” and with family are the major migration forms of respondents.



Migration of the respondents at 18-35 years of age takes three main forms: “migrating alone”, “migrating with spouse and children” and “migrating with spouse”. 39.3%³⁷ are “migrating alone”, lower than that of the overall population (43.6%). 20.8% are “migrating with spouse”, almost the same with that of the overall population (20.2%). 26.2% are “migrating with spouse and children”, 5.8 percentage point higher than that of the overall population (20.4%).

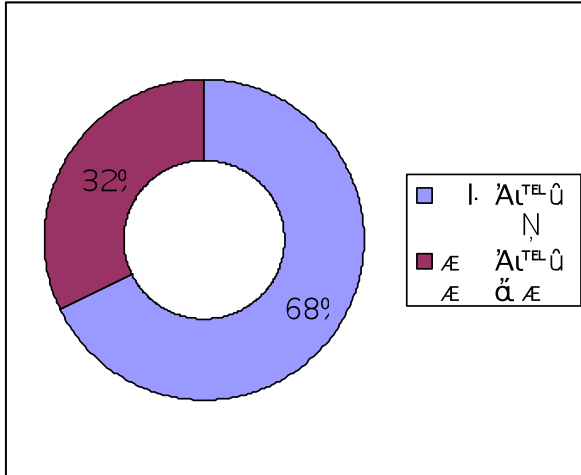
According to the cross analysis on marital status and form of migration, over 39.7% of the married are “migrating alone”; 23.7% are “migrating with spouse”; 24.8% are “migrating with spouse and children”. It indicates that family migration has become an important form of migration for married domestic workers. However, nearly 40% of the married were migrating alone. The long-term separation with their spouse may threaten their marriage and cause mental or social stress.

We analyzed how frequently the migrant domestic workers returned to their hometown. 67.9%³⁸ “spend most of the time in the host cities and do not go back to their hometowns until the Spring Festival”; only 32.1% “work outside of the hometown during slack farming season and return before the peak farming season”.

80.5% of the respondents between 18-35 years of age “spend most of the time in their host cities and do not go back to the hometown until the Spring Festival”, 12.6 percentage points higher than that of the overall proportion. 19.5% of the 18-35-year old respondents “work outside of their hometowns during slack farming season and return before the peak farming season”. Most of them go back to their hometowns for family reunions instead of working in the fields.

³⁷ 752 respondents answered the question.

³⁸ 2356 respondents answered the question, 613 did not.



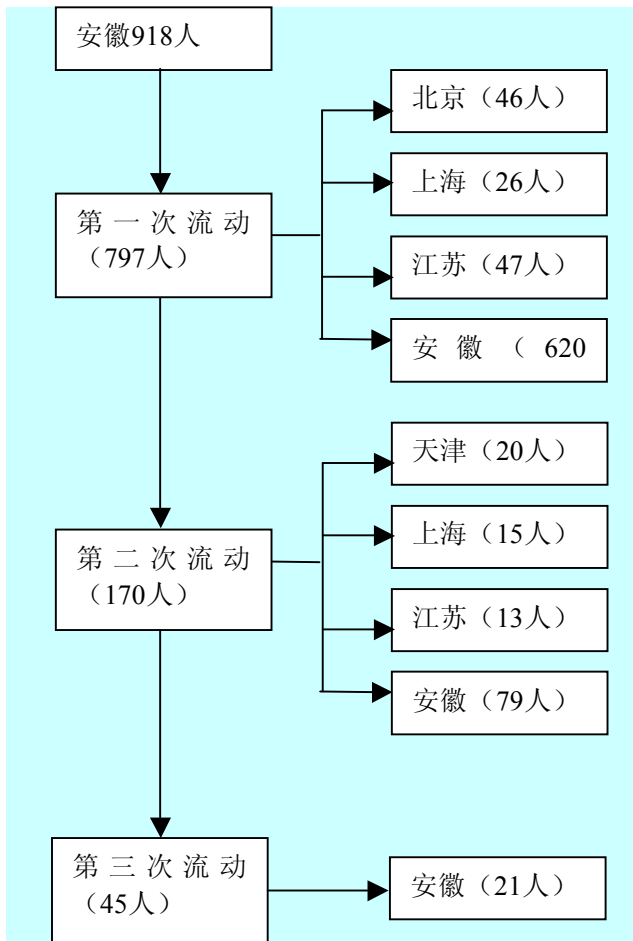
4.4 Migration Routes

4.4.1 Migration Routes of the Respondents from Major Feeder Provinces

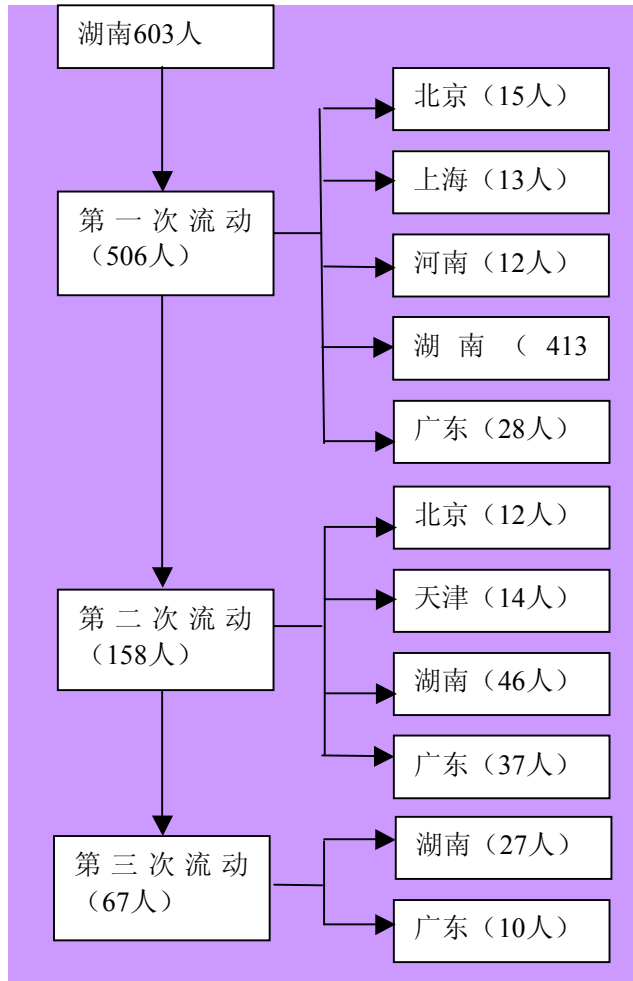
We analyzed the migration routes of the respondents from the top six feeder provinces.

Anhui is the biggest source of the respondents. Among the 918 respondents from this province, 797 have migrated only once; 170 have migrated twice; 45 have migrated three times; a few have migrated four or even five times.

Besides the cities within Anhui Province, Beijing and three coastal areas, namely Tianjin, Shanghai and Jiangsu, were the preferred destinations to the respondents from Anhui.

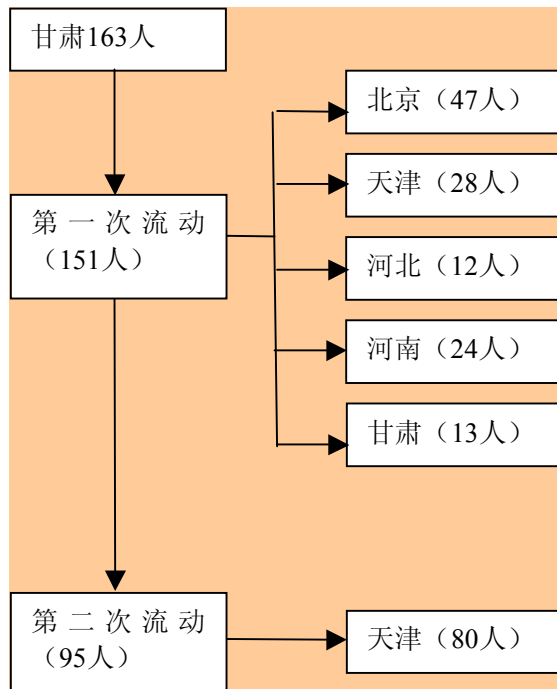


Hunan is the second biggest source. Among 603 respondents from this province, 506 migrated only once; 158 twice; 67 three times. Like the Anhui respondents, domestic workers from Hunan prefer intra-provincial migration. Most of those who have moved outside of the province went to Beijing, Tianjin and Guangzhou, a neighboring province of Hunan.



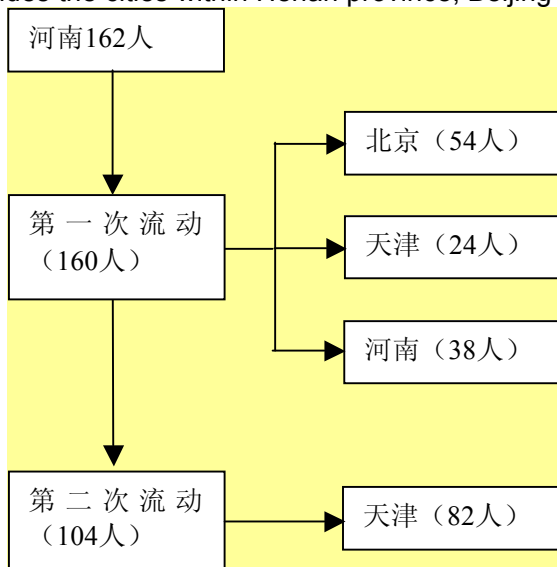
The numbers of respondents from Gansu and Henan were nearly the same, at 163 and 162 respectively.

Among the 163 respondents from Gansu, 151 migrated once and 95 migrated twice. In addition to the cities within Gansu, the preferred destinations for those who have migrated only once include Beijing, Tianjin, Hebei and Henan.



Among the 162 respondents from Henan, 160 have migrated once and 102 have migrated twice.

Besides the cities within Henan province, Beijing and Tianjin were their favorite destinations.



Shandong and Hubei are also important feeder provinces of domestic workers.

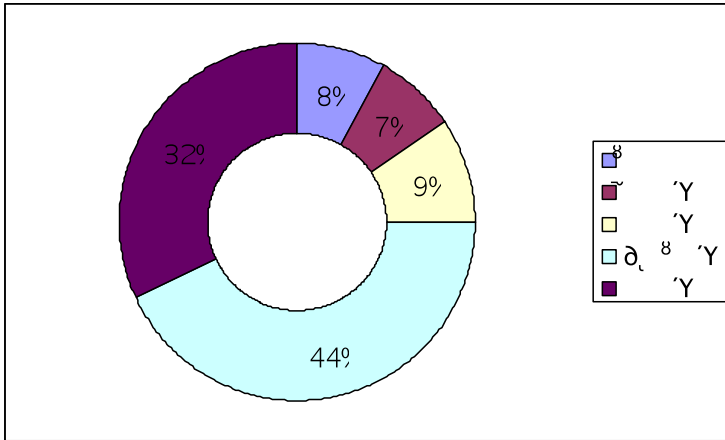
In our survey, 109 respondents were from Shandong. Among the 99 domestic workers who have migrated once, 35 went to Beijing, 12 to Tianjin and 17 to Henan. Among the 68 domestic workers who have migrated twice, 58 moved to Tianjin.

102 respondents were from Hubei. Among the 93 domestic workers who have migrated once, 20 went to Tianjin, 16 to Henan, 10 to cities within Hubei and 18 to Gansu. Among the 61 domestic workers who have migrated twice, 35 moved to Tianjin.

Our analysis finds that (a) intra-provincial migration is a preferred choice; (2) Beijing and Tianjin are the most attractive destination cities; (c) respondents tend to move to the provinces that are close to their hometown, e.g. Shanghai and Jiangsu are appealing destinations for domestic workers from Anhui, while Guangdong is the favorite among those from Hunan.

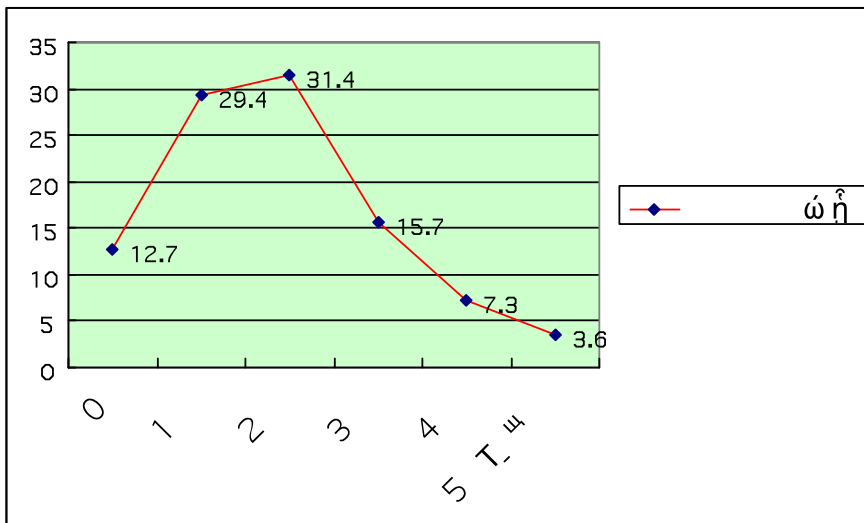
4.4.2 The Administrative Divisions along the Migration Routes

Our analysis shows the respondents tended to favor “provincial capitals” and “municipalities” as a result of the regional economic imbalances.



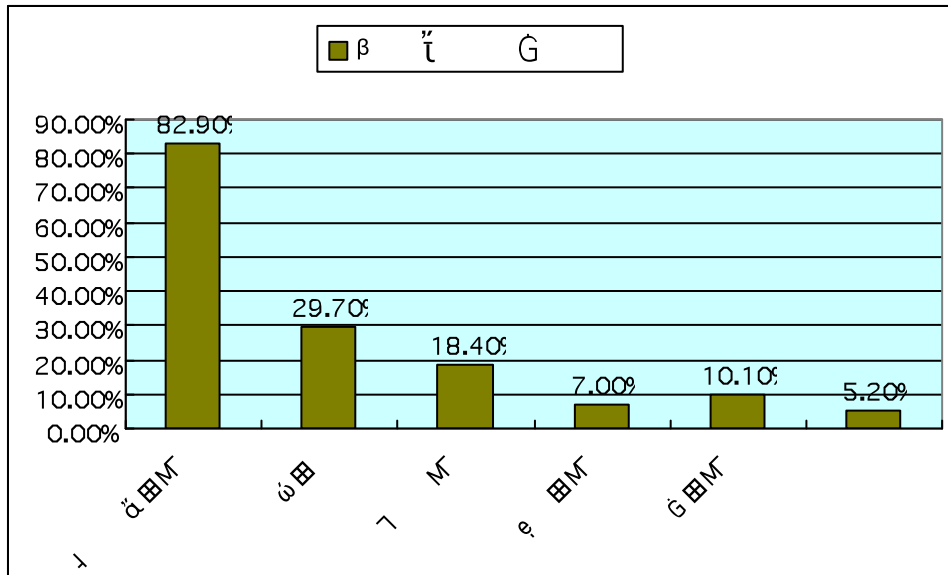
4.5 Career Changes

According to an analysis of the jobs the respondents have taken, many have changed one or two types of jobs. Domestic workers do not have many choices due to limited human capital. They usually take low-paying menial jobs. 29.4% of the 2383 respondents, who answered this question, have changed their job once; 31.4% have changed twice; 12.7% have never changed jobs.



With regard to the types of jobs the respondents have tried before they became domestic workers,

82.9%³⁹ were “attendants”; 29.7% “workers”; 18.4% “clerks”; 7% “managers”; 10.1 “self-employed”.

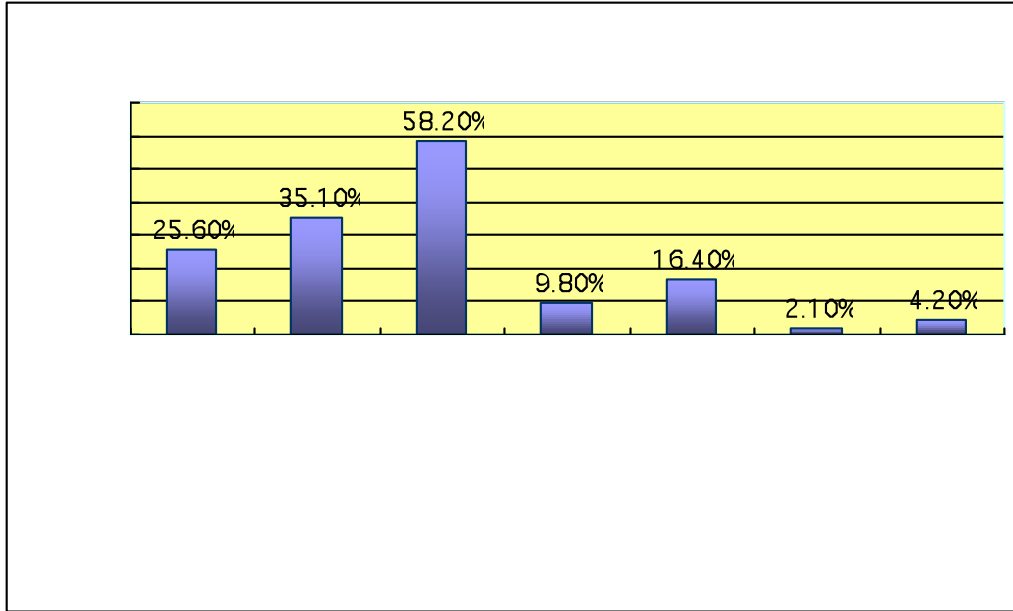


The top three motives for job change were “making more money”, which ranks first (58.2%), “better working condition”, which is an important non-economic consideration (35.1%), and “career development”, which comes in third (25.6%).

In terms of the causes of involuntary job change, 16.4%⁴⁰ of the respondents said “the company was in bad shape and was at the brink of bankruptcy. Both production and salary were reduced”; 2.7% complained “laws and regulations mean nothing to” their employers, and “there was no guarantee of their interests and rights”; 2.1% mentioned their employers were “behind on payment”.

³⁹ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 4143 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%

⁴⁰ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 4006 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.



4.6 Impact of Financial Crisis

The global financial crisis had sent shockwaves to labor-intensive Chinese exporters. According to the data released by the State Statistics Bureau, migrant workers across China totaled 225.42 million in 2008, including 140.41 million (62.3%) who worked outside their hometowns and 85.01 million (37.7%) who worked in their hometowns.

In China, 8.5% of migrant workers lost their jobs during the financial tsunami. According to data from the State Statistics Bureau, 70 million (50%) migrant workers returned to their hometown before the Spring Festival in 2009. 45 million (64.3%) went back to celebrate the festival; 12 million (17.1%) returned home because they were poorly paid or could not find jobs, or the factories they used to work for were shut down or cut back their work force; 13 million (18.6%) went back for family reasons or seasonal suspension of certain projects. Peasant workers, who returned home due to the financial crisis-induced factors, amounted to 12 million, making up 8.5%⁴¹ of the total population of migrant workers on the move.

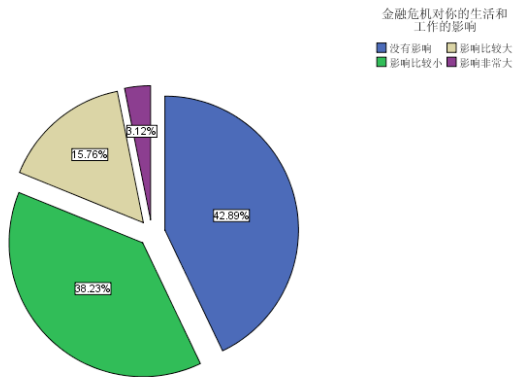
According to the Peasant Workers' Homecoming Patterns Research Team of the Chinese Academy of Social Science, coastal cities in Southeast China were the major places of departure for migrant workers who returned home in the second half of 2008. By industry, manufacturing, particularly its export-oriented sub-sectors, laid off the largest amount of the migrant workers; service cut off smaller amount of jobs⁴².

The research team interviewed some domestic workers, asking if the global financial crisis had any impact on their life and work. 81.1%⁴³ of the interviewees answered it had "slight impact" and "no impact"; 18.9% said it had "impact" and "significant impact". The conclusion we've made from information provided by the focus group and other research indicates that the financial crisis did not take a heavy toll on the domestic work sector.

⁴¹ Sheng Laiyun, Wang Ran, How Global Financial Crisis Impacted the Peasant Workers on the Move?, China Information, July 8, 2009.

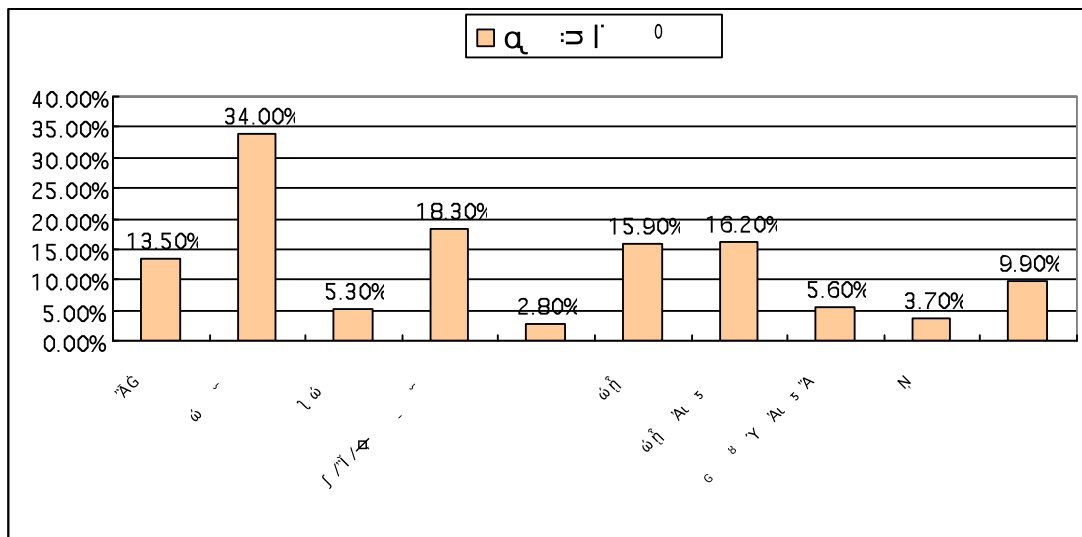
⁴² "Peasant Workers' Homecoming Patterns" Research Team of Chinese Academy of Social Science, in between Urban and Rural Areas: Peasant Workers in China, Guangming Daily, April 9, 2009. http://www.gmw.cn/01gmr/2009-04/09/content_906955.htm

⁴³ 2786 respondents answered this question, 183 did not.



Among the respondents in the 18-35 years age bracket, 22.3% thought the financial crisis had “impact” and “significant impact”; 77.7% said it had “no impact” or “slight impact”. This age group felt more pain from the crisis than the overall population does.

For those who were impacted, their life and work mainly changed in following ways: 34%⁴⁴ “earned less”; 18.3% saw a decrease of “job opportunities/orders/businesses”; 16.2% “dared not change job as planned”; 15.9% “found other work”; 13.5% were “out of employment”.



The distribution of the respondents who were 18-35 years of age and impacted by the financial crisis was slightly different from that of the overall population. The percentage of the 18-35-year old respondents, who were “out of employment” or saw “decrease of job opportunities/orders/businesses”⁴⁵, was somewhat lower. But the percentage of the 18-35-year old respondents, who “found another job”, “dared not change job as planned”, “dared not move to another

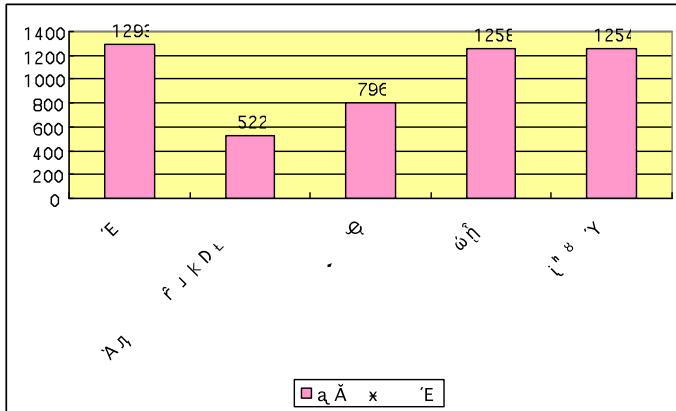
⁴⁴ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen for 2158 times. The data is the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

⁴⁵ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 589 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

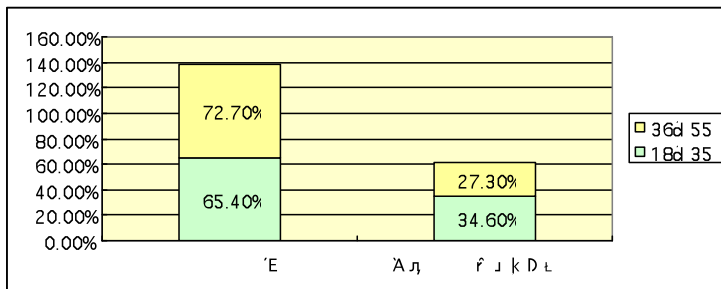
city as planned” or “went back home”, was slightly higher,

In sum, the domestic workers who were 18-35 years of age were more impacted by the financial crisis.

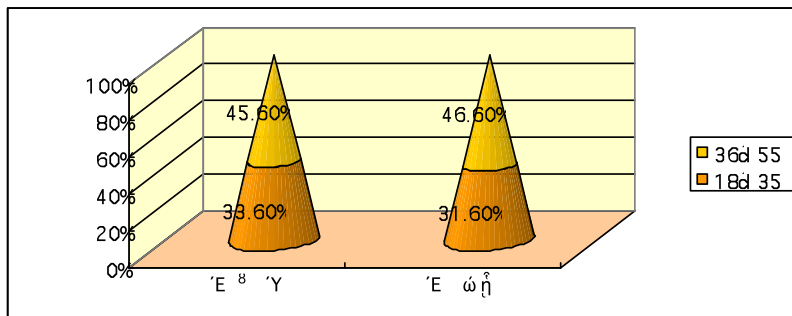
When asked about their plan in next three months, the respondents demonstrated a strong desire to make a change. 1258⁴⁶ wanted to “find a new job”; 1254 intended to “move to another region or city”; 796 planned to “go back home”; 522 wanted to “take training courses and learn new skills”.



The respondents in this age group were more interested in “taking training courses and learning new skills”. 34.6% of them planned to actually do so, 7.3 percentage points higher than that of the 36-55 year age bracket.



We analyzed the correlation between the desire to “find a new job” and “move to another region or city”. 956 respondents wanted to do both. They accounted for 76% of those who planned to “find a new job” and 76.2% of those who intended to “move to another region or city”. It implied that a large proportion of migrant workers would change their jobs when they moved to a new place.



⁴⁶ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 5123 times.

The respondents who wanted to “move to another region or city” and those who planned to “find a new job” as a percentage of the 18-35 year age group were 12% and 15% smaller than that of the 36-55 year age group. It indicated that the young domestic workers were more stable than others during the financial crisis.

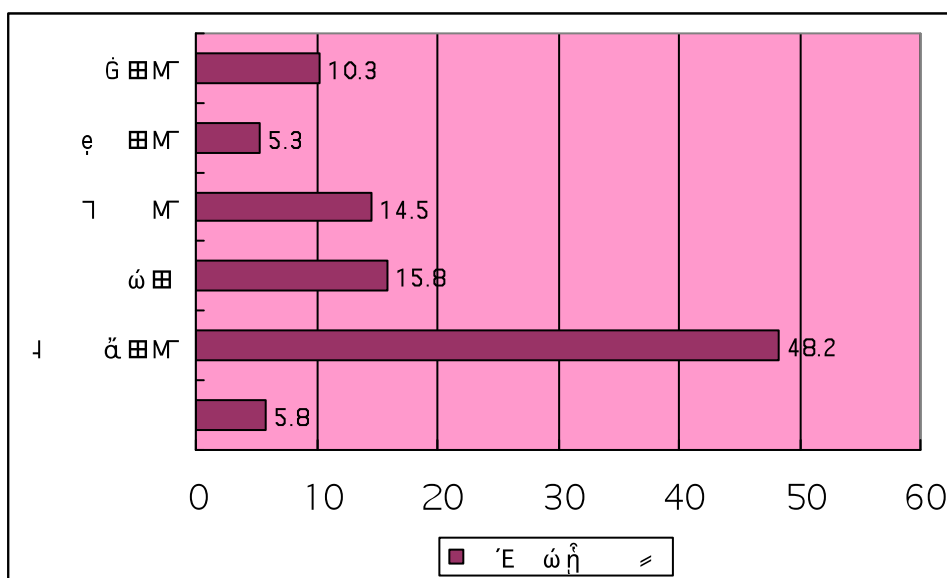
The 796 respondents who would “go back home” had other plans. 84% wanted to “take a break and then go back to the job market”. 16% had “no plan to look for a job away from home”.

When jobs were threatened by the financial crisis, some of the respondents intended to return to their hometowns. But our analysis shows that most of them did not plan to stay home for long. Hometown is a place where they can take refuge from the recession. When the economy gets better, they will be back on the move.

We asked the respondents if they would return to the hometown and what they would do after going back home. There isn't much variation between the 18-35 year age group and others. Most of the respondents, regardless of age group, planned to set out on a new journey after the break from their jobs.

For the respondents intending to “find a new job”, 48.2%⁴⁷ wanted to be an “attendant”; 15.8% a “worker”; 14.5% a “clerk”; 10.3% planned to work for themselves.

When mapping the types of work the respondents want to do with the education they have received, we find that educational attainment determines the career goals. Specifically, 58% of the respondents with primary school education still wanted “attendant” jobs. Due to lack of education, choices were limited. Among those who finished middle school, 48.8% tended to find an “attendant” job and 46.4% wanted to start their own businesses. Among those who wanted to be “managers”, 50.7% received high school/polytechnic/vocational school/technical school diplomas. Obviously, education is vital to the career choices of domestic workers.



1254 respondents have planned to “move to another region or city”. When the survey was conducted, 575 of them were working in Tianjin, accounting for 57.6% of the respondents in this city; 262 in Anhui, accounting for 26.2% of the respondents in this province; 417 in Hunan, accounting for 42.9% of the respondents in this province. In terms of their willingness to move, the respondents in Tianjin ranked first; those in Hunan second; those in Anhui third.

⁴⁷ 1258 respondents wanted to “find a new job”.

Will You Move to Another Region or City?

Region			Frequency	Percent	Valid Percent	Cumulative Percent
Tianjin	Valid	No	424	42.4	42.4	42.4
		Yes	575	57.6	57.6	100.0
		Total	999	100.0	100.0	
Anhui	Valid	No	737	73.8	73.8	73.8
		Yes	262	26.2	26.2	100.0
		Total	999	100.0	100.0	
Hunan	Valid	No	554	57.1	57.1	57.1
		Yes	417	42.9	42.9	100.0
		Total	971	100.0	100.0	

471 of the 575 respondents in Tianjin who chose to “move to another region or city” specified where they were heading, but 197 of the 471 respondents selected “Tianjin”. Perhaps they only wanted to live in another community in the city. The major destinations for the rest 274 respondents were Beijing (83), Hebei (26), Shanghai (49), Jiangsu (17) and Zhejiang (11).

209 of the 262 respondents in Anhui who chose to “move to another region or city” wrote down the destinations for their next migration. The rest said they wanted to move to another place within the province. Major destinations included Beijing (84 respondents), Shanghai (18 respondents), Anhui (97 respondents).

417 of the 971 respondents in Hunan wanted to “move to another region or city”. Only 286 told us where they planned to go. There were two major destinations: Hunan (218 respondents) and Beijing (19 respondents)

Location and Sample Size	Tianjin: 999 Samples	Anhui: 999 Samples	Hunan: 971 Samples
Number of the Samples Who Chose to “Move to Another Region or City”	575	262	417
Number of the Samples Who Specified the Destination	471	209	286
Destinations	Beijing: 83 Samples	Beijing: 84 Samples	Beijing: 19 Samples
	Tianjin: 197 Samples	Anhui: 97 Samples	Hunan: 218 Samples
	Hebei: 26 Samples		
	Shanghai: 49 Samples	Shanghai: 18 Samples	
	Jiangsu: 17 Samples		

	Zhejiang: 11 Samples		
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5. Rights

Most of the 20 million domestic workers in China come from rural areas. They contribute to socioeconomic growth, stability and harmony, and relieve unemployment pressure by providing domestic services to households. Despite their value, this sector is labeled as informal employment and excluded from the legal protection. Compared with employers and domestic service companies, domestic workers are always at a disadvantage. As they are usually under-educated, and they rarely lodge complaints with the authorities. The absence of legal protections further undermines their confidence in fighting for their own rights. Many domestic workers and other interested parties have little awareness of the law. At the same time, the existing laws fail to define the rights and obligations of each of the parties in the domestic service sector. Therefore, it is hard for domestic workers to stand up for themselves. As the industry has not developed into a profession, competition among domestic service agencies is unregulated. This makes protecting the rights of domestic workers more difficult, as they are a group occupying the lower rungs of the social ladder. Many problems that have surfaced relate to working hours, compensation and benefits, social security, and even personal safety.

Statistics suggest domestic workers often face poor conditions. Overwork, discrimination, inadequate social protection, and no access to remedies for accidental injury are common occurrences among the domestic helpers. They work like any other workers, but they are not equally protected by law.

The *International Covenant on Economic, Social and Cultural Rights* passed by the General Assembly of United Nations on December 16, 1966 provides that every State recognize the right to enjoyment of just and favorable work conditions. Article 7 particularly requires the signatories to ensure: “(a) remuneration which provides all workers, as a minimum, with: (i) fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) a decent living for themselves and their families in accordance with the provisions of the present *Covenant*; (b) safe and healthy working conditions; (c) equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.” According to Article 8, the signatories should ensure the right of “everyone to form trade unions and join the trade union of his choice.” Article 9 stipulates that the signatories should “recognize the right of everyone to social security, including social insurance.” Protecting the basic rights of domestic workers, mostly women, is synonymous with protecting human rights.

China has ratified the Core ILO Conventions, including *Equal Remuneration, 1951* (No. 100), *Discrimination (Employment and Occupation), 1958* (No. 111), *Minimum Age Convention, 1973* (No. 138), and *Elimination of the Worst Forms of Child Labor, 1999* (No. 182). ILO holds that international agreements should be applicable to domestic workers unless it is explicitly stated in a convention or proposal that it does not apply to this type of worker. Meanwhile, ILO promotes the *Agenda on Decent Work for Domestic Workers: Rights, Productive Jobs, Social Protection and Representation* (2006-2015), which expounds on the needs and concerns of domestic workers, who are typically the most vulnerable and unprotected laborers. Support by ILO includes technical consultation, seminars, and programs against child labor and exploitation of migrant workers. ILO has also put the domestic worker issues on the agenda of the International Labor Conference in 2010. Its Governing Body requires that member states take action to achieve these goals.

The *Constitution of People’s Republic of China* has stipulations on the protection of labor rights,

including the right to work, the right to rest, and the right to social security. Such rights are covered in Article 42 to Article 45. Article 42 provides that “citizens of the People's Republic of China have the right as well as the duty to work. Through various channels, the state creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits. . . . The state provides necessary vocational training for citizens before they are employed”. Article 43 provides that “working people in the People's Republic of China have the right to rest” and “the state expands facilities for the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff”. Article 44 requires “the livelihood of retired personnel is ensured by the state and society”. Article 45 provides that “citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill, or disabled. The state develops social insurance, social relief, and medical and health services that are required for citizens to enjoy this right.”

It can be seen from the *International Covenant on Economic, Social and Cultural Rights* and China's *Constitution* that the State should ensure domestic workers have the right to: “(a) fair and healthy working conditions; (b) fair remuneration and benefits; (c) access to occupational training; (d) rest, leisure and reasonable limitation of working hours and periodic holidays with pay as well as remuneration for public holidays; and (e) access to social security.” In early 2009, ILO sent questionnaires to its member states to explore the possibility of a new instrument to provide better social protection to domestic workers and prepare for the corresponding discussions during the 2010 ILC.

Despite the groundwork laid by the international conventions and the Constitution, the living conditions and the personal development of domestic workers is distressing. The Peking University Women's Law Studies & Legal Aid Centre has conducted many studies on domestic worker's protection. Due to the absence of industry standards and legal protection, domestic workers are caught between their employers and domestic services companies (or agencies). It is not uncommon that domestic workers are bullied by the both parties, e.g., pay docking, overtime, and uncompensated extra work during public holidays. Not many domestic workers enjoy the working conditions enshrined in international conventions and the Constitution. It is especially true for the live-in domestic workers, for whom living with their employers is part of the job. A live-in domestic worker usually does not have a private bedroom. Frequently, he/she will be asked to spend the night in the living room or storeroom. Our Centre's 2007 statistics showed that approximately 60% of domestic workers had to pay for occupational training out-of-pocket. It is a heavy burden to low-income workers. The biggest problem, however, is exclusion from the social safety net, which puts domestic workers at risk.

On the issue of risk, personal injury also warrants attention. Risk refers to injuries suffered and caused by domestic workers. Under current laws, one can barely find a provision on compensation for such injuries, except for Article 11 under the Supreme People's Court's *Interpretation of Certain Issues concerning the Application of Law for the Trial of Cases on Compensation for Personal Injury*. According to this article, an employer should compensate an employee who is injured at work. This is the only regulation a domestic worker can rely on if an injury incurs at work. However, the provision has little teeth because of the special nature of the domestic service sector. From time to time, employers report that they were injured by a domestic worker, but there is no specific rule on how to handle such cases. The *General Principles of the Civil Law of People's Republic of China* requires the party at fault to compensate. However, most domestic workers are too poor to do so. Also, compensation may be a fool's errand; bankrupting a domestic worker while still being utterly insufficient to cover the employer's losses.

In our research, we looked at the status of domestic workers from the following perspectives: salary, arrears, rest breaks and vacations, treatment, verbal and physical abuse, sexual harassment, dignity, frequency of having dinner with their employers at the same table, private bedroom, contract, and insurance, and insurance premiums. Domestic workers are not covered under the *Labor Law*. But

like any worker, they create value. As there is no law governing the protection of domestic workers' rights, we can only rely on the *Labor Law*. Here, the status of domestic workers is measured against the *Labor Law* provisions.

5.1 Income

5.1.1 Salary

Of all the respondents, 40.2%⁴⁸ earned 1,000 to 1,500 RMB per month; 36.5% of local governments set the local minimum wage at 1,000 RMB and 12.8% at 1,500 to 2,000 RMB. The monthly income for 7.6% of the respondents was below the minimum wage established by the local government (In 2008, the minimum wages of the three locations were different: Tianjin: 820 RMB, Hefei: 560 RMB, and Changsha: 665 RMB). Of the total, only 1.7% received 2,000 to 2,500 RMB and only 1.2% received more than 2,500 RMB.

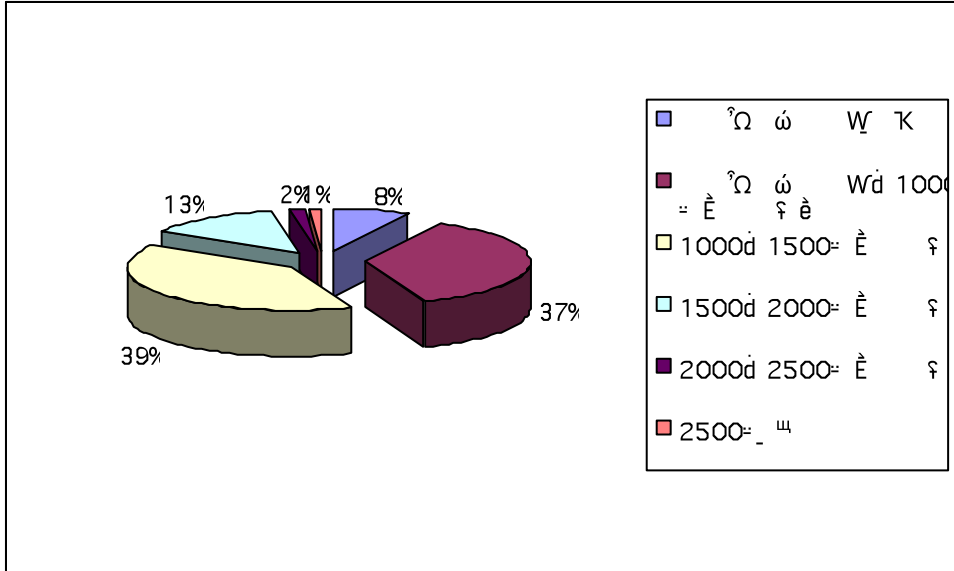
Our Centre has conducted research on the monthly income of domestic workers in 2005 and 2007. According to the data collected for Beijing, Shanghai, and Hefei in 2005, 500 to 600 RMB was the income brackets with the highest percentage (61.07%) for respondents from Beijing; 800 to 900 RMB was the highest percentage (37.31%) for respondents from Shanghai, and 400 to 500 RMB was the highest percentage for respondents from Hefei. According to the data collected in 2007, 53.31%, 34.87%, and 48.35% of the respondents in Beijing, Guangzhou, and Chengdu earned no more than 800 RMB respectively. The municipal government of Beijing announced in the same year that the minimum wage would be raised to 730 RMB per month starting from July 7, 2007. Therefore, more than half of the domestic workers received a salary slightly higher than the minimum wage.

In the 2005 survey, we asked how satisfied the respondents were with their income. Over 60% of the respondents in Beijing and Hefei were dissatisfied. Although the salary in Shanghai was the highest of the three locations, the dissatisfaction rate still reached 79.11%.

According to the official statistics for Beijing in 2004, the annual disposable income per capita was 15,637.80 RMB and the annual consumer expenditure per capita was 12,200.40 RMB. More than 60% of the domestic workers in Beijing earned 6,000 to 8,000 RMB per year. Even though the accommodations were provided by the employers, the annual income of the live-in workers was well below average. According to the official statistics for Shanghai in 2004, the annual disposable income per capita was 16,683 RMB. Over 60% of the domestic workers in Shanghai made 9,600 to 16,800 RMB per year. But the higher income was offset by higher consumer prices. In effect, the salary of domestic workers in Shanghai was no better than the other two locations. According to the official data for Anhui in 2004, the annual disposable income per capita was 7,511.4 RMB and the annual consumer expenditure per capita was 5,709.7 RMB. Most live-in domestic workers earned 4,800 to 6,100 RMB per year, far less than their peers in Beijing and Shanghai. This level of income can never put the living standards of the domestic workers on par with the local average. It was not surprising that many domestic workers were dissatisfied with these circumstances.

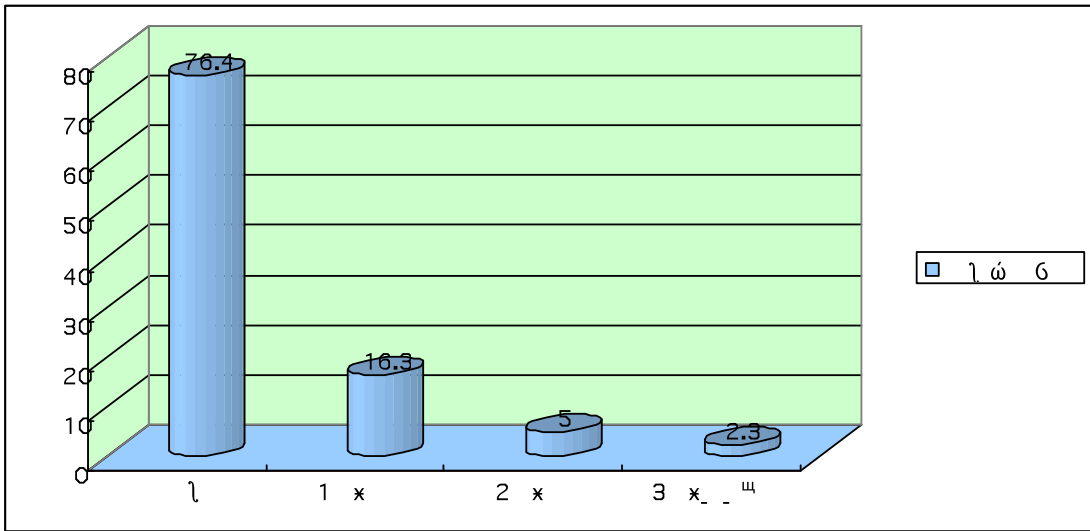
Although the 3 surveys on domestic workers' income were carried out at different locations, the results were consistent: (a) domestic workers were often underpaid; (b) most of them earned not much higher than the local minimum wage; and (c) the increasing incomes of the urban households in recent years did not drive up the salary of domestic workers.

⁴⁸ 2901 respondents answered the question, 68 did not.



5.1.2 Pay Arrears

Salary arrears in the domestic service industry are not as serious as in construction or other sectors, in which migrant workers are concentrated. According to our survey, 76.4%⁴⁹ of the respondents were paid on time and in full. We gleaned from questionnaires, interviews, and previous researches that it is because the domestic workers are often paid via the domestic service agencies. Employers are asked not to pay the domestic helpers directly, but through the domestic service companies. Nonetheless, 23.6% of the respondents reported their employers are behind in payment. This translates to nearly 1 out of every 5 respondents not receiving their salary promptly. That's quite a big percentage. Among the respondents whose salary had been overdue, 16.3% said the arrears were paid within 1 month and 5.0% mentioned their employers were 2 months behind. Still, employers of 2.3% of respondents were 3 months behind with payment.



⁴⁹ 2821 respondents answered the question, 148 did not.

5.2 Rest Breaks and Vacations

5.2.1 Rest Breaks

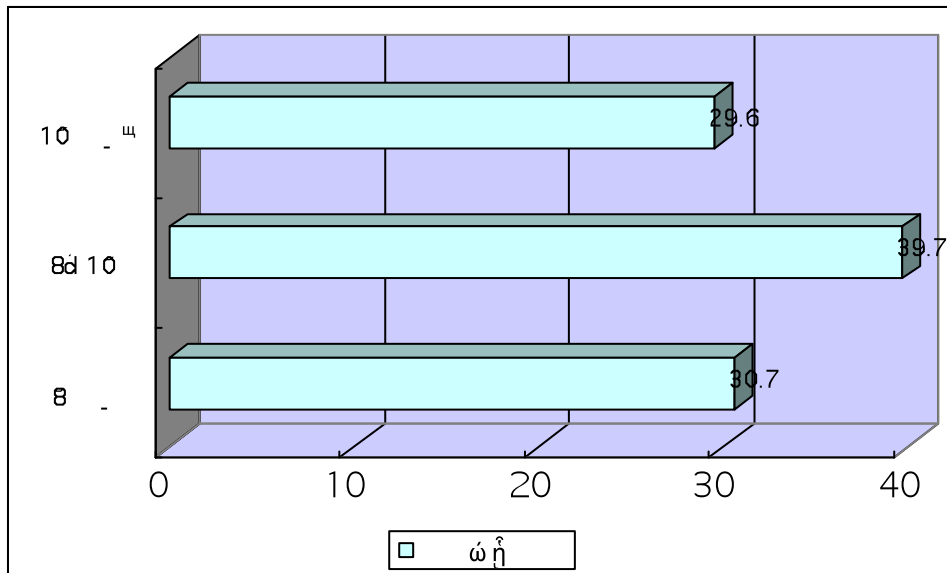
We measured the daily working hours of the respondents and found that 39.7%⁵⁰ worked 8-10 hours per day; 30.7% no more than 8 hours per day; and 29.6% (1 out of every 3 respondents) worked over 10 hours per day. Obviously, there is no guarantee for the rest breaks of domestic workers.

In 2005, we carried out a survey in Beijing, Shanghai, and Hefei under the sponsorship of UNESCO. It was found that about 50% of the domestic helpers worked approximately 10 hours every day.

From July 2006 to December 2007, our Centre conducted a study on the working conditions of the domestic workers in Beijing, Guangzhou, and Chengdu. It was a program financed by UNIFEM. Our research showed that 40%-55% of the respondents worked 8 hours per day. More than 48% of the respondents in Beijing worked at least 10 hours per day.

When comparing the 3 surveys, we did not see any remarkable change in working time. A large proportion of domestic workers still work more than 10 hours a day.

Long work hours are one of the characteristics of domestic service. Every day that a domestic helper works or is on call for more than 10 hours exceeds the 8-hour workday mandated by the *Labor Law*. There is almost no chance for them to receive overtime pay, which should be at least 1.5 times their hourly wage. As there are no restrictions on working hours, some employers keep their domestic helpers working over 10 hours per day. The workers do not have enough time to rest and refresh themselves. Protracted overwork can wear out a domestic worker, do harm to his or her health and undermine his or her performance. Therefore, it is imperative to regulate working hours and rest periods of domestic workers.



5.2.2 Weekly Rest and Vacation

Respondents were asked if there was a certain day (or days) in their schedule designated as weekly rest day(s). Nearly one third (29.9%⁵¹) of the respondents do not have regular rest days during the

⁵⁰ 2847 respondents answered the question, 122 did not.

⁵¹ 2753 respondents answered the question, 216 did not.

week; 58.2% had one rest day ; and only 8.5% had two.

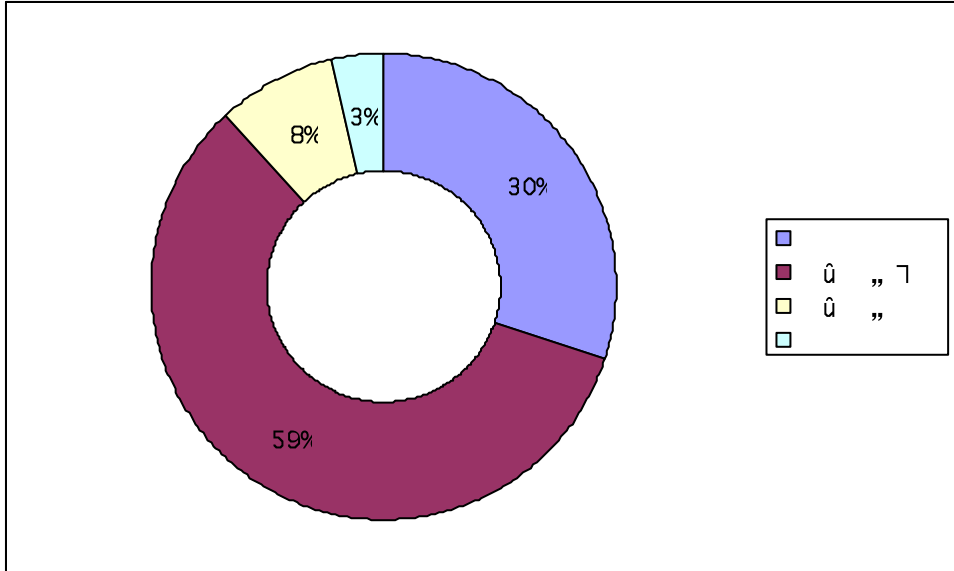
It was consistent with the result of the 2005 and 2007 surveys in Beijing, Shanghai, Hefei, Guangzhou, and Chengdu, which suggested that “20% to 35% of...domestic workers had no weekly rest days.” Again, nothing had changed in terms of domestic workers’ weekly rest.

There are two types of domestic helpers: part-time and live-in. The tasks for the former are usually clearly defined, for example, tidying up the kitchen, rest room, or balcony. At the same time, their employers have higher expectations of their skills, like cooking. The latter live on the premises of their employers. Dealing with the same people everyday can be stressful. There are no limits to working hours. It depends completely on how the employers treat the domestic workers. Some may keep their helpers working around the clock to make every penny they spend on domestic service count.

The Labor Law prescribes that “the employer shall guarantee that its laborers have at least one day off in a week” and arrange rest times for laborers in accordance with law during public holidays. The surveys found most of the domestic workers had one weekly rest day, but did not get any days off for public holidays. According to the 2005 survey, the domestic helpers worked for their employers mainly on a live-in basis. Although most of them were migrant women, only 65% returned to their hometown once every year. It could be partly explained by the long travelling hours between Beijing and their hometowns and the high travelling expenses. But the main reason was many employers did not allow the domestic workers to take days off during holidays. The law requires that employers provide paid leave. But it remains a luxury for domestic workers because they are not protected by the Labor Law. 32%-51% of the respondents said their salary was docked when they went back home.

Data collected in the survey shows that informal employment, to some extent, deprived the domestic workers their right to rest and leisure, which is one of the fundamental rights of any worker. Promoting fairness and justice is the purpose of the law. It should ensure that every laborer has the right to rest and leisure. The domestic workers’ value should be recognized and their rights protected by law, like any other worker.

During their interviews, many domestic workers voiced their opinion about rest and vacation. Xiaoli, a domestic worker in Anhui, emphasized: “I took several jobs before coming to Hefei. Even since I became a live-in domestic worker, there has been no limit to my working time. Sometimes, the things my employer asks me are actually not housework. But what can I do about it? I’m supposed to do whatever he tells me to. Vacation? Not a chance. Saturdays and Sundays are the days when employer needs domestic help most. How can I tell him I need the day off?” Many interviewees gave similar responses. Given that there is no explicit regulation on their working time, domestic workers have no idea whether they are entitled to weekly rest. Many told us they had “never dreamed of paid leave”.



5.3 Dignity

Domestic workers mostly live in their employer’s homes. They do not work alongside other co-workers. It is extremely rare that an employer would hire several domestic helpers at the same time. Compared with domestic workers, other types of workers are less likely to be treated with disrespect for two reasons. One is the environment in which they are working in is uncomplicated. The other is they can talk to each other, support each other, and bond with each other to defend their rights.

But the domestic helpers often work in isolation and behind closed doors. Those working on live-in basis not only perform their tasks, but also live in their employer’s homes. Unlike other types of workers, they have to stay with their employer’s families all the time and deal with the big gap in lifestyle and cultural background. The employers of domestic workers usually have higher expectations of their domestic workers than other types of workers. Although domestic work appears simple, it is incredibly complicated. Besides housework, a domestic worker has to be able to read the employer’s mind, adapt quickly to the employer’s family and lifestyle, and even understand the complex relationship among employers’ family members. It is a very demanding job that demands minimum IQ and EQ levels to be performed well.

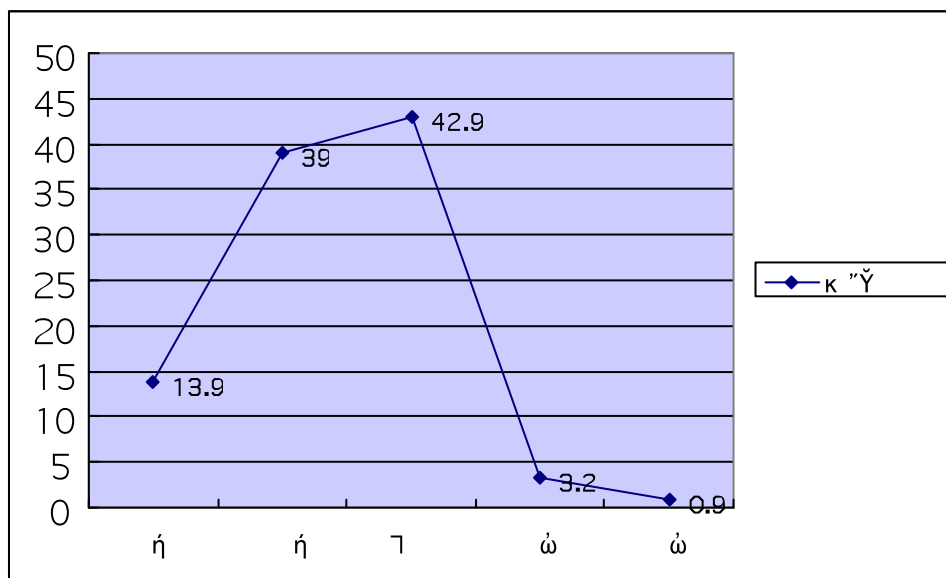
Traditionally, domestic workers are regarded as servants, their employers as masters. There is a huge disparity in status between them, which makes it difficult for a domestic worker to communicate with his/her employer. Because the domestic helpers are working for different families, they are isolated from each other. One could hardly get support or comfort from his/her peers in times of need. Psychologically, domestic workers are under enormous pressure. Working in isolation puts domestic workers at a disadvantage. The master-servant relationship is deeply-rooted in tradition. It is not uncommon that a domestic worker is scolded, beaten or cursed by his or her employer, given inadequate food to eat, or asked to sleep in the storeroom, living room, or even balcony.

In order to understand whether domestic workers are treated with dignity, we asked the respondents questions like “How well does your employer and his or her family members treat you?”; “Have you ever been verbally or physically abused by your employer?”; “What do you think about your employer?” , or “Do you often eat with your employer at the same table?”

5.3.1 Treatment

Among the domestic workers who responded to the question on how well they were treated by their employers and their family members, 42.9%⁵² gave a neutral answer; 39.0% said it was fine; and 13.9% thought their employers were very nice. By contrast, 3.2% said they were treated badly and 0.9% complained their employers were mean. This coincided with the results of the interviews. Most interviewees told us they got along well with their employers and were treated well by the family members of their employers. A few domestic workers said they had worked happily for their employers for more than one year and their employers treated them as family members.

According to the previous surveys in Guilin, Nanning, and other cities on the relationship between employers and domestic workers, only 8% of the employers said it was “very good”; 20% “good”; 34% “bad”; and 38% “very bad”. We further explored the reasons that the employers and the domestic workers did not get along. Eighteen percent of the employers said their helpers were too ignorant to be communicated with; 14% disapproved of their workers’ behavior (dishonesty, greediness, laziness and ostentation); 30% thought their helpers were outsiders after all; and 38% believed their helpers were inferior to them. Meanwhile, domestic workers were unsatisfied with the way they were treated. 60% thought there was nothing beyond the employer-employee relationship and 14% said their employers were very nice. Many respondents felt that they were not trusted or respected. When being asked why there was tension between domestic workers and their employers, 32% respondents said “inequality”; 22% answered employers often beat them; 18% mentioned the salary was too low; 14% said their employers did not trust them; and 14% complained their employers always called them bad names. Apparently, there are multiple causes for the conflicts between them and as the saying goes, “it takes two to tango”. The primary reason is the difference in social status, background, habits, and the exclusiveness of the employers⁵³.



5.3.2 Verbal and Physical Abuse

When being asked if they had been beaten or cursed by the employers, 4.8%⁵⁴ of the respondents

⁵² 2847 respondents answered the question, 122 did not.

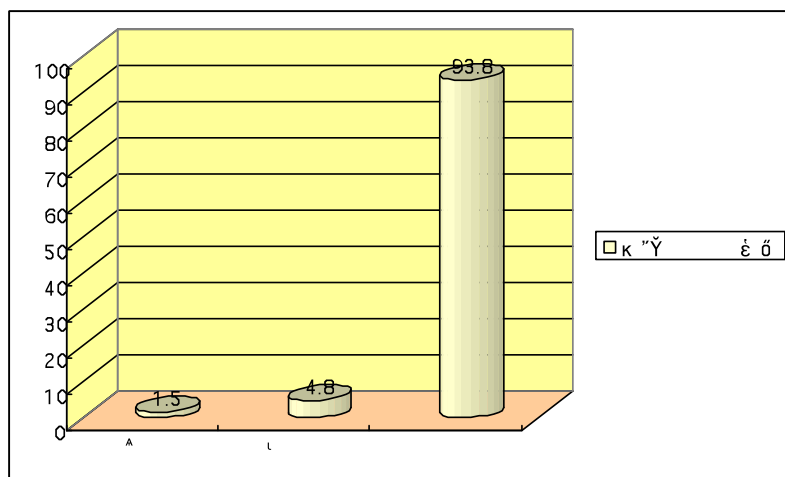
⁵³ Li Yanmei, Domestic Service Sector in China: Current Status and Professionalization, Sociologists, Volume 7/135, July 2008.

⁵⁴ 2753 respondents answered the question, 216 did not.

(or 1 out of every 25 respondents) said occasionally and 1.5% frequently. We could infer that 6.3% of the respondents (or 1 out of every 16 respondents) were subject to abusive treatment. The bright side is that 93.8% of the respondents had never been verbally or physically abused.

When designing the questionnaire, we were divided on whether this question should be included. Some researchers suggested that it should not be put into the questionnaire as verbal and physical abuse to domestic workers did not exist in modern society. However, this data proved that they were wrong. Such problems do occur and they are very serious.

The respondents who had been abused by their employers and their family members did not want to talk about the experience. They simply told us such a thing had happened. When we inquired how they dealt with such a problem, they unanimously said they talked with the domestic service company and left their employer's homes immediately.



5.3.3 Sexual Harassment

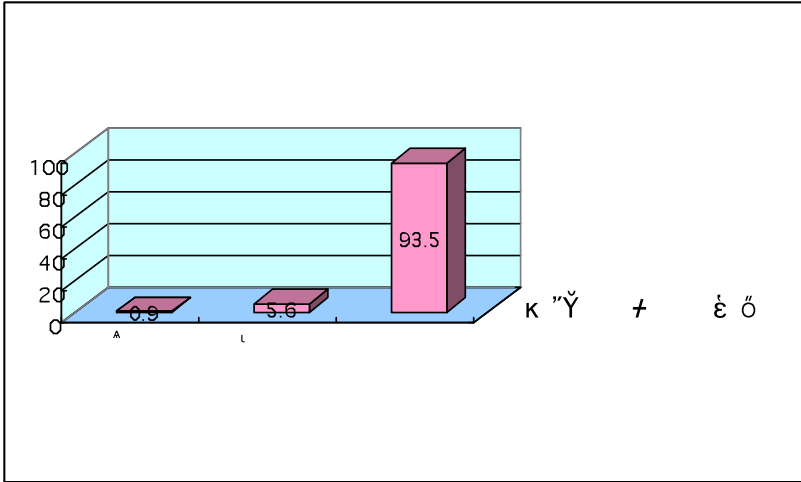
There was a question on whether employers had engaged in verbal or physical conduct of a sexual nature. 5.6%⁵⁵ of the respondents (1 out of every 18 respondents) said their employers occasionally did so and 0.9% admitted their employers frequently made unwanted sexual advances.

At the end of 2005, the Beijing Migrant Women Workers' Club sampled 206 workers from 10 domestic service companies in Beijing. A total of 6.3% admitted they were sexually harassed.⁵⁶ Given the fact that sometimes victims might not be aware of sexual harassment, the actual number could be larger.

One thing that is special about domestic workers is that they work in the employers' homes and have close contact with employers and their family members. When their rights, including personal safety, are infringed upon by their employer's family, they can hardly get any help or assistance in time. Some domestic workers told the interviewer that they either tried their best to evade the harasser or reported to the domestic service agencies and quit. None of the interviewees expressed any intention to call the police or fight for their rights through other legal means. Quitting seems to be the ultimate solution to the problem.

⁵⁵ 2780 respondents answered the question, 189 did not.

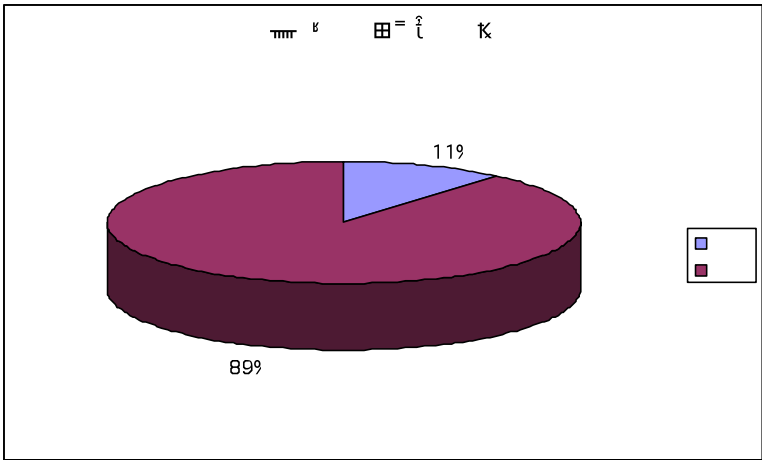
⁵⁶ Han Huimin, Sexual Harassment among Domestic Workers- from the Perspective of the Profession, Essays on Women's Studies, Supplement, August 2006



5.3.4 Self-esteem

Altogether, 11.2%⁵⁷ of the respondents thought it was shameful to provide domestic service in their employer’s home. When more than 1 out of every 10 domestic workers had such feelings, we need to pay more attention to traditional perceptions of this industry.

Over two thirds of the interviewees did not want their relatives or friends to know that they were domestic workers or wouldn’t tell the truth when asked about their profession. It is because domestic work is stereotyped as a menial job. Even the domestic helpers themselves do not think it is decent work. They always feel inferior. Some workers lie to their kids about their job out of the fear that their children would feel hurt or be despised by their schoolmates or friends. Domestic workers, as a whole, do not think there is any value in what they are doing, let alone have a sense of pride or honor about it

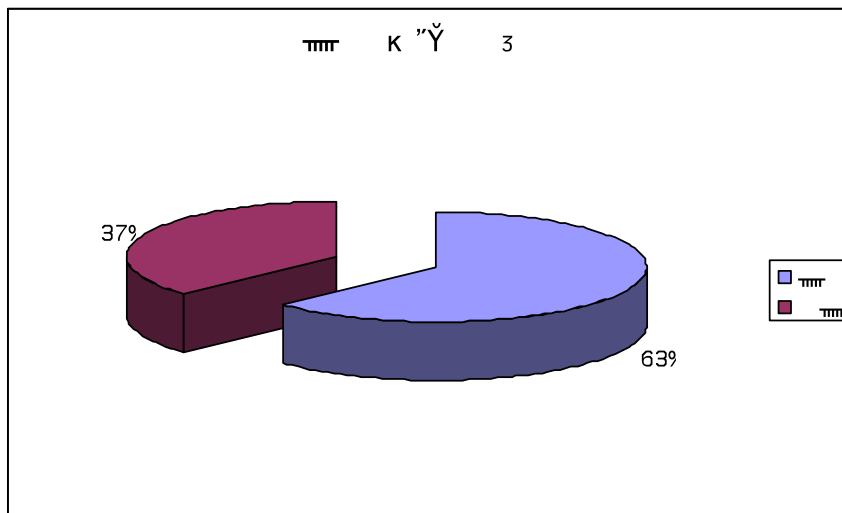


⁵⁷ 2815 respondents answered the question, 154 did not.

5.3.5 Eating with Employers at the Same Table

Eating with employers at the same table is a barometer of domestic workers' status in their employers' homes. More than one third (37.0%⁵⁸) of the respondents said their employers seldom ate with them at the same table, which is one of the reasons that many domestic workers feel they are disrespected.

During a survey in Zhejiang, the participants were asked whether they would eat with the domestic workers at the same table, pay for their health insurance bills, and allow them to take one day off per week. 50%-80% said "no"⁵⁹. It shows that many people think domestic work is not a real professional, but servants who are hired to do cleaning, cooking, and laundry. That's why many employers do not treat their domestic helpers with respect.



We have analyzed the correlation between “the categories of domestic work” and “eating with employers at the same table”. The percentage of live-in nannies that ate with their employers was the highest. 179 out of the 236 nannies (75.8%) we surveyed could sit at the same dining table with their employers. By contrast, the percentage of cleaners and patient caretakers who could do so was the lowest, at 39.2%. Most cleaners or patient caretakers did not often sit at the same dining table as their employers.

Cross Analysis: Categories of Domestic Work and Eating with Employers at the Same Table

		Do you often eat with your employers at the same table?		Total	
		Yes	No		
Categories of Domestic Work ^a	Clearing	Count	824	531	1355
		% within \$a10	60.8%	39.2%	
	Grocery	Count	990	528	1518

⁵⁸ 2755 respondents answered this question, 214 did not.

⁵⁹ Wang Hongfang, *Informal Employment—Research on the Rights of the Domestic Workers*, Chongqing University Journal (Social Science Edition), No. 2, Vol. 12, 2006

	% within \$a10	65.2%	34.8%	
Geriatric Care	Count	461	240	701
	% within \$a10	65.8%	34.2%	
Patient Care	Count	211	136	347
	% within \$a10	60.8%	39.2%	
Confine ment Care	Count	179	57	236
	% within \$a10	75.8%	24.2%	
Baby Sitting	Count	464	260	724
	% within \$a10	64.1%	35.9%	
Others	Count	80	48	128
	% within \$a10	62.5%	37.5%	
Total	Count	1705	1011	2716

Percentages and totals are based on respondents.

a. Group

5.4 Work Environment

We asked the respondents if they had private bedrooms. 57.4% answered in negative and 42.6% positive.

In Tier 1 cities, housing prices have been skyrocketing and the employers' apartments are not very spacious. A considerable number of the employers could not offer an environment where domestic helpers did not have to share a bedroom with adults of the opposite sex. Most domestic workers are hired to take care of the sick or elderly, who may require attending to at any time. Some of the workers were asked to sleep in the living room, hallway, or even balcony. Previous research showed 5.3% of the helpers had to share a bedroom with their employers of the opposite sex⁶⁰.

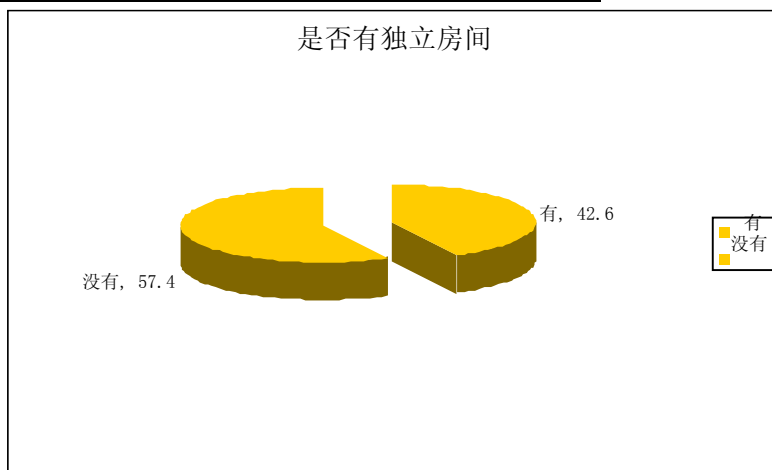
It is irresponsible to require a domestic worker to share bedroom with an adult of the opposite sex. Many cases involving sexual harassment of domestic workers have been reported. Although some localities have released industry standards, which ban employers from requiring the domestic workers to share a bedroom with adults of the opposite sex, the standards have, de facto, never

⁶⁰ Luo Dehong, 10% of the Nannies were Sexually Harassed by Their Employers: Tips on Dealing with Harasser, Beijing Morning, September 13th, 2006
http://news.xinhuanet.com/employment/2006-09/13/content_5084735.htm

been enforced. Therefore, having a private bedroom not only reflects how well a live-in domestic worker is treated, but also measures how safe the work environment is.

Do you have a private bedroom?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	840	42.6	42.6	42.6
	No	1132	57.4	57.4	100.0
Total		1972	100.0	100.0	



5.5 Contract

Over a quarter (28.6%⁶¹) of the respondents signed contracts with domestic service companies; 48.9% signed intermediary service contracts with agencies; and 31.9% signed contracts with employers. It is worth noting that 21.8% hadn't signed any contract at the time they were surveyed. As the questionnaires were mainly distributed to the workers at registered domestic service agencies, a number of domestic workers directly hired by the employers were not included in the research. Hence, the percentage of the domestic workers without any contract could be higher.

From July 2006 to December 2007, our Centre carried out a survey on the working conditions of domestic workers in Beijing, Guangzhou, and Chengdu. The research was sponsored by UNIFEM. According to the survey, in Guangzhou and Chengdu, the domestic workers who did not sign contracts outnumbered those who signed, accounting for 46.64% and 49.17% of the respondents in the two cities respectively; in Beijing, 72.13% of the domestic workers signed contracts with employers or agencies.

The locations where the two surveys on the same topic were conducted were not exactly the same. But we can still see from the data that the percentage of domestic workers who sign contracts is on the rise. However, it is still low compared to the other sectors.

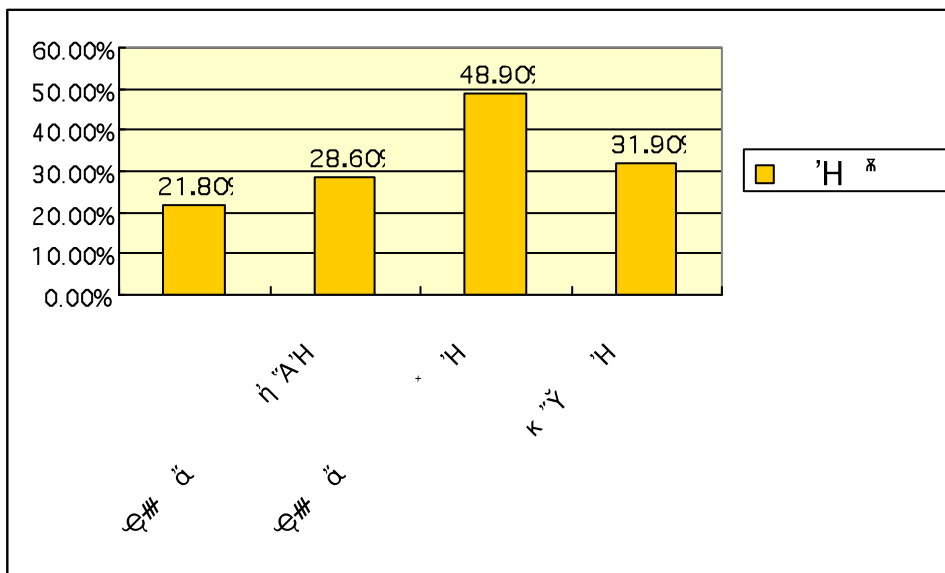
China introduced the employment contract system in 1986. *The Labor Law of People's Republic of China* was enacted in 1995, requiring labor contracts to be signed between employees and employers. The *Labor Contract Law of People's Republic of China*, promulgated in 2008, reiterated

⁶¹ The respondents were allowed to make multiple choices. Cumulatively, all options were chosen 3630 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

the importance of signing employment contracts and underlined the determination to penalize non-compliance. The law increases the contract signing rate and better protects employees' rights. Currently, the labor laws are not applicable to the domestic service industry. But domestic workers should sign contracts with employers and/or the domestic service companies. This is an effective way to protect domestic workers' rights. As mentioned earlier, since most domestic workers are poorly educated, they are not fully aware of how important it is to enter into contracts. Therefore, they may be unable to use their contracts as a weapon to defend their rights. Meanwhile, employers' awareness needs improving as well. Some think they do not have to take any responsibility or they can change domestic helpers at any time if no contract is signed. This is not the case. Many disputes arise from the ambiguous scope of work or job description. If the rights and obligations of an employer and a domestic worker are not clearly defined, neither side's rights can be protected. For those who have a stake in domestic service (i.e. employers vis-a-vis domestic workers or employers vis-a-vis domestic service agencies or domestic workers), signing a contract is the best way to demarcate their rights and obligations.

Generally, domestic service contracts always leave room for discretion. Nearly all the contracts use a standard form made by the domestic service companies. The rights and obligations are biased. In order to minimize the operational risks, the domestic service companies may repeatedly revise these contracts of adhesion. Some may state in the contract that the domestic service companies will not be held liable when the contract is changed or unilaterally terminated, making the contract a strait-jacket for domestic workers only. By comparison, domestic workers, vulnerable as they are, have no opportunity to raise objections. In fact, they may not even realize that the way their companies manipulate the contract is a violation of the *Contract Law*. They usually accept anything that is offered by the companies. Even though a few domestic workers may frown upon the contracts, the odds are always against them and they usually end up signing under this coercion.

Some domestic service companies illegally ask the workers to make payments, pay deposits, or pay other unreasonable fees in open or disguised forms. For example, a company may deduct a service fee of the whole year from the first salary. If a worker quits before the contract expires, he or she will have to pay the penalty prescribed in the contract and will not get back the pre-paid service fee.⁶²



⁶² Peking University Women's Law Studies and Legal Aid Centre, Survey on Protection of Domestic Workers' Labour Rights and Interests, 2007

5.6 Insurance

5.6.1 Insurance Coverage

Only 5.9%⁶³ of the respondents had access to social security; 21.9% purchased commercial insurance; 10.0% had both; and 62.1% (2/3) did not have insurance.

According to our 2005 survey in Beijing, Shanghai, and Hefei, over 60% of the respondents in Hefei and Beijing and 50% of the respondents in Shanghai did not have access to social security. Most of those with social insurance were laid off urbanites. Few migrant workers from rural areas were covered by the social security program. Since July 1, 2004, Shanghai took the lead in launching the Domestic Helper Comprehensive Insurance program, aimed at mitigating the risks resulting from the accidental injury of domestic workers in the course of performing their work⁶⁴.

According to our 2007 survey in Beijing, Guangzhou, and Chengdu, 61.32% and 60.33% of the respondents in Beijing and Chengdu did not have any insurance. Even in Guangzhou, the best performer of the three locations, the number was 38.66%. We found in the interview that normally, the laid-off workers had access to social security and the migrant workers from rural areas purchased certain types of commercial insurance for accidental injury and critical illness.

We compared the three surveys and hardly found any change in domestic workers' social security coverage. Most of them have no insurance. During the interview, the 30 domestic workers from companies in Tianjin, Changsha, and Hefei were deeply concerned with the absence of social security in the domestic service industry. According to them, the absence of social security is the main reason why domestic service is regarded as informal and indecent. And the reason for the difficulty in including social security in the domestic service sector is the government's lack of concern. Thus, domestic workers are deprived of social security and development of the domestic service industry is hampered.

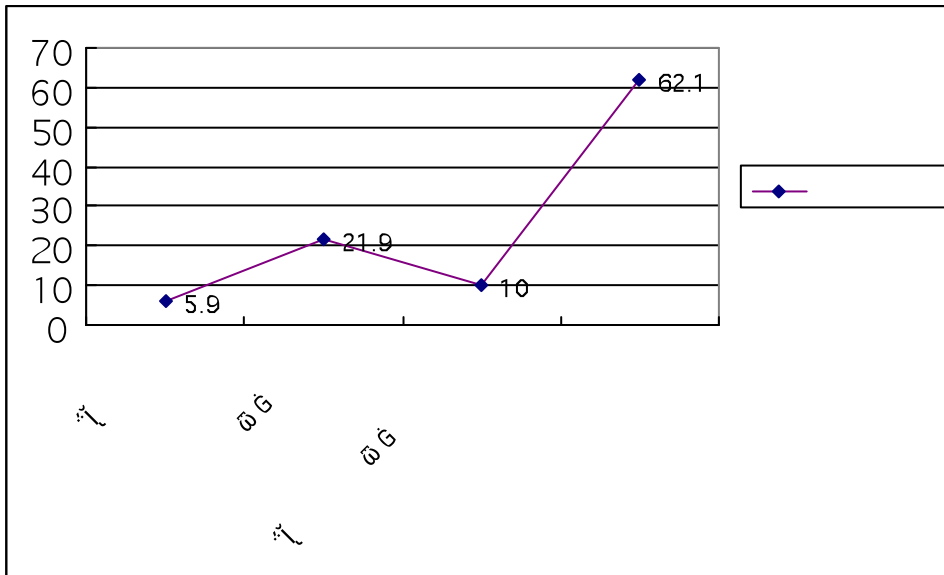
Further analysis shows that many domestic workers from rural areas are excluded from social security. Due to the influx of migrant workers to the cities, the Chinese government requires employers in the formal sector to provide the migrant workers with access to social insurance. Take construction as an example, migrant workers in this sector are entitled to three insurance schemes: pension, health, and workplace injury. Although it takes time for pensions pay off, the other two types of insurance address the immediate needs of migrant workers. As mentioned, domestic service is regarded as an informal sector. Domestic workers are therefore unlikely to have medical and workplace injury insurance. But the incidence of workplace injury is very high. Although domestic workers do mainly housework, they frequently sustain injuries from knocks, falls, trips, burns, bites, or electric shocks. Also, unskilled or negligent domestic workers may damage home appliances, flowers, or decorations in their employer's homes. Some cities are trying to solve these problems through commercial insurance, but such insurance is neither mandated nor regulated and not all domestic workers can benefit from it. In addition, commercial insurance provides less protection and compensation compared to social security. According to the survey, about two thirds of the domestic workers have no insurance coverage. Thus, when an accident occurs involving a domestic worker at work, compensation will become the subject of a legal controversy between the worker, the employer, and the domestic service company. Therefore, customizing a new social or commercial insurance program for this industry is the key to domestic workers protection.

A marked difference among the three locations was exposed during the interviews. For respondents in Anhui, social insurance was the primary consideration for job offers. They rely on insurance to provide for old-age relief and to pay their medical bills. Without preparing for rainy days, they do not feel sufficiently secured to stay in the industry. The respondents in Tianjin too are concerned with

⁶³ 2802 respondents answered the question, 167 did not.

⁶⁴ Yang Yichen, Study on Domestic Service Market in Shanghai, Best Dissertations in China

social insurance. However, they are more interested in career development, expecting to have more vocational training opportunities, and receive social recognition and respect. Besides social insurance and training, respondents in Hunan emphasize occupational safety.



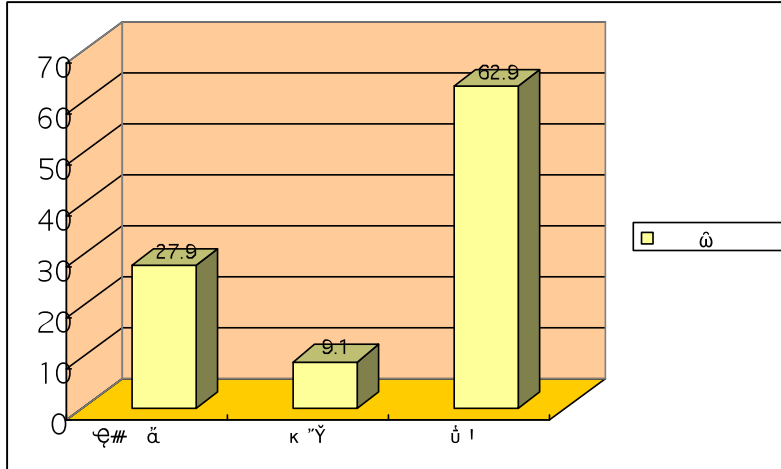
5.6.2 Insurance Premiums

27.9%⁶⁵ of the respondents said that insurance premiums were paid by the domestic service companies and 9.1% by the employers; 62.9% by themselves.

Our 2007 survey indicated that premiums were mainly covered by the domestic workers. Even if they were paid by the companies, part of the payment was, in fact, made by the workers, because the fees collected from the employers and the domestic workers were used by the domestic service companies for premium payments.

The results of the two surveys were consistent. Insurance premiums mainly fall upon the domestic workers for two reasons. The first is the uniqueness of the industry. Domestic workers are very mobile. There are a lot of uncertainties in where and how long they work. Some will leave after two or three months of service. The second is the absence of standards. To maximize profit, some domestic service companies prefer to designate the party liable for compensation in the contract in the event that an accident occurs, than to insure the worker with the placement fee or service charges collected. Therefore, domestic service companies usually disregard any call to purchase workers' insurance.

⁶⁵ 1936 respondents answered the question, 1033 did not.



5.7 Medical Bills

We asked the respondents who footed medical bills when they were sick or injured. 10.6%⁶⁶ answered that their employers made the payment; 26.3% said it was reimbursed by insurance companies; more than half (66.8%) bore the expenses by themselves. More importantly, 18.0% had to forgo medical treatment because they could not afford it.

Who Footed the Medical Bills When You are Sick or Injured?

	Responses		Percent of Cases
	N	Percent	
Employer	301	8.7%	10.6%
Reimbursed by Insurance Companies	748	21.6%	26.3%
I, myself	1900	54.9%	66.8%
I do not have money, so I forgo the medical treatment	513	14.8%	18.0%
Total	3462	100.0%	121.8%

a. Group

Social security for domestic workers has always been a tricky issue and a perennial focus of research in the domestic service industry. The consensus is that there is no chance to professionalize the sector or safeguard the fundamental rights of domestic workers or press forward the *Decent Work for Domestic Workers* agenda if domestic workers are kept out of the social security program. Years of research have discovered the reasons why live-in domestic helpers, mostly migrant workers, do not have access to the social security system in urban areas. One is

⁶⁶ The respondents were allowed to make multiple choices. Cumulatively, all the options were chosen 3462 times. The data represents the people who made this choice as a percentage of all the respondents. As they could select more than one option, the sum of the percentages is over 100%.

identity; the other is the nature of their work. The *Regulation on Recruitment of Contracted Peasant Workers in National Ownership Enterprises* (1991) has detailed provisions on the social insurances available to migrant workers. As the number of such enterprises is decreasing, the applicability of the regulation is shrinking. Following the *Labor Law* (1995), a string of laws were adopted, e.g. State Council's *Decision on Establishing a Unified Basic Pension System for Employees*, *Rules on Unemployment Insurance*, *Provisional Regulation on Workplace Injury*, State Council's *Decision on Establishing the Basic Medical Insurance System for Employees in Urban Area*, *Provisional Regulation on Collection of Social Insurance Premium*, etc. These regulations enumerate the enterprises, but not the employees, to whom they are applicable. Peasant workers should be treated as a type of employee. But they are different from urbanites. As there is no article in the law that takes into consideration the migrant workers' situation, they are barely enforceable when such workers are involved. Even today, there is no national rule on social insurance for domestic workers. Some localities have made breakthroughs, but only on paper, because there are too many restrictions blocking migrant workers' access to social security programs. According to the *Notification on Simplifying the Process for Peasant Workers to Participate in Workplace Injury Insurance and Basic Medical Insurance* (Beijing Labor and Social Security Bureau), "the project managing department of a construction company, if authorized by the company, may become the insured party for workplace injury insurance and basic medical insurance for the company's migrant workers. Migrant workers who are participants of the basic medical insurance scheme will, therefore, not be issued the Beijing Medical Insurance Record. Instead, a Medical Card for Peasant Workers Participating Beijing's Basic Medical Insurance Program (hereinafter the "Medical Card") will be issued by the social insurance centre at the district or county level to the migrant worker's employer. The number of Medical Cards issued will be equal to 2% of the number of migrant workers in the company. Two Medical Cards will be issued when a company employs fewer than 100 migrant workers. The employer may apply for more Medical Cards by filing with the district or county level social insurance agency. Upon the approval of such an application, additional Medical Cards will be issued." A migrant worker is eligible for work place injury insurance and basic medical insurance if (1) he/she works for the construction company; (2) the project managing department of the company acts as the insured. The migrant workers still do not have personal accounts. Identity is an obstacle for migrant workers wanting to participate in social insurance.

The other roadblock to including domestic workers in the social security system is the nature of their jobs. Article 2 of *Tentative Measures of Beijing Municipality Addressing the Pension for Peasant Workers* provides that "All state-owned enterprises, collectively-owned enterprises, foreign invested companies, Hong Kong, Macao and Taiwan invested companies, private companies, village and township enterprises, government agencies, government-financed entities, civil societies, non-profit organizations, the self-employed (hereinafter "Employers") and their employees who have a rural household registration in Beijing or other places (hereinafter "Migrant Workers") shall participate and contribute to the pension scheme". Article 3 provides "Employers must sign labor contracts with migrant workers and add them to the pension scheme in the month the migrant workers are recruited". Employers are parties eligible to include migrant workers in the pension scheme. They are parties to whom the *Labor Law* is applicable. Domestic workers are highly mobile. Often, they are unable to enter into employment contract with agencies. Their working hours are flexible. Thus, they are excluded from the *Labor Law* and other regulations related to the migrant workers' social insurance. The above-mentioned regulations of Beijing are two such examples. The *Tentative Measures of Shanghai Municipality on Migrant Workers Comprehensive Insurance* explicitly excludes domestic workers. The same situation applies to other municipalities and provinces.

6. Conclusions and Proposals

6.1 Conclusions

6.1.1 Generally, undereducated domestic workers and a stratified sector have resulted in the scarcity of "top notch" domestic workers, hence, their higher professional esteem.

According to our data, 74.1% of the respondents finished primary or secondary school; only 25.9% received a high school or college diploma. Most domestic workers are poorly educated women from rural area and have insufficient pre-job or on-the-job training. According to our survey, 28.6% of respondents received no training, only 20.3% have been properly trained. The domestic service industry is crowded with low-skilled workers.

Low competency and skill workers hold back the quality and development of the domestic service industry. As living standards improve, employers will have higher expectations for the competency of their helpers, and the demand for skilful and professional helpers is expanding. But this sector is not attractive to people with higher levels of education because of low wages and traditional perceptions. Skilled workers are in short supply.

In recent years, Filipino domestic workers have been gaining ground in the high-end domestic service sector in mid and large cities. This development deserves our attention.⁶⁷The domestic service industry in China will cease developing if it follows its current trends. “One who does not move forward will be left behind”. This industry cannot develop unless it keeps pace with the changing lifestyles of modern society. A stronger domestic service industry must be supported with strategic and systematic policies.

Although domestic workers as a whole are generally undereducated, the sector is stratified. Sociologists often use economic (wealth), social (reputation) and political (power) indicators to determine social classes. Domestic workers are classified by “income”, “education and skill” and “treatment in employers’ homes”.

In terms of “income”, as many as 40.2% of domestic workers earn RMB1,000-1,500 yuan per month; only 1.2% earn more than RMB2,500 yuan per month. We have further analyzed the latter and found that 50% are nannies and 52.9% are babysitters. They are much better paid, something that is mirrored by domestic workers own perceptions during interviews about the income distribution of the industry.

According to our survey, the salary of more than one third (36.5%) of the respondents was between the local minimum wage and RMB1,000 yuan. A deeper analysis of this group reveals that most (75.5%) of them do cleaning; 66.4% do grocery shopping and cooking. It implies that cleaners and cooks are at the bottom of the industry’s income pyramid.

In terms of “education and skill”, nannies as a whole have the highest educational qualifications. 47.9% of the respondents have a high school diploma or equivalent; 6.3% finished at least junior college. 68.8% of nannies are properly trained, the highest percentage among all other categories. Untrained nannies represent only 5.8% of respondents, the lowest among all other categories. “Patient care” is the category with the highest percentage (39.9%) of respondents who finished primary school, followed by the “geriatric care” (37.9%). These two categories also had the smallest percentage of respondents with high school diploma.

How well domestic workers are treated can be measured through different perspectives. We choose “do you often eat with your employer at the same table”, which is a frequently used benchmark for “treatment in employers’ homes” and is a detail that domestic workers care most. Nannies top that list as well. 75.8% of them can sit at the same dining table with their employers. “Geriatric care” (65.8%) and “grocery shopping and cooking” (65.2%) come the second. “Cleaning” and “patient care” have the smallest percentage (60.8% respectively) of workers who are allowed to eat with their employers at the same table.

We found during the interview that educated, skilful and experienced “top notch” domestic workers had become highly sought-after resources. Meanwhile, they were more confident and satisfied than their peers. In a focus group discussion in Hebei, a representative from Anhui Female Domestic

⁶⁷ Peng Dianzi, Domestic Service Market: Gold Mine for Peasant Workers, Farmers Daily, March 9, 2009http://www.farmer.com.cn/sh/dg/zx/200903/t20090309_428683.htm

Workers' Centre (hereinafter called Female Domestic Workers' Centre) told a story about Xiaoli, who was in her 30s, pretty, amiable, attentive to detail, a college degree holder and a fan of singing and dancing. The Female Domestic Workers' Centre trained her as a nursemaid. After 150 hours of training and testing, Xiaoli was sent to an employer's home as a senior domestic worker. Her job was to take care a three-year old. She made over RMB3,000 per month. The salary was considered high not only in Hefei but in Anhui province as well. In the beginning, Xiaoli felt inferior and unconfident. As time went by, she regained her confidence because the high salary made her feel economically superior. As nursemaids were in short supply, employers treated them with more respect. Thus, Xiaoli was proud about herself. The Female Domestic Workers' Centre built on that success and trained more domestic workers like Xiaoli into nursemaids, whose salary ranged from RMB3,000 yuan to RMB4,000 yuan. Sitting high on the local income pyramid, they are usually more confident and satisfied than other types of domestic workers.

We can foresee that the value of housework will be recognized, as an increasing amount of housework will be done by domestic helpers as the society advances. China is fast becoming an aging society. "Home-based care for the elderly" advocated by the government is taking root. The rapid growth of the domestic service industry will lead to a further division of labor and stratification. Some domestic helpers will continue doing the traditional housework, like cleaning, laundry, cooking, etc. "Top notch" domestic workers will be hired to plan finances, create healthy menus, receive guests, put documents in order, organize family parties, act as beauticians, or provide more specialized and personalized services for their employers. In Shanghai, such domestic workers have already made their debut. Unlike nannies in the traditional sense, they are well-educated and have received training on shopping, book keeping, pre-school education, family etiquette, general legal knowledge, first aid and western food recipes.⁶⁸ In the focus group meeting in Tianjin, government officials in charge of the domestic service sector said that the goal of the sector was to provide butler service. The emergence of high-end domestic services will attract more talents to this sector and turn around the idea that domestic workers are servants.

The specialization of domestic service gives birth to new jobs, like personal caterer, gardener, dog walker, etc. Various job opportunities have been opened up in households.

6.1.2 Most domestic workers left home on their own accord. At first, they migrated to make money. Then, they migrated to stay employed. At first, they relied on informal support networks to find jobs. Then, they switched to formal channels. They spent most of their time away from home. Most migrated alone or with family members.

For domestic workers the 18-35 years age group as well as domestic workers overall, migration was mostly a personal choice. Making money was the biggest motivation, among other reasons. The second most common reason was "to expand their world vision and enhance their knowledge". Young people were more interested in accumulating knowledge and experience because they yearned for adventure in the outside world. However, staying employed overrode increasing family income and became the primary consideration for domestic workers who have been away from home for a longer duration.

Informal networks were the most important channel that helped respondents obtain their first jobs. "Referral from fellow townsman or friend" was proven to be most helpful for the first-time job-seeker and less so for the more experienced ones. When we asked how the respondents obtained their current jobs, the percentage of those who depended on "Referral from fellow townsman or friend" dropped by 14.3 percentage points, while the percentage of those who turned to agencies and domestic service companies surged by 31.8 percentage points.

The analysis on the forms of migration finds that domestic workers mainly migrated "alone", "with spouse" or "with spouse and children". Among the married respondents, the percentage of those

⁶⁸ Butler Service: High-end Domestic Workers Enjoy High Social Status, Domestic Service Network of Shenzhen, http://www.szjiazheng.cn/news_4584.htm

migrating “with spouse” and “with spouse and children” was relatively high. Still, 40% migrated alone. Their family issues as well as mental and physical health merit attention.

Most of the domestic workers “spend most of their time in the host cities and do not go back to the hometown until the Spring Festival”. A fraction of them “work outside of their hometowns during slack farming season and return before the peak farming season”. This is especially true for those who are 18-35 years of age.

6.1.3 Cities within the provinces where their hometowns are located, Beijing, Tianjin and neighboring coastal cities are domestic workers’ favorite destinations. Provincial capitals and municipalities under the Central Government are their first choices. In terms of career changes, most of the respondents stick to service sector. In addition to better pay, working conditions and career development are also motivation for change of jobs.

The respondents are mainly from six provinces. Analysis of their migration routes shows the following patterns: (a) respondents prefer intra-provincial migration; (2) Beijing and Tianjin are the most attractive host cities; (c) respondents tend to migrate to the neighboring provinces of their hometowns, e.g. Shanghai and Jiangsu are appealing destinations for domestic workers from Anhui, while Guangdong is desirable province to those from Hunan.

When looking at the administrative divisions of the cities the respondents have migrated to, we found respondents generally have a strong “provincial capitals” and “municipalities” complex, which result from the regional development imbalance in China.

In terms of career changes, over 60% of respondents have changed one or two types of jobs in service industry. We asked why they switched jobs. “To make more money” was the No.1 consideration. At the same time, more than 30% said they did so to have “better working conditions”; over 20% thought it was good for “career development”. These were the three major motivations for a job change. A small proportion of the respondents changed their jobs as a reaction to mismanagement or problems receiving salary payments from their employers. It implies that domestic workers are proactive in job selection and care not only about income but also about their working conditions and future development. This pattern is more visible among 18-35-year old domestic workers.

6.1.4 The financial crisis had little impact on the domestic service industry. But domestic workers became more mobile as the economy slowed down. Young workers were relatively stable. Developed regions and cities within the provinces of domestic workers’ hometowns remained the most desirable destinations.

Most of the respondents thought their life and work were slightly or not impacted by the financial crisis. Nevertheless, some felt the pain of economic recession. 18.9% of the respondents were “impacted” or “stricken hard” because they “earned less”, had fewer “job opportunities/orders/businesses”, had to find “another job” or “dared not change job as planned”. Although respondents between 18-35 years of age were more affected, 77.7% said the crisis had “no impact” or “slight impact”. When talking with us, most of the representatives of the domestic service agencies in three locations said their companies barely felt the financial crisis. Their remarks confirmed that the domestic service industry survived the financial crisis unscathed.

When asked their plans in the next three months, respondents demonstrated a strong desire to make a change. Those who wanted to “move to another region or city” also intended to “find a new job”. Compared with the 36-55 year old age bracket, a smaller share of 18-35-year old respondents was planning to “move to another region or city” or “find a new job”. It implies the young domestic workers stayed calm during the economic slowdown. Meanwhile, they were more interested in learning new skills. Some respondents wanted to return to their hometowns. But only a fraction of them planned to never return to the cities. Most would simply take a break, then pack up and leave again.

According to our research, location change was usually coupled with career change. Data showed wide variation in the jobs that the respondents planned to do. Nearly half of them wanted to stay in the service sector; the rest preferred to be “workers”, “clerks”, “self-employed” and “managers” (5.3%).

Respondents in Tianjin, Anhui and Hunan demonstrated different level of willingness to move. More than half of the respondents in Tianjin wanted to “move to another region or city”, while the same proportion of the respondents in Anhui and Hunan had no plan to do so. Especially in Anhui, only 26.2% of the respondents intended to “move to another region or city”.

The respondents who planned to move preferred Beijing and the rich coastal cities in eastern China. Beijing was actually the most desirable destinations for respondents in all three locations. A number of respondents in Tianjin turned their eyes to Shanghai, Jiangsu and Zhejiang, but not as many as those who planned to migrate there from nearby provinces. It was consistent with the migration trend before the financial crisis.

6.1.5 There is no guarantee for rest breaks. Although the percentage of labor contracts has increased, it remains lower than other sectors. Sexual harassment exists. Income is slightly higher than the previous years but remains close to the minimum wage.

Under the current legal framework, domestic service is an informal sector in which Labor Laws are not applicable. Thus, no one knows what labor rights domestic workers are entitled to. The survey makes reference to the labor rights specified in the existing employment laws. Data suggests the rights of domestic workers are not effectively protected.

Daily Working Hours: According to our 2005 survey in Beijing, Shanghai and Hefei, about 50% of the respondents worked approximately 10 hours per day. In 2007, another survey was conducted in Beijing, Shanghai and Chengdu. The result implied that half of the respondents worked more than 8 hours per day. However, over 48% of the respondents in Beijing worked at least 10 hours per day. The current study indicates that 69.3% of respondents worked over 8 hours per day; 1 out of every 3 respondents (29.6%) worked more than 10 hours per day. The vertical comparison shows there is practically no guarantee for rest breaks for domestic workers.

Weekly Rest and Vacations: Our 2005 and 2007 surveys suggested 20% to 35% of domestic workers had no fixed weekly rest day. The percentage is 29.9% in the current survey. Domestic workers can hardly get a day off a week, let alone a break from work during the public holidays. Paid leave is a luxury that domestic workers have never dreamed of. Apparently, there has been no change in the past three years.

Insurance: Our research shows that 62.1% (2/3) did not have insurance coverage. According to our 2007 survey, 61.32% and 60.33% of the respondents in Beijing and Chengdu did not have any insurance. In Guangzhou, the top performer of the three locations, the number was 38.66%. Our 2005 survey suggested that over 60% of the respondents in Hefei and Beijing and 50% of the respondents in Shanghai did not have access to social security. Most of those with social insurance were laid off urbanites. Seldom were migrant workers from rural areas covered by social security programs. Our current survey implies that 62.9% of the small amount of respondents with insurance paid the premiums themselves. Domestic service agencies or employers rarely did so. No substantial change has taken place in recent years.

Contracts: The percentage of labor contracts signed with the domestic service industry has increased since the 2007 survey, but remains lower than other sectors. According to our current research, 21.8% of the respondents had not signed any contract. Among those who signed contracts, only 28.6% had labor contracts with domestic service companies; 48.8% had intermediary service contracts with placement agencies; 31.9% had employment contracts with employers. From a legal perspective, intermediary service contracts and employment contracts are the same as no contract. The domestic workers who signed such contracts cannot enforce their labor rights. The General

Principles of the Civil Law is their only protection. Thus, higher contract signing rates do not necessarily mean that the rights of domestic workers are better safeguarded.

Personal Safety: 5.6%⁶⁹ of the respondents (or 1 out of every 18 respondents) said their employers occasionally displayed verbal or physical conduct of a sexual nature; 0.9% admitted their employers frequently made unwanted sexual advances. Our data is consistent with that collected by the Beijing Migrant Women Workers' Club in 2005, which showed that 6.3% of the respondents were sexually harassed.

Income: According to our 2005 survey in Beijing, Shanghai and Hefei, the salary of most of the respondents was just above the local minimum wage. The 2007 survey in Beijing, Guangzhou and Chengdu presented the same picture. Let's take Beijing as an example. In 2005, 61.07% of the respondents earned a little bit more than the minimum wage. In 2007, the number was 53.31%. According to the current survey in Tianjin, Hefei and Changsha, 40.2% of the respondents received RMB1,000 yuan-RMB1,500 yuan per month, making up the biggest share of the respondents; 7.6% got less than the local minimum wage, making up the smallest proportion of the respondents. A vertical comparison of the above data indicates that domestic workers are making more money. If we take into consideration the overall income increase of city dwellers and the across-the-board increase of the minimum wage, the income of domestic workers is still lingering around the lowest rate of remuneration that employers may pay. There is no remarkable improvement in domestic workers' incomes.

6.1.6 Low incidence of arrears in payment of wages in the domestic service industry. Although over half of domestic workers have service contracts with domestic service agencies, many did not enter into any contract. Domestic service agencies play an important role in the protection domestic workers' rights.

In the survey, we found domestic service companies have helped workers in two ways:

First, the incidence of arrears is low. Although 23.6% of the respondents reported their employers fell behind on payments, a majority (76.4%) of them said they were paid in time and in full. Most of the arrears were paid within a short period. Salary arrears in the domestic service industry were not as serious as construction or other sectors, in which migrant workers were concentrated. It is partly because many domestic helpers were paid through domestic service companies. Such an approach was designed to keep domestic workers stay on the job and prevent them from circumventing the domestic service companies and pursuing employment relationship directly with the households. To some extent, it helps to protect domestic workers' rights.

Second, a large proportion of domestic workers have signed contracts with domestic service companies. According to the survey, 48.9% of the respondents signed intermediary service contracts and 28.6% entered into labor contracts with domestic service companies. The two numbers add up to 77.5%. As the survey does not involve reviewing terms and conditions specified in the contracts between domestic helpers and domestic service companies, we were unable to quantify the impact of these companies on the protection of domestic workers' rights. But 77.5% gives us a glimpse of how significant the role domestic service companies can play in their capacity as a party of the contracts and a linkage between domestic workers and their employers.

6.1.7 Most domestic workers do not consider domestic service as a decent job and do not want to stay in this sector. We should take steps to recognize the value of domestic service.

4.1% of the respondents were treated badly or very badly by family members of their employers. 6.3% were verbally or physically abused by their employers; 37% said their employers did not eat with them at the same table. Data shows that domestic workers are not treated with respect. The interviews confirm that not only does the general public undervalue their work, but most domestic

⁶⁹ 2780 respondents answered the question, 189 did not.

workers do so as well. Domestic helpers usually are not proud of what they are doing. They do not want to stay in this sector.

Domestic workers are not entitled to the labor rights enshrined in the existing laws in China. Compared with workers in other sectors, domestic helpers do not have long-term and stable guarantees for old age, diseases, etc. A lack of protection of their rights and an absence of social insurance coverage make most domestic workers feel that the job they are doing is menial.

Due to the aforementioned reasons, most of the respondents said their work was just a stopgap. It explains why domestic workers are highly mobile, which bottlenecks the development of the domestic service industry.

6.2 Policy and Legal Recommendations

6.2.1 Establish a Domestic Workers Training System, Develop Vocational Education in Rural Areas, Enhance Support to Training and Encourage the Training Agencies to Offer Differentiated Courses

The financial crisis has spread all over the world. China was no exception. Its economy was also affected. The migrant workers were the hardest hit. Nearly 20 million lost their jobs and had to return to their hometowns. The Central Government attached great importance to their livelihood. The State Council's *Guidelines for Promoting the Development of Agriculture and Increasing the Income of Farmers* in 2009 requires all localities and authorities to help migrant workers settle down and increase their income.

During the economic downturn, the domestic service industry was impacted, but with fewer ill effects. More importantly, it was given more attention due to its huge job creation potential. An increasing number of people have realized that the development of the domestic service industry can alleviate some of the employment pressure on migrant workers and satisfy the immediate demands for domestic help in an ageing society. The need for domestic services, paired with the labor resources of migrant workers, allows the creation of job opportunities in a still gloomy economy. To be able to do so, China must find a way to improve the competency of domestic workers.

Lack of skills is the major weakness for domestic workers. This problem is caused by two reasons. First, most of the domestic workers are undereducated. Because the domestic service industry has a low barrier to entry, it attracts a flood of unskilled women from rural area. Educational attainment is largely determined by the economic condition. If domestic workers are sufficiently trained before they take a job, things will be very different. Second, the current pre-employment training system is flawed. Proper training can be prohibitively expensive for many domestic workers. The training itself is problematic. For example, it is too short, gives only superficial information on the job and is not delivered in a standard way because training agencies are substantially underfunded.

To improve the capabilities of domestic workers and give them the skill set that is needed in the market, the government should adopt a two-pronged approach. First, basic education and vocational education in rural areas must go hand in hand. Research shows that knowledge migrant workers have learned during the 9-year compulsory education does not come in handy. The skills that prove to be most helpful are obtained through vocational training. Developing vocational education in rural areas can provide migrant workers with skills to become employable. At present, rural areas have serious vocational training deficits, while urban areas are burdened with a surplus of vocational schools and training agencies. To solve this supply-demand mismatch, the government should encourage the vocational training organizations in cities to reach out to the countryside and offer customized courses in the major contributing provinces of domestic workers. Through this method, migrant workers, especially rural women, who represent the largest source of domestic workers, can learn the relevant skills with little costs before migrating to the cities. Once they are well-prepared for job hunting in cities, their transition to the non-farming sector will be much easier. Second, the government should give more support to the training of domestic workers and improve pre-

employment training programs. Over the years, training for migrant workers, domestic helpers in particular, has been neglected. Incentives and financial support for such training is inadequate. At the same time, the current training methods and modules are not fit for their purpose. Not much progress has been made in improving the training for domestic workers. In our survey, only one fifth of the respondents had received systematic training; less than half had received preliminary training; one third had never participated in any training. When asked about their plans for next three months, 18% (522) of the respondents expressed their intention to take training courses and learn new skills. The data implies some domestic workers are aware of their own inability and are longing for self-improvement.

Since the financial crisis broke out, the government stepped up its support for training for migrant workers and financed some training programs. The Spring Breeze Initiative and Five Countermeasures launched by Ministry of Human Resources and Social Security is a clear example. Nonetheless, it was reported that migrant workers were not responsive to the “free training”. Although the training is free of charge, they have to pay for accommodations, transportation, etc.⁷⁰ It does not address the problems they are facing in the real world. More support should be given to training for domestic workers. For example, the Government can increase subsidies, keep training costs low and offer tailor-made courses to convince the domestic workers that the training is a good value for the cost. At the same time, the Women’s Federation should leverage its extensive network. On one hand, it should mainstream domestic service training in its agenda to promote women’s employability, intensify its vocational training to improve domestic service quality, establish qualifications in the domestic service industry and accelerate the professionalization of the industry. It should add a rights protection module in the existing trainings to increase domestic workers’ awareness of their rights and build their capability to assert their rights. The women’s federation should also offer training to the managers of domestic service companies to improve their awareness of protecting domestic workers’ rights, standardize the management, enhance their managerial expertise and promote the healthy development of the domestic service industry.

Beijing takes the lead in perfecting the pre-job training mechanism. According to Beijing Times, 3,800 people, who finished the more than ten-day-long closed-door training and passed the final exam, were presented with a “Certificate of Qualification” on December 21, 2009. They were the earliest certified domestic workers.⁷¹ Han Zirong, Vice-chairman of Beijing Trade Union, briefly introduced how the training was delivered and what the trainees could learn from it. The 150-hour “Domestic Service Training Program” covered a broad spectrum of topics, including maternity and new born care, cleaning, cooking, home appliance operation, laundry and clothing storage, pet and house-plant care, etc. The program emphasized “5 Standardizations”: standardized syllabi, standardized tests, standardized certification, standardized trainee administration and a standardized logo. Standards were created for each step of the training process. Through the program, many domestic service companies learned more about trade unions and were very cooperative in setting up trade unions in their own organizations. Twenty-one companies became members of the 12351 employee service network of the Beijing Trade Union.⁷² In terms of training funds and job placement after training, the Beijing Government, in collaboration with training agencies, established 19 domestic workers training stations. There are two ways to enrol in the free training programs: one can either sign up for the course through the company he or she works for or directly contact any of the training stations if he or she does not affiliate with any domestic service agency. After he/ or she receives the Certificate of Qualification, the trainee will be sent to a domestic service company. Participants in the free training program are required to sign labour

⁷⁰ Zhang Na, Jiang Yihang, Wang Xiaoxia, Peasant Worker Training, a wishful thinking?, China Economic Times, October 21, 2009, <http://nc.people.com.cn/GB/61161/10228359.html>

⁷¹ Chen Qiao, 3800 Certified Domestic Workers soon on Board——RMB 20 Million Investment to Train 30,000 Domestic Workers, Beijing Times, December 22, 2009, http://epaper.jinghua.cn/html/2009-12/22/content_496984.htm

⁷² Beijing Trade Union, 3000 Trainees Finished Domestic Service Training Program <http://www.bjzgh.gov.cn/template/10004/file.jsp?cid=422&aid=19697>

contracts with and work at least 1 year for the domestic service companies. According to Beijing Trade Union, Beijing will dedicate 20 million RMB to the skills training of the domestic service industry. In the future, 30,000 people will take part in the free trainings and become certified domestic workers.⁷³ The favourable policies provide a beacon of hope for the development of domestic worker training and the growth of domestic service industry.

As we mentioned before, there are different categories of domestic workers. Thus, the training agencies should offer differentiated courses. The biggest problem of migrant worker training is lack of relevancy. The solution is to customize the training modules to make sure the courses are realistic, relevant, easy to learn and ready for use. In addition to the training, criteria for professional accreditation should be established. As the standard setting process is complicated and requires lots of technical support, the criteria might not be launched in the near future.

6.2.2 Reform to Enable Easier Adaptation of Domestic Workers in the Cities

According to the survey, domestic workers usually “spend most of the time working in the cities and return their hometowns during Spring Festival”. Only a few “work in their hometowns during the slow farming season, and usually just return before the peak farming season”. This is even truer for 18-35-year olds. It shows that many domestic workers have literally become part of their host cities. They live in these cities for most of the time.

Our survey identifies three forms of domestic workers’ migration: “migrating with a spouse”, “migrating with a spouse and children” and “migrating alone”. Many domestic workers have moved their home and integrated to the host cities. However, they are not entitled to the social welfare and insurance available to the local residents because they hold rural household registration. Despite the efforts made by the government to improve the living standards and address the problems of the domestic workers, there is a long way to go to really make a difference.

It was decided at the Central Rural Work Conference held in December 2009 that the National Development and Reform Commission together with competent authorities would explore policies to facilitate migrant workers to settle down in urban areas. This includes encouraging cities to convert the rural household registration of the migrant workers who have stable jobs and income, and their children, into urban household registration and give them access to the public services, like social security and housing support. Increasing the supply of low-budget houses is the key to integrating migrant workers into the host cities. The *Shanghai Provisional Measures on Converting Resident Cards to Household Registration* that was published on June 16, 2009, opened many doors for migrant workers. Whether working in the cities alone or migrating with family members, domestic workers hope to enjoy the same rights as the local residents, such as social insurance, which is their main area of concern. But in the long-term, many institutional and policy constraints must be removed to make the migrant workers feel at home.

3. Establish an Extensive System to Track the Movement of the Migrant Workers and to Enable the Rational and Orderly Migration of Domestic Workers

Employment of migrant workers depends on the economic growth. Therefore, it is used as a barometer for supply and demand changes in the job market. China’s economy has been through ups and downs since 2008. It was hit by the financial crisis and now shows signs of rebounding. In many places, migrant workers are again in short supply. For the domestic industry, many representatives from the domestic service companies mentioned in interviews three areas where they were facing acute labour shortages.

Unlike the previous years, labor is running low not only in metropolises and coastal cities, but also small and interior regions and medium-sized cities like Zhuzhou (Hunan Province), Xiangfang (Hubei

⁷³ Chen Qiao, 3800 Certified Domestic Workers soon on Board—RMB 20 Million Investment to Train 30,000 Domestic Workers, Beijing Times, December 22, 2009, http://epaper.jinghua.cn/html/2009-12/22/content_496984.htm

Province), Anyang (Henan Province), Hanchuan (Hebei Province), Pengxi (Sichuan Province), etc. The dearth of migrant workers has become a national issue.⁷⁴

According to our survey, the economic downturn reinforced domestic workers' intention to move. Respondents in three locations demonstrated a strong desire to migrate to Beijing and the well-developed coastal cities in eastern China. But such decisions were based mainly on the respondents' perceptions. As a matter of fact, the coastal cities are under tremendous pressure to shift to the higher end of the value chain. The population of large and medium cities are close to, if not at, the saturation point for labor. Peasant workers have new expectations for jobs as a result of social development and inter-generational mobility. However, domestic workers, who plan to move, are not fully aware of the new situation.

The mechanism of the government to monitor the migrant workers' movement is far from perfect. The movement of migrant workers and the market are out of alignment. It leads to mistaken migration and increased costs of migration. In 2008, the central government together with local authorities preliminarily developed a migrant worker information monitoring system. In the future, migration information tracking must be continued, standardized and institutionalized so as to set up a system with broad coverage, scientific statistical indicators and consistent thresholds to trigger the data collection.

Based on the monitoring system, the government should improve the migration information release and provide better guidance to migrant workers. For example, it can build a job information sharing platform, which enables the migrant workers to receive recruitment information. Through such a platform, the government can promote employment, avoid the surplus labourers in the rural area from being idle, and help the migrant workers to make informed job decisions. As a result, the government can reduce the structural unemployment caused by the mismatch between destination choice and local demand for labour, match the employment opportunities with job seekers, and ensure the migrant workers move in an orderly and effective manner. Such a platform also works for rural women, who work mostly in the domestic service sector by helping them to make better job decisions.

6.2.4 Publish a Magazine on Domestic Services to Build Capacity and Rights Awareness

The magazine should be circulated free within the community, and should focus on fostering a sense of belonging, awareness of rights and professionalism among domestic workers. There are few such publications, and the few that are in circulation are published by the larger domestic service companies advertising their services, company history and job vacancies. Little space is dedicated to improving professional capabilities or protecting the rights of domestic workers. In other words, they serve only the companies' commercial interests.

The relevant authorities should produce a publication on domestic service to disseminate knowledge about the rights of domestic workers, domestic work skills, industry information, and guidance on orderly and prudent migration. The publication's advisory panel could comprise experts in labour law, sociology, demographics, management and economics as well as experienced persons in the domestic service industry. Besides discussing issues relating to the domestic service industry in layman's language, it should be a channel for the voice of domestic workers. Appropriate persons should be arranged to answer questions or solve the problems of domestic workers. If consent is obtained from the author, letters from domestic workers reflecting typical problems could be published as a means of guidance for the rest and to strengthen comradeship among domestic workers. Hence, the publication should be positioned as a catalyst that builds capability, promotes rights awareness, and encourages virtuous interaction between the players in the domestic service market.

⁷⁴ Attentions to be Given to the New Development of the Employment of Peasant Workers, China.com.cn, November 24, 2009, http://www.china.com.cn/news/gongyi/2009-11/24/content_18946489.htm

6.2.5. Establish an Interactive Mechanism and a Communication Platform for Domestic Workers

Domestic work is unique in the sense that workers perform their chores in a relatively confined environment, especially live-in workers. An unfamiliar and relatively secluded environment causes mental stress and perpetual tension. Also, working in the employer's premises clearly puts domestic workers at an unfair disadvantage vis-a-vis his/her employer, and prevents the exchange of work or industry related information between workers, skills upgrading, and the enjoyment of labour rights. Therefore, it is imperative to establish a communication channel or platform, so as to avert the above problems.

Labour unions are appropriate institutions to safeguard rights and develop professionalism. The Xi'an Domestic Service Labour Union has accumulated valuable experience, which we could further explore and promote. Grass-roots labour unions could work with the local women's federation and local community to form a domestic workers cooperation mechanism that facilitates communication and encourages mutual help between domestic workers, enables the union to exercise its leadership possibilities, and provides training for vocational skills, safety and rights protection.

6.2.6 Formulate Laws & Regulations to Protect the Rights of Players in the Domestic Service Sector

There is a consensus that comprehensive laws and institutions are necessary to protect the legitimate rights of domestic workers, ensure their decent employment and regulate the industry's development. The laws and institutions must be in place to bring home the message that domestic service is merely a social division of labour, and that it is not based on institutional or class discrimination. Correction of this misconception is necessary for ensuring the industry's healthy development. Many studies on the various issues relating to domestic services conducted in recent years have identified the most urgent problems and proposed solutions and constructive recommendations, including the study of a specific legislative models and the scope of legislative provisions. The legislative model should be founded on the protection of the rights of domestic workers, although protection provisions may be formulated in stages. A multifaceted cooperation mechanism could be established to provide greater empowerment, in order to hasten the promulgation of the relevant laws and regulations. Specifically, a national service standard could be developed. Since laws and regulations are absent, we could look at establishing several kinds of contracts with standard provisions that specify the rights and duties of the contracting parties. The eight ministries, led by the Ministry of Manpower and Social Security should develop regulations governing the rights of domestic workers as soon as possible, so as to regulate the industry and recognise and safeguard the fundamental rights of the workers. At a local level, local governments could also look into establishing local laws, after considering local specificities and learning from other local legislative experiences and research results. This would help ensure a better market order and defend the rights of domestic workers. Local legislation and preliminary survey results could then be used as the basis to press ahead with the enactment of national laws.