

# *Study on the Implementation of the Policy of Guaranteeing Migrant Workers' Wage Payment in Yiwu City*

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**Abstract:** Ensuring the payment of migrant workers' wages is an important issue of national importance, mass concern and social concern. In 2020, the implementation of the “Regulations on Ensuring the payment of Migrant Workers' wages” marks the implementation of migrant workers' wage payment protection into the legal track. This paper uses Smith's policy implementation process model to study the implementation of “Regulations on the payment of Migrant Workers' Wages” in Yiwu City, analyzes the implementation status, existing problems and reasons, and puts forward optimization suggestions to provide reference for its revision and improvement and local development of implementation methods.

## **1. Introduction**

Ensuring the payment of migrant workers' wages is not only a livelihood issue related to social harmony and stability, but also plays an important role in solving the problems of agriculture, rural areas and farmers. On May 1, 2020, the Regulations on Ensuring the Payment of Migrant Workers' Wages (hereinafter referred to as the Regulations) formulated by The State Council and promulgated earlier came into effect, marking the legalization of the work of ensuring the payment of migrant workers' wages. However, in terms of practice, the migrant workers' wage protection policy has been strengthened, but the implementation of the policy has failed to achieve the expected effect. In this paper, Smith's policy implementation process model is used to carry out a field investigation on the implementation of the “Regulations to Ensure the Payment of Migrant Workers' Wages” in Yiwu City, analyze the implementation status, existing problems and reasons, and put forward suggestions to optimize the policy of migrant workers' wages in the construction industry.

## **2. Literature Review**

At present, in the academic research on the problem of guaranteeing migrant workers' wages in the construction industry, the reasons and countermeasures of migrant workers' unpaid wages in the construction industry have been extensively and deeply analyzed. Over the years, many scholars have fully studied the wage arrears of migrant workers in the construction industry from the perspective of legal system.

Teng Lingling (2008), He Rong (2009), He Xuefei (2011), Yan Tan (2012), Zhang Wenwen (2016) and other researchers believe that the imperfect legal system is the main reason that the wage rights

and interests of migrant workers in the construction industry have not been effectively protected. Wang Qinyi (2019) pointed out that the reasons for the wage arrears of migrant workers in the construction industry are the low illegal cost of defaulters, the complicated procedures for migrant workers' rights protection and the high cost of rights protection. With the launch of the “National real-name system Management Platform for Construction Workers” in 2017, the number of literatures in related fields such as “real-name system management”, “special account” and “wage reserve fund” has increased rapidly. Long Lin (2018) interprets the policies for migrant workers in the construction industry to ensure their salary rights and interests through real-name system management, and makes specific suggestions for grassroots project departments to do a good job in the management of the real-name system for migrant workers. He also puts forward the current difficulties, such as non-specialized post of workers and employees, individual income tax, etc. Liu Yitong (2019) proposed that the government should improve and implement the relevant salary security system, further improve the functions of the real-name system management platform, clarify the division of government functions and increase the popularization and publicity of policies. Zhang Feiyue (2020), Song Longjin (2020), Jiang Pan (2020) and other researchers put forward an effective way to realize the real-name system management of construction workers by using information means under the “Internet +” thinking. Feng Juechun (2021) believes that commercial insurance mechanism should be actively introduced to guarantee the payment of migrant workers' wages through insurance.

Based on the above studies, the academic circle has studied the wage security of migrant workers in the construction industry in a relatively comprehensive way, providing a rich theoretical basis for the protection of migrant workers' wage rights and interests. However, current scholars mostly study the system mechanism of guaranteeing migrant workers' wage rights and interests from the macro perspective of law, public management and so on. However, there are few researches on the implementation of migrant workers' wage payment policy. Based on Smith's policy implementation process model, this paper will analyze the reasons for the deviation of the implementation of migrant workers' wage protection policy in Yiwu City, and propose optimization countermeasures.

### **3. Relevant Theoretical Basis**

By using Smith's policy implementation process model, this paper selects the implementation situation of the Regulations on Ensuring the Payment of Migrant Workers' Wages in the construction industry of Yiwu City for field study. Smith's policy implementation process model, also known as “Smith model”, summarized the key factors affecting the effect of policy implementation into idealized policies, implementing agencies, target groups and environmental factors.

#### **3.1 Idealized Policy**

Smith believes that idealized policies need to be reasonable, feasible and legal to be effectively implemented. In this study, the makers of the Regulations included relevant government departments at the national, provincial and municipal levels. After collecting opinions from all parties for a long time, the regulations were finally revised and formally implemented. At the same time, governments at all levels will inspect the implementation of the Regulations every year, and higher departments will carry out annual assessment on lower departments to ensure its implementation effect and its rationality and legitimacy. However, whether the policy is applicable to all construction engineering environments and whether it can be carried out in depth will affect the continuation of the policy.

### **3.2 Implementing Agencies**

Smith believes that the management system and supervision system of the policy implementer, the quality of the executive and the performance appraisal of the executive are the factors that affect the policy implementation. The enforcement agencies of the Regulations include the government's policy enforcement departments, regulatory departments and construction enterprises. The human resources and social security department shall organize, coordinate, supervise and inspect; the housing and urban-rural construction, transportation, water conservancy and other departments shall fulfill their industrial supervision responsibilities; the development and reform departments shall examine and approve and manage government investment projects; and the financial departments shall supervise the whole process of the construction of government investment projects. The execution power of each executive agency will also affect the realization of policy objectives.

### **3.3 Target Groups**

Smith believes that target groups are the direct audiences of policy implementation, and their degree of cooperation with policies is related to the degree of effective implementation of policies. However, target groups have different attitudes towards policies due to their selfish characteristics, which ultimately affect the effect of policy implementation. The target of the implementation of the Regulations system policy is migrant workers, so the cognition and trust of migrant workers to the Regulations is very important. For example, whether the real-name system and wage account division system are valued and recognized by migrant workers.

### **3.4 Environmental Factors**

According to Smith, environmental factors have an impact on the formulation of policies, the attitude of target groups, and the choice of implementation agencies. In recent years, the government has put forward the concept of “eliminating unpaid wages” and launched a top-down campaign to eliminate unpaid wages. The political, economic and social environments that have a great impact on the fundamental elimination of unpaid wages and the protection of the rights and interests of migrant workers are political, economic and social environments. The implementation agencies should make full use of their strengths and circumvent their weaknesses, make good use of the external environment and avoid adverse environmental constraints, so as to improve the effectiveness of policy implementation.

## **4. The Implementation Status of the Regulations on Guaranteeing the Payment of Migrant Workers' Wages in Yiwu City**

In order to deepen the source management in the field of construction, since the implementation of the Regulations on Guaranteeing the Payment of Migrant Workers' Wages, Yiwu City has taken the implementation of the Regulations as an important measure to promote the modernization of the national governance system and governance capacity, especially the special provisions in the field of engineering construction. Starting from the publicity, guidance and interpretation, Yiwu City has promoted the effective implementation of various systems to ensure the payment of migrant workers' wages.

In the process of promotion and implementation of the Regulations, Yiwu City has refined the six systems of engineering construction projects according to the actual conditions as follows: Before the official start of construction, signed the “Yiwu City no unpaid salary Commitment in the field of Engineering construction”, and implemented the wage deposit system; Establish a special account for

migrant workers' wages before the construction of the project and allocate the advance payment of wage projects to the government by 1% of the contract price, and allocate the advance payment monthly after the construction to ensure the special fund; Real-name system management, roster, attendance table, wage release table elements complete, consistent information, 100% signed labor contracts; Migrant workers must be paid once in full before the 30th day of each month; The payment of wages must be strictly carried out on behalf of the bank. 100% of the wage cards issued on behalf of the bank should be kept by the migrant workers themselves, and it is strictly prohibited for the contractor to store them uniformly and receive them at will. The construction site rights protection information bulletin board has complete elements, accurate information, eye-catching location, wage confirmation and release table and attendance table updated in time, etc.

In addition, in order to better protect the wages of migrant workers in the construction industry, Yiwu City establishes responsibility lists for the construction units, supervision units, general construction contractors, labor subcontracting units, team leaders and migrant workers respectively according to the Regulations, from project commencement to completion, from project approval to supervision and payment of migrant workers' wages, from the establishment of special accounts for wages to the bank. Clear the main tasks of each party one by one, let each party know what they should do, how to do, the responsibility “delegated to the household”, to achieve the full monthly payment of migrant workers' wages in the multi-party supervision.

## **5. Problems Found in the Implementation of the Regulations to Ensure the Payment of Migrant Workers' Wages in Yiwu City**

### **5.1 The Legal Liability Investigation Mechanism Needs to Be Strengthened**

The legal relationship involved in the Regulations is too complex, which is reflected in the complicated subjects involved, the jumbled regulatory content, the complex legal liability norms, the regulatory subjects, etc., which increases the difficulty of the implementation of the Regulations, but also makes its implementation effect play discount. For the legal liability of the behavior of unpaid migrant workers' wages, only Article 53 mentioned “in accordance with the relevant legal provisions”, but what the relevant legal provisions are, but unknown. Secondly, due to the serious mismatch between illegal profits and illegal costs, the deterrent effect of the law is weakened, the legal liability of the construction unit is too simple, the treatment is not in place, the fine amount for the profitable construction unit is less, the illegal cost is low[1].

### **5.2 There Are Obstacles in Standardizing Labor and Employment Management**

In terms of labor contract management, most migrant workers have realized the value of labor contract for their rights protection. 86.6% of them have signed labor contracts with their units, but 12.2% of them are still unwilling to sign labor contracts, believing that signing labor contracts will bring constraints and harm to themselves. In terms of wage payment management, although 74.8% of the migrant workers said that the current unit also provides pay slips when paying their wages, many migrant workers still lack the consciousness of asking for and saving the list of wages;13.4% of migrant workers even gave the social security card or bank card bound with their bank account to the subcontractor or the team leader to keep.

### **5.3 It is Risky to Entrust the General Contractor of Construction to Pay Wages on Behalf of the Bank**

During the daily visit to the site, it is found that the workload in the wage payment table prepared

by some team leaders is not the actual workload, and the team leaders use the salary calculated by the difference to extract the project funds. Some migrant workers do not want to pay personal income tax, think that the actual payment of personal income tax provisions for them is neither fair nor reasonable, so they adopt various ways to avoid tax. Under the circumstances of the negative resistance of migrant workers, the implementation of the real-name system and the special wage account system, which are the core contents of the Regulations, will inevitably be deformed, posing challenges to the implementation of the Regulations.

#### **5.4 Low Feasibility of Data Acquisition and Information Sharing**

“Regulations” proposed to reflect the changes of enterprises' production and operation indicators based on water, electricity and gas supply, property management, credit, tax and other indicators, timely monitoring and early warning of wage payment hidden dangers and do a good job of prevention. The changes of the above indicators involve the business secrets of enterprises. Whether the relevant departments are willing to provide them or not poses a challenge to the feasibility of building an early warning platform. In addition, the most important thing for credit supervision to be in place is to strengthen the sharing and application of credit information. The current work in this area is still very weak, not only lack of consensus, but also lack of corresponding institutional arrangements. It is still at the advocacy level.

### **6. Suggestions on the Optimization of Migrant Workers' Wage Protection Policy in the Construction Industry**

#### **6.1 Legalization of Policy Formulation Procedures and Legalization of Policies**

The procedures for policy formulation include the determination of policy objectives, the design of alternative programs, the screening of alternative programs, the selection and legalization of programs. Although the formulation of this policy is a specific implementation policy formulated under the top-level design of the central people's Government, we must pay attention to the fact that the top-level design indicates the general direction for the solution of the problem, but how to achieve the specific implementation must be carefully designed and demonstrated under the premise of laws and regulations[2].For example, the coverage rate of both the real-name system and the account-sharing system for construction projects currently under construction has reached 90%, but the details are still lacking, for example, the data of the real-name system is not updated in a timely manner, and the bank statement of the account-sharing system is only once. In view of this phenomenon, it is suggested that the government should solve it from the legal level, formulate a special policy formulation process, so that the formulation of policies can be programmed and legalized, so as to formulate feasible and legal policies.

#### **6.2 Fulfill the Main Responsibilities of All Parties and Strengthen the Implementation of Government Policies**

Under the new circumstances, modern information technologies such as the mobile Internet, cloud computing, big data and the Internet of Things should be fully utilized to realize information interconnection among government departments, construction units, contracting enterprises, rural migrant workers and banks, and establish a new governance pattern featuring self-discipline of market players, legal supervision by the government, coordinated supervision by the public and coordinated punishment by the judiciary, so as to provide strong support for policy implementation. Through information sharing, we will strengthen the linkage and coordination among various

departments, realize centralized work and information exchange of labor supervision, labor dispute arbitration, social insurance, industrial injury and labor relations at the grassroots level, and provide one-stop services for workers[3]. Relevant departments of human resources and social security, justice, public security, petition and other sectors, as well as competent departments of housing, transportation and water utilities, have, in accordance with the division of responsibilities, established and improved working systems and processes for investigation, transfer, reporting and accountability, and formed an overall joint force to root out the problem of unpaid wages for migrant workers.

### **6.3 Raise the Target Groups' Awareness of Safeguarding Their Rights**

The protection of wage rights and interests is closely related to the survival interests of every migrant worker. Migrant workers are not only the most direct victims of unpaid wages, but also the most extensive governance force in the management of unpaid wages. Only by obtaining effective support from migrant workers, giving full play to their subjective initiative and integrating dispersed individual forces, can the occurrence of unpaid wages be further reduced. Relevant local departments or community organizations can carry out regular training on rights protection knowledge and vocational skills, and popularize knowledge about rights protection to migrant workers in the construction industry on a regular basis. By studying the Regulations on Guaranteeing the Payment of Wages of Migrant Workers, Labor Law, Labor Contract Law and other laws and regulations closely related to migrant workers, we can clearly understand our rights and obligations. In the process of employment, once found the problem of unpaid wages, timely report to the relevant departments, take the initiative to protect their legitimate rights and interests.

### **6.4 Establish a Favorable Environment for Protecting the Wage Rights and Interests of Migrant Workers**

On the one hand, newspapers, television, radio and other traditional news media should be made full use of to publicize policies to the broad masses of the people and add columns to report special regulations in the field of engineering construction. At the same time, "Internet Plus" new media such as wechat and Weibo should also be brought into full play to quickly collect public opinions and serve the people in a timely manner. On the other hand, it is necessary to improve the method of carrying out the assessment of migrant workers' salary payment and the way of welcoming them. The assessment can be conducted by unannounced inspections without saying hello, without listening to reports or accompanying them. In addition, the assessment indicators for guaranteeing migrant workers' wages should be further clarified, and the supervisory responsibilities of competent departments in construction, transportation, water conservancy and other industries should be detailed. The pressure of assessment should be divided into various functional departments, and the linkage role of departments should be fully played, so as to truly achieve the goal of "guaranteeing migrant workers' wages and rights".

## **7. Conclusion**

The construction industry to eradicate unpaid wages, involving all aspects, is a long-term systematic project, in which the government plays the most important decisive role. It has a unique natural advantage for the government to formulate relevant policies and play a leading role in solving the problems of migrant workers. In particular, various policies formulated by the central government play a leading role in sketching out the protection of the rights and interests of migrant workers. Whether policies have been formulated, whether they are comprehensive, practical and thoroughly implemented, all have a direct bearing on the fundamental interests of migrant workers. Just like the

Regulations on the Payment of Migrant Workers' Wages, its implementation is bound to have a far-reaching impact on the whole construction industry and the relationship between the two employers. It is worth more scholars to study and think about it, so as to provide reference for its revision and improvement as well as local formulation and implementation methods.

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