



Reflections on the Overseas Labor Welfare Plan of Pakistan with the Overseas Workers Welfare Security of China

ZUO Yujia^{[a],*}

^[a] Deputy Secretary, School of Law, Changchun University of Science and Technology, Jinlin, China.

* Corresponding author.

Received 19 October 2012; accepted 24 December 2012

Abstract

Under the background of globalization, the labor output has also been rapid development in China. In the case of labor export growing, the issues of rights protection of labor export populations have become increasingly prominent. Due to overseas labor involved many problems between the countries, the meantime China far there is no legal provisions about the labor output. Therefore, the overseas workers welfare security issues are particularly important in China. This article draws on the specific measures in the overseas labor welfare plan of Pakistan. It suggests the improvement on the system construction of overseas workers welfare security in China from four aspects, such as the formulation of overseas labor equity laws, overseas workers fund set up by government, etc..

Key words: Labor export; Labor welfare security; System construction

ZUO Yujia (2012). Reflections on the Overseas Labor Welfare Plan of Pakistan with the Overseas Workers Welfare Security of China. *Canadian Social Science*, 8(6), 182-185. Available from: <http://www.cscanada.net/index.php/css/article/view/j.css.1923669720120806.9158> DOI: <http://dx.doi.org/10.3968/j.css.1923669720120806.9158>.

1. THE RECOMMENDATION OF OVERSEAS LABOR PROTECTION ISSUES IN CHINA

The reform and opening up of China has speeded up the pace of integration with the world. Under the background of global economic integration, not only Chinese products

continue to export to the various countries of the world, but also Chinese foreign labor export has also been a rapid development. Labor export has reached more than 180 countries and regions, covering construction works garment processing, agriculture, forestry, animal husbandry and fisheries industries, electronics assembly, machinery processing, offshore crews and many other areas, which has gradually become an emerging industry. According to the Chinese's Ministry of Commerce statistics, by the end of 2002, expatriate labor in China totaled 273 million. This does not include the staffs which in the name of tourism and training but provide labor export.

Along with the increase of foreign labor export scale, protection of the rights and interests for this population has become more and more highlighted. In January 2008, an underground refrigerated warehouse explosion happened in Gyeonggi Province Icheon City of South Korea, which has 12 Chinese compatriots with Korean nationality were deprived of life. These Chinese workers were hastily hired, there is no contract and safety equipment for them, and even the security code of practice is also unclear; On March 8, 2008, hundreds of Chinese workers who work in Mauritius Textile Co., Ltd. protest against the worker of over exertion to death, they held a procession in its capital city of Port Louis. The Mauritius police used tear gas in order to dispell the procession party. On March 25, 2008 in Equatorial Guinea, nearly 100 laborers of a Dalian company with a construction of the engineering projects went on strike due to labor problems unresolved, and they conflicted with the local police, which caused 2 deaths and 4 varying degrees of injuries for Chinese personnel. These bloody reality makes these living conditions, protection of human rights, labor disputes and other problems of overseas workers to be concerned due to the incidents of some conflicts and even those bloodshed events. Ministry of Foreign Affairs has reminded the workers who are heading foreign for "do

as the Romans and according to activists” before the 3.25 “bloodshed events”. However, so many incidents cannot be solved by “do as the Romans”.

We are able to know the documented one or considerable influence one, actually there is much more of Chinese overseas labor disputes which are not documented..., living conditions, protection of human rights, labor disputes are the primary problem for overseas workers who were denied a fair treatment. However, there is an even more critical issue for the overall of 500,000 overseas workers, which is the welfare security issue for this group. This not only includes their survival, but also involves their development issues. Due to overseas labor involved in many problems between countries, at the same time, the meantime China far there is no legal provisions about the labor output. Therefore, how the welfare security of Chinese overseas labor can be solved?

2. OVERSEAS LABOR WELFARE PLAN OF PAKISTAN

Most countries protect the rights and interests of overseas labor through a variety of ways, in which Pakistan and Philippines is two of the more typical countries. Protection of Filipino workers is one of the core responsibilities of the Philippines diplomatic and consular agencies stationed in countries. The government also has a special overseas labor welfare department, which provides fully equipped social security services to workers. Workers in overseas have already paid the income tax, Philippine government will not apply double taxation to their remittance of domestic income. Moreover, the government also set up the specialized agencies, which provide services of investment and operating business, property purchase for returning home labors, and gives a tax incentive at the same time. While, Pakistan makes the welfare and security of overseas labor in the form of various labor laws provisions, the protection effect made is more obvious and prominent.

Government of Pakistan develops a series of benefit plans for Pakistan labor according to various labor laws,

it can sum up as two parts of the labor welfare which can be divided into domestic and foreign labor welfare. Immigrants and Overseas Employment Agency in Pakistan is the organization which is responsible for employment and welfare of overseas Pakistani workers. According to various labor laws of Pakistan, the provisions of the foreign labor welfare consists of five main areas: The first one is the establishment of overseas Pakistani Fund. This fund is mainly for the working abroad Pakistanis and their families at home to build houses, arrange their children’s schooling. The services under this fund mainly include medical services¹, Travel communication services², construction of housing³, vocational training⁴, issue of magazine⁵, etc..

The second one is the establishment of national talent pool. Government of Pakistan establishes the national talent pool, it authorizes this pool to compile a list of working abroad Pakistan’s specialized personnel, technology professionals, and arrange them to return home to give lectures and consultation. This talent pool compiles and present the talents data to the policy-making bodies of the national human resources work, which plays an important role in the utilization of talents. In order to reduce the think tank outflow, national talent pool of Pakistan has implemented two schemes since 1978. One is the “regularly return visit of employed abroad Pakistan experts”, the other is “transfer of knowledge via Pakistan who are included in other nationality”. According to these two schemes, each year around 200 Pakistan experts are invited to return home for a 2 weeks to 8 weeks short-term lecturing and consulting, which provides impart advanced foreign knowledge to domestic.

The third one is that the National Vocational Training Commission conducts a training program. National Training Commission is established by the Government of Pakistan in 1980, which is mainly responsible for the organization of training various types of required vocational talent in industrial areas. Not only in the city but also the rural and semi-rural areas will conduct training activities. The major training programs are: establishment of 31 male vocational training centers in

¹ Medical services mainly refers to provide medical services and set up hospital for work abroad Pakistanis. This is the most fundamental task of overseas fund. This fund has not yet a special treatment plan, which provides free treatment for those foreign workers who are suffering from more complex disease without money to heal and need to back home.

² Travel communication services mainly refers to set up special counter in the domestic international airport. Staff at the counter can freely provide any formalities for abroad or returning workers and relevant information. This fund also provides inexpensive accommodation to abroad or returning workers. At the same time, organizing who was born in a foreign country but grown up in the Pakistan domestic with children to return for sightseeing. This can deepen a child’s understanding of the motherland, and it also can cultivate their love of the motherland.

³ Construction of housing mainly refers to construction of residential in the major cities or areas most emigrated of employment abroad, this Ministry of Housing is responsible for the affairs. According to the income level of overseas workers to build different level of housing, this makes each income level of workers and their family can benefit from housing plan.

⁴ Vocational training mainly refers to provide vocational training via technical college establishment from the fund, both enrollment and admission gives priority to take care of family member of overseas workers.

⁵ The fund publishes monthly magazine. In the magazine, it will introduce programs and activities of the fund. At the same time, it provides the updates information of domestic politics, economic development for overseas workers. In addition, the fund jointly organizes with Pakistan Radio for a world service program once a week, which introduces domestic situation to overseas Pakistani.

semi-rural areas, establishment of 5 women technical training centers, expansion of Islamabad staff training facilities, expansion of existing 20 vocational training centers, establishment of management and executive team of men and women vocational training programs. The National Vocational Training Commission has established apprenticeship training centers, mechanical training institutes, agronomic institutes and many other affiliates.

The fourth one is the establishment of Immigration and Overseas Employment Agency. This agency has established in 1971 which mainly control and manage emigration and concern for the welfare of immigrants. It has played an important role in the aspect of exchange earned by the export of labor services since its establishment. The labors exporting from this agency has reached more than 1.5 million in the early 1990s, the labor exporting only 1993-1994 has been near 120,000 people. Pakistani Societies Welfare Department stationed in country specifically takes care of the local welfare of Pakistani workers. In 1982, the department has started to implement the immigration insurance system. People who want to work foreign should pay the insurance premium of 250 rupees and insure a year of insurance amount of Rs 50,000. Currently, it should pay the insurance premium of 350 rupees and insure 2 years of insurance amount of Rs 100,000.

The fifth one is establishment of Seafarers' Welfare Department. The office located in the Karachi at the Seafarers' Welfare Department which is the subsidiary of immigration and overseas bureau. It is responsible for waiting for the welfare of the seafarers who are leaving the country in the Karachi. This department built a seafarer hotel in the Karachi, it provides a variety of services to seafarers and their family and provides financial assistance to their family. This department also provides scholarships and other help to the education of seafarers children. (Muzi, 1996)

3. INSPIRATION TO OVERSEAS LABOR WELFARE PLAN OF PAKISTAN AND REFLECTIONS ON THE OVERSEAS WORKERS WELFARE SECURITY OF CHINA

3.1 Inspiration to Overseas Labor Welfare Plan of Pakistan

The geographical scope of overseas labor welfare plan of Pakistan not only has the training and services of domestic specialized agencies, but also includes the established societies welfare department stationed in country to take care of the welfare of overseas Pakistani; from the scope of persons covered by the benefit plans, it is not just overseas labor, but their family, seafarers are concerned

by the welfare plan; from the contents of the welfare plan, it provides support and services for the personal safety and job security in skills training, insurance benefits, communications and other aspects of overseas labor. And the treatment of housing, education, medical and other aspects of their family has eliminated the worries of overseas labor. It can be seen the overseas labor welfare plan of Pakistan that, for the provisions of work, life, and other aspects of overseas labor, has basically solved the welfare security issues of overseas labor, and it provides institutionalized protection for its overseas labor exporting.

3.2 The Recommendations of Chinese Overseas Labor Protection

Lack of institutional is the main problem of bothering Chinese overseas labor protection. So far internationally, there are no unified international conventions, agreements, principle or specification in this respect of protecting expatriated labor from various countries. Only the International Labour Organization has adopted "Migration for Employment Convention" (Convention No. 97) and "Migrant Workers Recommendation (No. 151 proposals)" in 1949 and 1975, which has formulated the convention approved States have an obligation to take action in matter of principle. In the aspects of social security, it implements quasi-national treatment for migrant workers. And for the specific protection, ambulance and other matters, both of the conventions have no specific provisions. (William Scott Smith, 1995)

Due to the lack and incomplete of international law in the aspects of overseas labor rights protection, most of the dispute cases in various national laws and regulations related to social insurance setting up, participation, payment and others exist a big difference, especially for a far cry from the work-related accidents definition, processing rules and compensation standards, which is difficult to reach a uniform agreement. It makes when migrant workers are violated, they can only get a little trivial compensation, some of them are even cannot get any compensation. It also makes some employers in the host country can arbitrarily change the original compensation criteria and payment methods.

Currently, China has not yet strong laws and regulations that specialize for overseas labor rights protection and maneuverability. For the Chinese overseas labor prevalence or casualties of work, it is normally processed according to the labor contract and labor cooperation agreement, and casualties of work can only follow the country's laws and regulations. Although China and Germany signed the "Social Security Agreement between the People's Republic of China and the Federal Republic of Germany", China and South Korea signed the "Agreement on the Provisional Measures for the Mutual Exemption of Pension Coverage between the People's Republic of China and the Republic of Korea" of these

two bilateral agreements. However, only the agreement only involves the pension insurance and medical and injury insurance is not in the column. These are the main reasons of overseas Chinese migrant workers subject of frequent infringement.

The Chinese overseas labor presents the characteristics of "large number of people and wide of distribution". It is almost no contact with the local embassy, consulate general before the event ever happened. Once after the event, stationed foreign affairs agencies are also difficult to understand at the first time. The concept of "multi-less attitude" also makes overseas labor be able to endure as much as they can, they have relatively weak sense of protecting their own rights and interests. In the moment, located at the bottom of the pyramid of Chinese overseas citizen groups, the large number of overseas labors, their personal safety and legitimate interests is not optimistic to protect the status quo. Protection of overseas labor rights is imperative, learning from the overseas labor welfare plan of Pakistan, writer suggests that it should start from the following aspects:

1. Formulation of "overseas labor rights and interests law", it can protect the overseas Chinese labor rights and interests in the form of national legislation. Before the formulation of specific "overseas labor rights and interests law", it can modify the scope of existing protection of labor rights and interests laws, regulations and rules in China, which makes them the extraterritorial effects, so that it can apply to Chinese workers with overseas Chinese company or a company controlled by the Chinese people. If the countries where the labor protection standards are higher than domestic labor protection standards, it would use the applicable law of the country. If the countries where the labor protection standards are lower than domestic labor protection standards, it would use the applicable law of the domestic.

2. Signing of bilateral and multilateral labor cooperation agreement, which can protect the legitimate rights and interests of expatriating workers. Chinese government should sign bilateral treaties with much labor

exporting countries, it can make use of bilateral treaties to protect the interests of overseas labor. Matters such as medical and industrial injury insurance can be formulated in the treaty, this can effectively protect the rights and interests of overseas labor. At the same time, Chinese government should actively participate in multilateral labor cooperation negotiations, which can utilize multilateral treaties to protect the rights and interests of overseas labor.

3. Establishment of overseas labor funding by government. This fund on the one hand can provide assistance for overseas labor when they encounter diseases, casualties and other events in foreign. On the other hand, it can provide medical, education and subsidies for difficulties in family member of overseas labor.

4. Establishment of specialized institutions abroad in Chinese can be responsible for overseas personnel equity security institutions. These institutions can provide education and training, legal training, and the host country training of basic situation to overseas labor, this can strengthen the awareness of protecting their self equity of overseas labor, "do as the Romans" as fast as possible. At the same time, these institutions also can responsible for organizing of setting up labor organizations and societies, which can get the forces to be combined and the resources to be integrated. Therefore, it can form the overseas consular protection mechanisms from linkage between the officials and the public. It makes the legitimate rights and interests of Chinese overseas labor can obtain an effective protection.

REFERENCES

- Muzi (1996). Pakistani's Social Welfare. *South Asian Studies Quarterly*, 1, 64-66.
- William Scott Smith (1995). Extraterritorial Application of Title VII and the Americans with Disabilities Act: Have Statute. *WillTravel 36S. Tex. L.R ev.*, 191, 197-216.