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Safeguard and Protection of Migrant Workers' Interests from the Perspective of Game Theory

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Abstract The status quo of the violation of migrant workers' interests is analyzed, the results are not so optimistic. The overall situation of migrant workers' training rights is poor; migrant workers' rights to enjoy legal holiday are seriously violated; the working conditions and health protection measures are weak; migrant workers' rights to get legal payment are damaged to different degree; the social security mechanism for migrant workers is imperfect and there are still large gap between supply and demand. Combining with the relevant theories of Game theory, migrant workers' interests obtained under the situation of entering right protection organizations and do not entering the organizations are analyzed, the results show that entering right protection organizations is reasonable choice. The positive functions played by the improvement of the reputation of labor union in solving the problems of right protection are proved from the perspective of the Game Theory. Through the analysis on the operational effects of the right protection organizations of migrant workers, it can be detected that the functions of organizations owned by migrant workers themselves is mediocre but the labor union plays an important role in migrant workers' right protection. The protection of migrant workers' interests tends to legalization, so in order to further perfect the right protection of labor union, the labor union should legalize the protection of migrant workers rights. In the end the specific measures on improving the reputation of labor union are put forward.

Key words Interests of migrant workers, Game theory, Labor union, China

According to the statistics from the State Statistics Bureau on migrant workers, by the end of December 31, 2008, the total number of migrant workers in China was 0.225 42 billion. Among them, 0.140 41 people work out of their own towns, accounting for 62.3% of the total number of migrant workers. Due to the poor survival conditions of migrant workers^[1], the research on the protection of migrant workers' interests is of practical significance. As for the status quo of protecting migrant workers' rights, I have expounded it specifically in *The Survey Report on the Crisis of Protecting the Interests of Migrant Workers—A case of Migrant Workers in Xinbang Industrial Zone of Shanghai Municipality*^[2], the following data all come from the report. In the research, we analyze the undermining of migrant workers' interests and rights. Besides, by combining the relevant theories of game theory, the migrant workers' strategic choices on whether joining the right protection organization or not are analyzed. Besides all of the analyses, the suggestions on protecting migrant workers' interests and rights are put forward.

1 The violation of migrant workers' interests and rights

During the process of surveying the interests and rights of migrant workers in Xinbang Industrial Zone of Songjiang District of Shanghai Municipality, we find that the violation of migrant workers' interests and rights is mainly reflected in the following aspects: labor security protection, equal education right of their heirs, right to handling labor dispute, right to rest and vacation,

payment right and social security and some other aspects^[3–4].

1.1 The overall vocational situation of training for migrant workers is poor From the migrant workers' aim of accepting the training, the young migrant workers' motivation to attend the vocational training is to increase the income and benefit their further development, but the middle and old aged migrant workers are different to the vocational training. Comparing with the above situation, 55.21% of the migrant workers have not accepted any training courses before working, and their vocational training during the working processes always lower than the time duration of three months, thus, the right to vocational training of migrant workers is rather serious.

1.2 The migrant workers' right to rest and vacation are seriously damaged During about one month' survey on the working time duration of migrant workers, we find that 7.3% of the migrant workers work 12 hours a day; 29.3% of them work within eight hours a day; 26.0% of them work nine to ten hours a day and 22.9% of them work eleven to twelve hours a day. Only 30% of the surveyed enterprises strictly obey the time schedule of eight hours. In the process of surveying the number of days that the migrant workers have for rest, we find that 29.2% of the migrant workers have four days in one month to get rest; 8.3% of the migrant workers do not even have one day to get rest; 9.4% of the migrant workers have eight days or more than eight days to get rest. That is to say, migrant workers who do not have eight days for rest in one month have accounted for 91.6% of the whole migrant workers.

1.3 The protection measures for migrant workers' working conditions and health care are poor After surveying the working conditions of migrant workers, we find that 49.0% of migrant workers have undertaken the jobs which are dangerous, poisonous and harmful. Among them, 12.5% of them are

female workers. The data concerning whether the working units provide the regular health care shows that 71.3% of the migrant workers have not enjoyed the rights. In terms of providing the necessary labor hygienic products, 51.1% of migrant workers have enjoyed the right. Related to whether the female migrant workers have enjoyed the assistance in the period of pregnancy and childbirth, 46.8% of migrant workers have enjoyed the right. In terms of whether accepting the labor security safety education, only 29.8% of migrant workers have accepted the safety education.

1.4 The payment right of migrant workers is infringed to different degree During the process of surveying the payment right of migrant workers, we find that 46.9% of migrant workers have experienced lag payment. The lag payment concentrated on the sum of 501 to 1 000 yuan and 2 001 yuan, which accounting for 18.8% and 14.6% respectively. From the survey data, less than half of the migrant workers have experienced the lag payment. In addition, in the process of surveying, we find that many enterprises have changed their way of lagging the payment, and they adopt the disguised means to cut and lag the salaries of migrant workers, and these means are illegal.

1.5 The social security mechanism of migrant workers are imperfect and the supply and demand gap is wide The survey shows that most migrant workers want to attend the work-related injury insurance, which accounting for 61.5% of the migrant workers. Comparing with the demand percentage of 61.5, 67.4% of the migrant workers have not insured the work-related injury insurance, which indicates that there is a huge gap between the supply and demand. As for the survey concerning the medical care insurance, 58.33% of migrant workers have not applied any measures to deal with illnesses. On the survey of the migrant workers' activity in insuring, we know that the migrant workers with the age range from 21 years old to 30 years old have the strongest will of insuring, accounting for 69.4%. On the survey of attending the endowment insurance, 57.29% of migrant workers want to attend the endowment insurance, and migrant workers aging from 18 years old to 20 years old who are willing to attend the insurance have accounted for 69.2%.

2 The game theory analysis on the reasons of the violation of migrant workers' interests and rights

2.1 The game theory analysis on the migrant workers and enterprises In the interaction of the economic individuals, the behaviors of the migrant workers and the enterprises are the behaviors of rational economic man; therefore, the choices they have made are all for pursuing the maximum of interests. From the perspective of game theory^[5-6], the choices made by the migrant workers are their optimized choices under the condition that the enterprises have made their choices. As for the migrant workers, the optimized reaction strategy refers to the maximum interests that the migrant workers may have obtained under the condition that the enterprises have chosen their strat-

egies or have predicted the interests, or else, it is true to the enterprises.

In order to make it convenient for analyzing, the following assumptions are put forward. Firstly, the migrant workers just fight for themselves when their interests and rights are violated, and they do not belong to any interest and right protection organization; secondly, migrant workers and enterprises are all the rational people in the economics; thirdly, migrant workers and enterprises conduct the completely non-information gaming, fourthly, the migrant workers have two strategies when their interests and rights has been violate: resist it or accept it, and the enterprises also have two strategies: changing the working condition of migrant workers and increase the protection of migrant workers' interests and rights or just letting it being the original way without improving anything. Fifthly, if the migrant workers take the resistant action, the enterprises will suffer from the negative effect of the shortage of labor in a short time and the migrant workers will suffer from losing job, thus the interests of the two parties would be cut down; sixthly, supposing that the enterprises will get more interests without improving anything than that with improving something; seventhly, supposing that the interests of the migrant worker (individual) and that of the enterprises can be ranked by numbers, 1 represents bad, 2 represents mediocre, 3 represents better and 4 represents good, but all of these are not absolute numbers.

According to the above assumptions, the game profit matrix of the migrant workers and enterprises is established.

Enterprises	Migrant workers	
	Resistance	Non-resistance
No change	1,1	4,2
Change	2,3	3,4

It can be known from Table 1 that, when the enterprises do not change their strategies and the migrant workers choose non-resistance, then the profit will be 2, which is higher than choosing resistance; when the enterprise change their strategies and the migrant workers choose non-resistance as well, the profit will be 4, which is higher than the profit 3 obtained if they choose resistance. In retrospect, when the migrant workers choose resistance and the enterprises choose changing the conditions, the enterprise will get the profit 2, which is higher than choosing unchanging with the profit of 1; when the migrant workers choose non-resistance and the enterprises choose changing the working conditions, the maximum profit obtained by the enterprises will be 4. From another perspective, we know that once the migrant workers choose to resist, the enterprises can choose changing the working conditions to improve their interests, just as it is showed in Table 1, the profit changes from 1 to 2; if the migrant workers do not resist and the enterprises choose to change their strategy, the profits of the enterprises will be reduced, as it is shown on Table 1 that the interests changes from 4 to 3, so the enterprises will not change their strategies. That is to say, the migrant workers can force the enterprises to change their strategy only when they try to

fight for their rights. Through analyzing, we know that the profit matrix has the dominant strategy (not change and non-resistance). The meaning of this strategy is that when the interests and rights of migrant workers are hurt, whatever the choices of the enterprises, the migrant workers will only chose non-resistance as the best reaction. Because under the situation of incomplete information, the migrant workers have the possibility of expecting the enterprises to change the strategy, so as to optimize their profit of 4; but under the rational logic of the enterprises and the incomplete information, the enterprises expect the migrant workers to choose the non-resistance to get the maximized profit of 4. That is to say, under their rational pursuit of the maximized profits, the worst dominant strategy appears in the real life, but the dominant strategy make the enterprises got more profit as a result of the tight labor demand. The existence of the dominant strategy explains why the individual migrant worker chooses non-resistance when one's rights and interests are hurt.

2.2 The game analysis of the enterprises and the migrant workers who have joined the rights protection organization

In order to study how to protect the legal rights and interests of migrant workers, we make the following hypotheses. Firstly, supposing that there is a third party right protection organization, the profits of the organization is in positive proportion to the powerful reputation in the society and its profits come from the membership fee rendered by the migrant workers, this hypothesis will be applied in the later part. Secondly, after the migrant workers joining the organization, the right of choosing the strategy will be transformed to the organization. Thirdly, there are two strategies of the organization: represent the migrant workers to fight for their rights and do not represent the migrant workers to fight for their rights.

The game situation of the enterprise and the migrant workers is analyzed. In the first place, the profits of the organization are analyzed, for the profits of the right protection organization is only in positive proportion to its reputation in the society. The better its reputation, the greater the profits and the resistance of the migrant workers to the enterprises do not have any influences, so it can freely choose resistance or non-resistance. If the organization chooses resistance, its profits will increase 1 as the increase of its reputation; but if the organization chooses non-resistance, its reputation will be hurt and the profit is -1. When the enterprises choose improving the working condition and the organization chooses non-resistance, the reputation of the organization would be lift and its profit will increase 1 by the choice of the enterprise. This is point can be understood like that, generally speaking, the migrant workers would think that it is the powerful reputation of the right protection organization that forces the enterprises to improve their working conditions, and the status of the organization will be lift in the mind of migrant workers. It is worth notice that if the enterprises choose improving the working condition under the pressure of the right protection organization and supposing leading migrant workers to fight for their rights and interests is the compulsory of the organization, then the behaviors of the organization just achieve

the average expectation of migrant workers, so the reputation of the organization would not be improved and its profit is 0. The following Fig. 1 shows the expansion of the migrant workers, enterprises and right protection organization. In Fig. 1 N refers to migrant workers; Q refers to enterprises; W refers to the right protection organization; the number in the left side is the interests of right protection organization; the number in the middle place is the interests of migrant workers and the number in the right side is the interests of right protection organization. The interests of migrant workers exclude the membership fee submitted by the right protection organization.

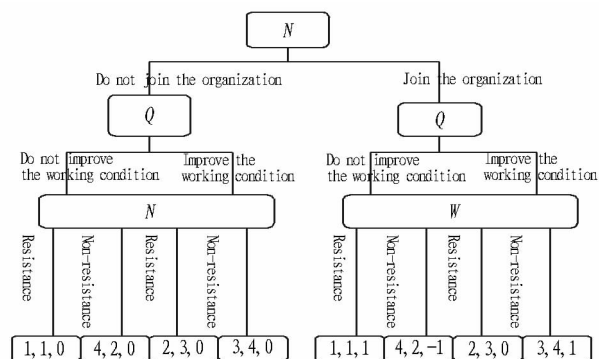


Fig. 1 Game expansion of migrant workers, enterprises and right protection organization

Supposing the migrant workers do not join the right protection organization and at this time the game has nothing to do with the organization and interest matrix is the same to the game matrix in the paper above. Supposing the migrant workers have not joined the right protection organization, at this time, the game is the game of the migrant workers and the enterprises, and the game interests of the two has been discussed in the paper, and its interest matrix is presented as follows (Table 2).

Table 2 Game interest matrix of enterprises and W organizations

Companies	W organizations	
	Resistance	Non-resistance
No change	1, 1, 1	4, 2, -1
Change	2, 3, 0	3, 4, 1

The result of the game does not have the pure strategic equilibrium, but all the non-corporative games have equilibrium, so we must consider the mixed strategic equilibrium. That is when the rate of the situation that the right protection organization chooses to resist and the enterprises choose not changing is the equilibrium probability; the game has its equilibrium solution. That is to say, the solution that we can use to judge whether the interest situation of the migrant workers has changed or not after they have joined the right protection organization. It is worth notice that the solution is just an expected value, so we have to get the equilibrium rate first. We can suppose that the equilibrium rate chosen by the enterprises to improve their strategy is p , the rate that the right protection organization choose to resist is q . we will analyze the strategic choices of the enterprises first, in order to enlarge their inter-

ests, the enterprises will choose a changed rate so as to equalize the interest of the right protection organization's choices. That is, both the resistance and non-resistance of the right protection organization, it is the same to the organization. The Fig. 2 can explain this point.

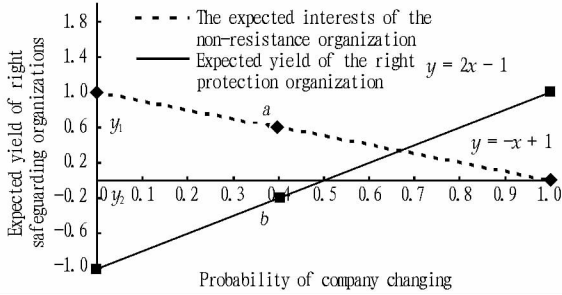


Fig. 2 Expected yield curve of right protection organization

In Fig. 2, the cross point is the changed equilibrium probability of the enterprises that we concerned. Under any other probability, the right protection organization can find a strategy with large profits between resistance and non-resistance as their best strategy. The analysis on the equilibrium probability q of the right protection organization can be seen on Fig. 3, and the analysis thought pattern is the same to Fig. 2.

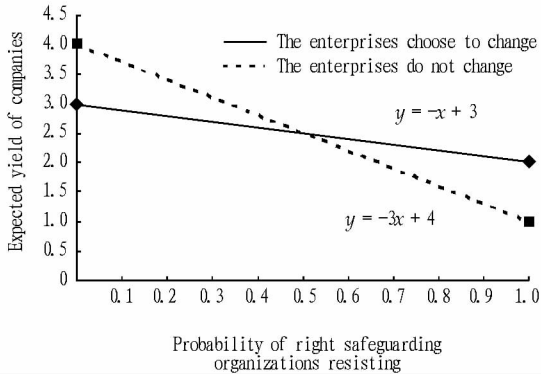


Fig. 3 Expected yield curve of enterprises

According to the definition of Nash equilibrium, the strategy chosen by any contestant is the best reaction to its counterparts, so whatever the choice rate of the enterprises of the choice rate of the right protection organization are all for make the strategy of its counterparts become random. We can analyze it by choosing a point out of the point p in the expected interest figure of the right protection organization. Supposing the concession rate of the enterprises is 0.4, the interests got by the right protection organization when it choose to resist is obviously larger than the interests got when it choose non-resistance. The figure shows that the relevant vertical axis values y_1 of a is larger than the vertical axis value y_2 , then the right protection organization will definitely choose the strategy of resistance, so the enterprises are forced to choose improving the working condition to equalize the interests gotten by the two strategies. The right protection organization can choose its strategy freely. The analysis of the resistance rate q of the right protection organization is the same to the above analysis.

Now let's go back to the problem solving aim, due to the equilibrium rate p which the enterprises choose should equal the interests of the right protection organization whichever they choose improving and not improving the working conditions, we can get the following equation:

$$1 - p = -1(1 - p) + p \text{ then: } p = 2/3$$

According to the same reason, the equilibrium rate q of the right protection organization when it chooses the resistance strategy can be obtained:

$$q + 4(1 - q) = 2q + 3(1 - q) \text{ then: } q = 1/2$$

The expected interests of the migrant workers after attending the right protection organization can be obtained.

$$EV(\text{Migrant workers}) = (1/3)(1/2)(1) + (1/3)(1/2)(2) + (2/3)(1/2)(3) + (2/3)(1/2)(4)$$

$$\text{Then: } EV(\text{migrant workers}) = 17/6$$

The membership fee submitted by the migrant workers should be excluded in the expected interests of migrant workers. Supposing the interests of right protection organization comes from the membership fee submitted by the migrant workers, so we only need to calculate the expected interests of the right protection organization. The expected interests are as follows:

$$EV(\text{the right protection organization}) = (1/3)(1/2)(1) + (1/3)(1/2)(-1) + (2/3)(1/2)(0) + (2/3)(1/2)(1)$$

$$\text{Then: } EV(\text{right protection organization}) = 2/6$$

Then the net interests of migrant workers should deduct 2/6 from 17/6, and the value is 5/2.

In a similar reason, the expected interest of the enterprises can be worked out:

$$EV(\text{enterprises}) = (1/3)(1/2)(1) + (2/3)(1/2)(2) + (2/3)(1/2)(3) + (1/3)(1/2)(4)$$

$$\text{Then: } EV(\text{enterprises}) = 5/2$$

The interest change of migrant workers before and after joining the right protection organization is analyzed. The game interest matrix shows that there is a Nash equilibrium (4, 2, 0) before joining the organization; after joining the organization, we can get the expected interest matrix (2.5, 2.5, 0.33). we can see that the interests of migrant workers has been improved and notably, the existence of the right protection organization improves the strategic choice rate of the enterprises from 0 to 2/3, which means that the right protection status of migrant workers has been improved greatly as a result of the appearance of the right protection organization.

3 The interest and right protection of migrant workers

3.1 The operation effect of the current right protection organizations At present, the right protection organizations are mainly the legal organizations such as the labor union and the organizations of the migrant workers themselves. The relations of the migrant workers and these organizations and role played by the organizations in protecting the rights of migrant workers are analyzed as follows.

3.1.1 The organizations formed by the geographic relations should be properly guided. As a result of the shortages of the

organizations established by the migrant workers, the functions of these organizations are restricted. Because the migrant workers mainly rely on their relatives to find jobs, so many migrant workers concentrated on a certain area, which promotes the rapid establishment and development of organizations. But as social organizations, the emotional tie is far less enough. Sometimes, the organizations are established when certain problems appears and by this way to reduce costs and increase interests, but they are temporarily. In addition, the competence of the organizers is low and the aim and standard of them can not achieve the level of a real organization. On the whole, the organizations are loosely organized, so they can only be regarded as groups. That can also explain why the organizations face so much difficulties and their legality, lawfulness and private reasonability are often be attacked. Besides, some groups are even being cheated, so these groups can not become the main power for protecting the interests of migrant workers and they need to be properly guided.

3.1.2 The labor union is important in protecting the rights and interests of migrant workers^[7-8]. During the investigation of migrant workers in private-owned enterprises, enterprises in the three forms of sino-joint venture, cooperative business and exclusively foreign-fund enterprises, only 6.2% of migrant workers do want to join the labor union, over 50% of migrant workers have never thought of joining the labor union and about 50% of migrant workers want to join the labor union, so we can see that the migrant workers have high expectation on their right protection. In addition, 29.2% of migrant workers think that there are no labor unions in their working units and nearly 70% of migrant workers think there are labor unions in their working units or have no idea. However, in the investigation on the man in charge of enterprises, a large majority of them say that they have labor unions. It is worth notice that in the investigation of the two items, there are all have 50% of migrant workers show the attitude of indifference, so it is necessary for some organizations to guild the right protection of migrant workers. It can be seen from the data that the population rate of the labor union in non-state-operated economy is improved slightly, but its promotion and education on migrant workers is inadequate and still needs improving.

3.2 The right protection of migrant workers is more and more tend to the legal way Restricted by its quality and social status, the migrant workers do not have the equal chance to negotiate with the enterprises by their own power when their interests are hurt. This point has been verified during the investigation. The data shows that when their rights are violated, 30.2% of migrant workers will turn to the relevant governmental organizations first; 26% of migrant workers will search for legal assistance; 24.0% of migrant workers turn to their relatives and familiars from the same places; 10.4% of migrant workers just accept it and tolerant it and the very few remaining turn to labor unions or media. It indicates that the migrant workers' awareness on right protection has improved; besides, among the interviewees more than 50% of migrant workers choose the legal channels to safeguard their rights and interests. There-

fore, we should cherish the situation and take active measures to prevent the migrant workers from using illegal ways to protect their rights.

3.3 The labor unions' functions in protecting the rights should be further improved By using the supposing conditions used in analyzing the game theory, the right protection organization of migrant workers should have high reputation and its income is in positive proportion to its reputation. Therefore, in order to improve the right protection of migrant workers, there must be a strong and powerful organization. In the real Chinese society, labor unions are the organizations that close to the demands from the perspective of its historic development and its status in the current society. Then as a mass organization, how to improve its reputation and power in protecting the right of migrant workers become the key problems of the labor union^[8].

3.3.1 The legitimacy of labor unions. In the *Instructions on a Number of Issues Provided by the Provisional Central Committee to the Representatives*, Karl Marx said that: "The first appearance of the labor union is started spontaneously by workers to try to eliminate or reduce the competition, so as to fight for the situation that can help them shake off the slavery state in the agreement... For another thing, the workers have become the hub of the working class". In addition, the *China Trade Union Constitution* stipulates that Chinese labor union is the mass organizations of Chinese working class led by the Chinese Communist Party; it is the bridge and tie for connecting the party and the masses, the important pillar of the state power and the representative of membership and stuffs. The Trade Union Law definitely stipulates that: "The Chinese general labor union and the representatives of the labor union represents the interests of the workers and protects the legal rights of the workers". Therefore, the labor union has the history, political legality and legitimacy in protecting the rights of migrant workers.

3.3.2 The specific measures for the labor union to improve their reputation. In the first place, the attraction of labor union to migrant workers should be improved. The labor union can set some flexible contacting point for labor union organizations, simplify the procedure of joining the organization, launch the membership transference system and intensify the connections among the member of the labor unions. These measures will low migrant workers' threshold of entering the labor union and reduce the worries of the migrant workers, and then more and more migrant workers will join the labor union.

In the second place, the competence of the right protection organization should be improved. The relevant governor should reform the structure and the mechanism of the labor union. For example, professionalizing the post of chairman; establishing the encouragement and improvement mechanism of the members of the labor union so as to stimulate the enthusiasm of the members of the labor union in protecting the rights of migrant workers. The connections between the upper labor union and the lower labor union should be intensified. It is necessary for the leaders of the labor unions to solve the problems so as to improve the authority of the labor union.

In the third place, the competence of organization of the

labor unions should be expanded. As for migrant workers, finding jobs and earning money are very important, so the labor union should set up the connection network throughout the nation and their functions include not only collecting job information, but also warning the migrant workers the enterprises who frequently violate the rights of them. Besides, the labor unions should also provide the training in terms of interest and right protection, safety protection and professional skills. The labor unions with so many functions will indefinitely attract more migrant workers.

In the forth place, the stable capital sources of the labor unions should be widened. As an organization for masses, its capital sources is limited. The capital problem is one of the blocks that impede the labor unions to improve their reputation. Therefore, stabilizing and enlarging the capital sources are the powerful measures for improving the strength of the organization in right protection and elevating its social reputation. In the fifth place, the labor union can socialize its functions in right protection to improve their social reputation. The socialization of the labor union refers to through motivating the strength of the various aspects to achieve the aim of right protection. The following aspects can be applied^[9]: in terms of establishing the organization, the labor union can deepen into the inside of the enterprises and make its system and positions in the vertical direction; in the horizontal direction, the labor union can establish the connection cooperation system among the provinces; in terms of information exchange, except for the communication among the provincial organizations, the labor union should intensify the connection with the government and the media and the legal service institutes, so as to turn the right protection of the labor union to the socialized activity. By this way, the repu-

tation of the labor union will be high in the society, so as to get close to the demand of the model, and finally the labor union will turn the individual right protection activity of the migrant workers to the organizational behaviors, and then the interests and rights of migrant workers will be well protected.

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other channels. This requires government, producers and consumers to fulfill their responsibilities. The government should try its best to establish information transmission platform. We need the timely and effective information release and transmission to produce agricultural products. The consumers also should become the vehicle of positive information. Besides, the government should balance all the main body's information status in market, avoiding the formation of "lemon market" of agricultural products.

5.4 The consumers should transform traditional consumption thinking and pattern into scientific, healthy and rational consuming behavior The era of frequently consulting friends to choose products and blind conformity behavior cannot meet the need of development. The consumers of agricultural products have to launch a creative revolution, change traditional outdated consuming pattern, and advocate scientific, nutritious high quality consuming pattern and consuming concept. The consumers must learn to discern right and wrong, good and bad information, collect extensively various kinds of information regarding agricultural products, improve their processing and using ability, avoid blind consumption, establish scientific, green, low carbon consuming concept,

advocate rational consuming behavior culture so as to promote consuming culture upgrade of agricultural products and the healthy, orderly and benign development of market of agricultural products.

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