

# asian workers organising



## china

### workers, wildcat strikes and labour advocacy

#### Wildcat strikes and labour advocacy in China's "harmonious society"

China is widely viewed as a country in which there is no space to discuss social problems publicly, or to criticise the country's development path. It is true that it is very difficult to organise around social issues, and there are many workers and other activists in prison because of their political and industrial campaigns. It is not true, however, that there is no space whatsoever for public criticism of the social and economic problems in China today.

Debate in China goes on in the media, in workplaces, online and amongst government officials every day about the need for economic and social reform. Senior leaders such as National Party Chairman Hu Jintao and Premier Wen Jiabao are talking very publicly about how the market reforms and pursuit of GDP growth must be balanced by measures to ensure more equitable distribution of wealth. They are well aware that problems such as the rising cost of living, high cost of health care, unemployment, and government corruption undermine the stability of the country's economy. In response to rising social discontent, building a "harmonious society" has been the publicly

stated goal of government in China. As yet, there are no obvious signs of organised opposition to the Chinese Communist Party.

#### Inflation

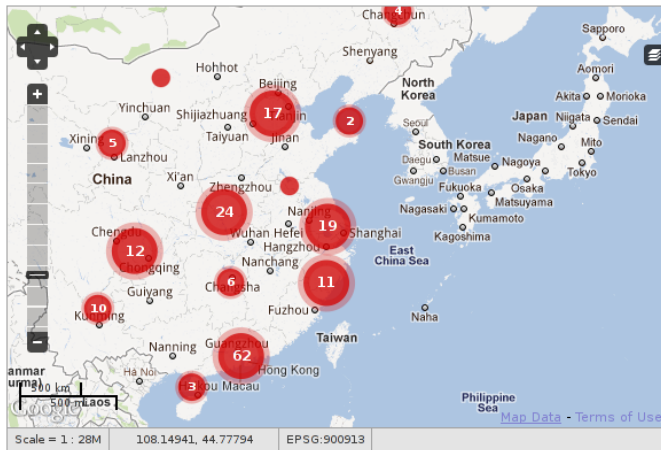
Chinese Premier Wen Jiabao has described inflation as the tiger threatening China. The Consumer Price Index for January 2010 to January 2011 was 4.9%. Food prices are increasing at an even higher rate. Housing is also increasing at a faster rate than CPI – 6.4% year-on-year as of December 2010. This may well be an under-estimate, but officially it represents a slight drop in the rate of growth, due to higher interest rates (with five rises since October 2010) and specific government measures to cool the real estate market.

#### Increasing wages

Minimum wages have been increasing fast across China to meet the increased cost of living, and to support the government's goal of increasing domestic consumer spending. Increases have been compelled by widespread wildcat industrial action in recent years – particularly in 2010. The authorities know well that higher wages are necessary if they are to avoid workers' organising against employers

and – perhaps in time – the government.

Minimum wage rates were increased by an average of 24% across China in 2010 – notably higher than the 4.9% CPI. From this, one can deduce that the actual rate of inflation is much higher. The minimum wage in the city of Guangzhou, for example, is now 1,300 RMB a month (\$202), compared to 860 RMB only three years ago.



## Promoting collective bargaining to maintain industrial peace

The large number of wildcat strikes in recent years has made it clear that workers are demanding to bargain with their employers over wages and conditions. The government wants to regulate that bargaining process. In at least six cities across China, there are now significant new initiatives to strengthen laws on collective bargaining. The intention is not only to increase wages and avoid industrial unrest, but also to re-establish the ACFTU as a relevant bargaining agent for workers after it was sidelined by both government economic reforms and workers' wildcat strikes.

Meanwhile, the high incidence of strikes has led some labour advocates to push for the right to strike to be formalised in law. The legal right to strike was removed from the constitution in 1982 – because strikes were “unnecessary” under a socialist system. Now strikes are neither prohibited or permitted by law. Some labour advocates are arguing that there needs to be an explicit law permitting strike action, including China Labour Bulletin in Hong Kong. Critics, though, point out that any such law would necessarily limit the conditions under which workers can take industrial action. For example, draft regulations in Guangdong

province have proposed limitations on the right to strike, such as a “cooling off period”, a ban on protest assemblies outside workplaces, and forbidding political demands. At the moment, without considerably greater gains established on the ground, legislation on the right to strike would be more of a hindrance than a help for workers.

## Wild cat strikes and labour organisations

Workers know that demanding unions independent of the ACFTU is dangerous, and likely to end in arrests and imprisonment. The two dominant forms of labour activism in China currently are wildcat strikes, and advocacy work by NGOs and lawyer activists. At the time of the mid-2010 strike wave at Honda supplier plants, some English media outlets reported that workers were demanding to set up independent trade unions. There were, in fact, no such demands made. In the case of the most widely reported strike at a Honda supplier in Nanhai, workers were demanding the replacement of management-appointed union leaders with elected worker representatives, rather than the creation of an independent workers' organisation. While some of the union committee members were re-elected, the union chair has not been replaced. Instead the number of elected trade union delegates at the factory was quadrupled, to enable greater rank and file representation. The majority of union representatives are now rank and file workers.

Wildcat strikes have certainly applied enormous pressure on government and employers to raise wages and conditions, and this has been reflected in the rapid increase in minimum wages by 24 percent on average in 2010. There are no reliable statistics about how many strikes are taking place in China, but the incidence is extremely high. The mainstream media now often report strikes without experiencing censorship, although blackouts are issued in the case of especially large or important strikes.

## Labour rights NGOs

The most conspicuous forms of labour organisation in mainland China are grant-funded NGOs, but these have little if any interaction with the wildcat strikes described



above. NGOs do not have a mass base amongst workers and do not have any formal access to workplaces. The impact of their work and growth in their organisations have been limited. Their main work is community-based worker education about legal rights, and litigation on behalf of underpaid, injured or unfairly dismissed workers. They have done valuable work to improve working conditions in the Pearl River Delta in particular, and have developed activists and leaders amongst migrant workers.

Some prominent examples of labour NGOs in South China are the Dagongzhe Migrant Workers Centre, the Chinese Working Women's Network and Labour Action China. In all three cases, activists from Hong Kong are central in the administration and strategic direction of the organisations.



## State-sector worker activism

Workers in the state-sector have quite a different style of organising to improve working conditions. State-enterprises often have retained old industrial relations mechanisms from the days before the state sector was restructured, such as Staff and Workers Councils, enterprise trade union branches, and regular bargaining. Older workers in the state-sector also have a memory of the pre-reform days when official rhetoric held up the working class as “masters of society”. State sector workers are much more likely to use the established Communist Party institutions to articulate demands and grievances, such as going to their local trade union branch or petitioning government offices.

## Implications for international solidarity

At present, there are two practical options for expressing international solidarity with

Chinese workers: building relationships with reformers within the ACFTU, or supporting community-based NGO work.

Supporting reformists within the ACFTU has been the subject of long-standing debate, and has yielded minimal benefit to date. Many unions and activists have refused to collaborate with ACFTU officials because of strong links to the state. Global Union Federation's positions concerning the ACFTU range from “no contacts” to “constructive dialogue”. Unions in Hong Kong, itself a Special Administrative Region of China, have been quite critical. Foreign unions and activists have instead waited for opportunities to support Chinese workers organising independently. Independent workers' organising in China is, however, well and truly underground. It is very difficult to identify these activists, and virtually impossible to express open support for their causes without severely compromising their security. Organisers of wildcat strikes avoid building open alliances, because they know the political sensitivity of being seen to have horizontal links with other workplaces, let alone with international organisations.

Given that no workers' organisation has emerged to challenge the ACFTU openly since 1989, most international unions now have formal links with the ACFTU. The ACFTU also now represents workers in China on the ILO. The union relationships, however, go little further than touristic “exchange” or “study” visits on both sides. Opportunities for substantive solidarity work remain severely limited.

Although the labour rights NGOs have been doing some valuable work, they suffer fundamentally from the lack of a large base amongst the workers. They also need to focus on safe targets such as private, especially multinational employers, in order to safeguard their own organisations. Opportunities here as well,



therefore, remain limited.

AAWL believes that at present there are no effective avenues for substantial solidarity with Chinese workers. Rather, it is necessary to wait for the workers of China to create these avenues themselves and it is not possible to predict what they will be. In the meantime,

both support for labour rights NGOs and engagement with reformers in the ACFTU are worthwhile activities, but large scale results will have to await the action of the workers of China themselves. Given the escalating rate of wildcat strike action, however, we may not have all that much longer to wait.



# free our comrades

## Free labour lawyer Zhao Dongmin

On 25 October 2010 labour lawyer Zhao Dongmin was sentenced to three years in prison for “mobilising the masses to disrupt social order”. In April 2009, he assisted approximately 400 workers and retirees to apply to establish a “Union Rights Defence Representative Congress”, which would have monitored cases of restructuring and privatisation of state enterprises, and report corruption to the authorities. Zhao was openly critical of the Chinese trade union’s failure to represent the interests of state employees.

Zhao, born in 1953, was trained in law at the Central Community Party and worked for years as a lawyer and mediator in the courts. He represented workers in industrial relations disputes. He is a Communist Party member, a self-declared Maoist, and was involved in founding a “Mao Zedong Study Group” in the city of Xi’an where he worked.

Shortly after Zhao’s arrest his wife fell ill, and Zhao was not permitted to see her even once before she died on 31 August 2010.

AAWL is calling for Zhao Dongmin’s immediate release.

## Worker activist Li Wangyang released

Born in 1950, Li Wangyang became an advocate for independent labor unions in China while employed at the Shaoyang Cement Plant. Back in 1983, he started the Shaoyang City Workers’ Mutual Aid Society, for which he was detained in police lock up. During the 1989 Democracy Movement, Li founded the Shaoyang Autonomous Workers Union. He was charged with “counterrevolutionary crimes” and sentenced to 13 years in prison in 1989.

Li’s treatment in jail was particularly harsh. He was beaten, underfed and tortured, and when he left prison in 2000 he had lung, heart, back and respiratory illnesses. He was nine kilos lighter and shorter in height.

In 2001, he was imprisoned for a third time after he campaigned to get compensation for damage to his health inflicted during his time in jail. He was sentenced to another 10 years in prison for incitement to subvert state power.

Li Wangyang was released on 5 May 2011.



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