

## **Fighting for a Fair Wage: The Changing Demands of the Chinese Working Class**

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**This essay is grounded in an analysis of the major strike that occurred at the Nanhai Honda factory in Guangdong province in 2010, as well as subsequent strikes that followed its example. It traces the evolution of strike dynamics in China from the early 2000s to the present. One trend stands out in particular: a shift from law consciousness to rights consciousness.**

The image of China as the world's factory is closely tied to its reserve army of rural workers, representing an unlimited, cheap, and unorganized labor force, as well as to what some scholars call a "despotic" labor regime, which, behind the walls of dormitory factories, tightly controls its workers.<sup>1</sup> While this despotic order has always been challenged by migrant workers,<sup>2</sup> the scale, form, practices, and arguments of this activism have, however, changed considerably over the past fifteen years.

The Nanhai Honda strike in China's southern Guangdong Province, which initiated the great strike wave of 2010, marked an important turning point. Remarkably, workers insisted on the right to elect their own union and demanded that it be accountable to them. They also pushed for significant wage increases that went well beyond previous demands. This strike wave represented a quantitative and qualitative leap in collective action on the part of migrant workers. It has not waned since. Consciousness of their rights has led workers not only to tie their material demands to demands of a more political nature, but also to exercise their collective rights even before they have been legally guaranteed. This article also examines the consequences of this collective action on workplace democracy by considering union reform and the emergence of new forms of cooperation within civil society, offering, in this way, an analysis of evolving workplace power relations.

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<sup>1</sup> See, notably, Pun Ngai and Chris Smith, "Putting transnational labour process in its place: the dormitory labour regime in post-socialist China," *Work, Employment and Society*, Vol. 21, No. 1 (2007), p. 27–45; Pun Ngai, "The Making of a Global Dormitory Labour Regime. Labour Protection and Labour Organizing of Migrant Women in South China," in Rachel Murphy ed., *Labour Migration and Social Development in Contemporary China*. London, Routledge, 2009, p. 154-194.

<sup>2</sup> Ching Kwan Lee, "Pathway of Labor Insurgency," in Elizabeth J.Perry and Mark Selden ed., *Chinese Society Change, Conflict and Resistance*. London, Routledge, 2000, p.41-61.

## From Reactive to Proactive Resistance

### *From Law Consciousness to Rights Consciousness*

The first half of the 2000s was marked both by the Party's assertion that it would "rule the country in accordance with law" (*yifa zhiguo*)<sup>3</sup> and by growing recognition of the rights of migrant workers, who until then were considered second-class citizens. The latter was symbolized by the publication by the State Council's first political document of January 2003, which called for equal treatment of urban workers and workers of rural origin who migrate to cities.<sup>4</sup> These policies, which were accompanied by a considerable expansion of labor law,<sup>5</sup> offered the migrant worker strike movement a kind of trampoline. During this period, the primary goal of migrant workers was to see existing labor laws (such as overtime and back pay and enrollment in social security) enforced. In particular, they wanted the wage increases decreed by municipal authorities to be implemented, as employers frequently ignored them. More than anything, these strikes expressed a new law consciousness, with workers' demands consisting of little more than the straightforward application of the law in a weak institutional context (i.e., a shortage of unions, arbitration committees, and independent courts). As Li Lianjiang argues, this law consciousness resembles "rule consciousness," which differs from "rights consciousness" in that it implies "no challenge to the legitimacy of existing rules, no demand for rule change or new rules, and no demand for participation in rule-making."<sup>6</sup> Moreover, this kind of mobilization, anchored in rule consciousness, contributed to the regime's political stability by offering an efficient mechanism for supervising authorities.<sup>7</sup>

Laws appeared both as a new weapon by which workers could oppose employers and as the authoritative standard of labor's value. Having no other criteria for determining a fair wage, migrant workers accepted the government-set minimum wage as a reasonable price floor.<sup>8</sup> The goal of the strikes, which often resulted in street demonstrations and the occupations of major transportation arteries, was to win public support in order to force local authorities to accept their responsibilities and intervene in the conflicts by enforcing their own laws. In other words, collective action could be interpreted as popular participation in the application of labor law, making up for the lack of institutional means for guaranteeing rights. Consequently, strikes did not represent a force for political change. Many participants emphasized the fact that these strikes were spontaneous rather than planned and local rather than national and autonomous.<sup>9</sup> Their demands, which were primarily material in nature,

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<sup>3</sup> Inserted by amendment into the constitution in 1999, this principle entails an essentially instrumental conception of the law as a way of bolstering the state's regulatory capacity and the Party's legitimacy. Ching Kwan Lee, "From the Specter of Mao to the Spirit of the Law: Labor insurgency in China," *Theory and Society* 31/2, April 2002, p.189-228.

<sup>4</sup> On this turning point, see, notably, Chloé Froissart, "The rise of migrant workers' collective actions: Toward a new social contract in China," in Khun Eng Kuah-Pearce and Gilles Guiheux, *Social Movements in China and Hong Kong. The Extension of Protest Space*, Amsterdam University Press, 2009, p.154-178

<sup>5</sup> Labor law extends only, however, to individual rights, as basic collective rights, such as the right to strike, to form independent unions and to participate in collective bargaining are not recognized in China. See Feng Chen, "Individual Rights and Collective Rights: Labor's Predicament in China," *Communist and Post-Communist Studies* 40, 2007, p.59-79.

<sup>6</sup> Lianjiang Li, "Rights Consciousness and Rules Consciousness in Contemporary China," *The China Journal*, no.64, July 2010, p.50.

<sup>7</sup> Elizabeth J. Perry, "Chinese Conceptions of 'Rights': From Mencius to Mao—and Now," *Perspectives on Politics*, vol.6, no.1, March 2008.

<sup>8</sup> Ching Kwan Lee, *Against the Law*, University of California Press, 2007, p.174.

<sup>9</sup> Ching Kwan Lee, "From Specter of Mao to the Spirit of the Law: Labor Insurgency in China," *Theory and*

tended to be cautious and limited, loyal and monetary (rather than political), and reactive rather than proactive.

It is for this reason that the great strike wave of the summer of 2010, triggered by the Nanhai Honda strike in Guangdong, marked a major turning point. While current demands still insist upon the application of labor law, and wages remain the major bone of contention, there is a noticeable shift in the way that workers understand this agenda. Their demands no longer arise simply from a consciousness of rules, but from a sense of what is fair and unfair. This is a point emphasized by the Honda workers themselves:

I have worked in this union since June 5, 2006. I make about 1400 Yuan a month, which is barely a hundred Yuan more than what those who were just hired make. Is that fair? Is it fair that my pay went up only 28 Yuan my second year, 29 Yuan my third year, and 40 my fourth year? Is it fair that 40% of the people who work here are interns who are hardly paid anything, which affects everyone's pay? Is it fair that there are five ranks, each divided into fifteen levels, which means that, since I can only rise up one level a year even if I do everything I'm supposed to, it would take me seventy-five years to rise to the top? Is it fair to work so much and only be able to set aside a few hundred Yuan a month? There is too much inequality, too much injustice. Who are we if we accept this? We have no choice. This strike is about dignity.<sup>10</sup>

More generally, workers' demands are motivated by the sense that their wage increases have been indexed neither on the economic boom experienced by some regions—notably the Pearl River Delta—nor (and even less) on their employers' profits.

Thus one Honda worker, who quickly received online support from many other workers, remarked: "Each year our factory makes billions of Yuan, and these profits are made from the sweat and labor of workers." A new sense of fairness is replacing a straightforward understanding of the law. It is based on comparisons that workers can now make, thanks to information available through the internet. Though they have never read Marx, workers have independently arrived at his views about exploitation and surplus value.

To explain this inequality, strikers no longer call attention to employers' failure to enforce minimum wage increases, but emphasize instead the ways in which their bosses offset raises by fiddling with the various wage components (allowances, bonuses, etc.), establishing different forms of compensation among employees (for instance, by using temp workers and interns), and increasing fixed-cost deductions (for housing costs, food, insurance, union dues, etc.).

Consequently, in addition to substantial wage increases, strikers now want greater clarity about how they are paid. They want transparent salary scales and a clear distinction between base salary and various allowances, as well as bonuses based on seniority, merit, and productivity. In this way, they will have a clearer sense of their options when making salary demands. Generally speaking, their demands are focused on improving work conditions in

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*Society*, 31/2, April 2002, p.207-212. The author refers to the strikes as "cellular activism": one reason no bonds exist between workers in different factories is that they see their interests as tied to their own factory's particular standing in relation to the law. Chee Kwan Lee, "Is Labor a Political Force in China?," in Elizabeth J. Perry and Merle Goldman eds., *Grassroots Political Reform in Contemporary China*, Harvard University Press, 2007, p. 228-252.

<sup>10</sup> Interviewed by He Meichuan, a researcher at Sun Yat-sen University, quoted in I. Thireau, "Les migrants se rebiffent," *Manière de voir* no. 123, June-July 2012, p.42.

their companies and are intimately tied to a rising consciousness that good working conditions require workers' participation in the elaboration and application of workplace rules.

This is particularly reflected in the multiplication of workers' denunciations of the way that Chinese unions operate—namely, that they are primarily service and leisure providers who, in conflicts, act as the employer's right hand—and of demands to “rebuild unions” through direct elections and a system of permanent company-level collective bargaining. Workers are abandoning official unions, despite their presence on shop floors and the assistance they provide. In March 2012, employees of the Japanese company Omron Electronics demanded union elections as a precondition to negotiations. In a system that takes the legitimacy of the Party and, by extension, official unions for granted, the demand for legitimate and efficient representation amounts to a demand for the right to participate and engage in shared decision-making, which they present as [a fundamental right](#). At present, strikes reveal two of the basic characteristics of rights consciousness as defined by Li Lianjiang: on the one hand, a questioning of the legitimacy of existing power relations, and, on the other, a questioning of existing rules in the name of fundamental principles (freedom of knowledge, freedom of expression, etc.).

The nature of demands has changed dramatically. Workers no longer demand that the law be applied. Instead, they want something that lies beyond the law: collective rights. The factors that allowed Chinese workers to slowly connect the defense of their rights and interests to the question of representation are multiple and complex. They testify on the one hand to a new consciousness—deeply tied to improved education and greater access to information—of their work's value, company power relations, and the inequalities they engender at work and in society. But this unprecedented merging of material and political demands would never have occurred without the emergence of new political opportunities. Beginning with the Seventeenth Party Congress (2007), President Hu Jintao (2002-2013) emphasized democratic participation as a means for promoting social justice. This means encouraging self-management at the local level, whether in neighborhoods or on factory shop floors. The goal is to allow certain social categories (for instance, residents and workers) to manage, under Party supervision, their shared interests at the grassroots level, thus avoiding the politicization of basic material demands. This policy has also overlapped with the central government's goal since the 2008 financial crisis (which hit China hard) of promoting internal demand and increasing worker purchasing power.

### *Exercising Rights Before They Are Guaranteed*

These new demands involve a redefinition of the worker's relationship with the authorities (once seen as allies who could ensure the law was respected, they are now regarded with defiance), a relocalization of conflicts (demonstrations are now mostly confined to factories themselves), and the workers' growing capacity to organize themselves and to negotiate. Workers now behave as if they had the right to strike, organize autonomously, and bargain collectively. They frequently elect representatives charged with ensuring that management meet their demands; reject management's bargaining conditions and inadequate wage increase proposals; refuse to be forced back to work; and understand how to alternate between returning to work when negotiations progress and continuing to strike when talks are insufficient. This explains why conflicts are lasting longer and longer.

Increasing workers' autonomy is made possible by new power relations tied, on the one hand, to the mode of production and, on the other, to factory unity and solidarity, which

breaks with the tendency to divide along geographic, ethnic, and status lines which, in the early 2000s, prevented the emergence of class consciousness within factories. As assembly lines have become more integrated, strikes can paralyze the production process not only at the factory level, but often at other factories scattered across China that work for the same company, leading to staggering losses for employers and, indirectly, local authorities. Thus during the Nanhai conflict, which lasted for fifteen days, Honda lost 240 million Yuan per day, amounting to several billion Yuan for the entire strike, while the losses resulting from the three-day strike at the LGD plant at Nanking in December 2011 reached 434,600,000 Yuan. Moreover, the Honda strikers' slogan, "unity is strength," has been widely adopted, and workers typically express solidarity with all the employees of a factory. The Honda strikers, who demanded an 800 Yuan raise *for the entire workforce*, declared, in an open letter, their solidarity with the interns and temporary workers, but also made their demands on behalf of [the entire working class](#): "Our struggle for rights is not simply a struggle to protect the interests of 1,800 workers. We are concerned with the rights and interests of workers throughout the country." Taking their cue from the Honda workers, strikers at Omron, in an [open letter published online](#), declared their solidarity with the factory's executives, whose salaries had not increased, as well as with its vehicle drivers, who worked fourteen hour days while only being paid for eleven. Conversely, there is considerable online support for movements invoking solidarity with the "working class," like this injunction from an online forum on the Omron strike: "Comrade workers, unite to defend your rights!" Finally, workers have become particularly wary of efforts on the part of management to divide them: witness the refusal of Honda's interns to yield to management's attempts to coerce them by threatening to withhold their degrees, or LGD's workers' demand that negotiations be completely open to all employees, rather than being held in the management's offices behind closed doors.

### *New Technologies Foster Horizontal Alliances*

Horizontal alliances with various social actors have now supplanted vertical alliances with authorities, whether in conflicts, negotiations, or the resolution of disputes. Workers now have much easier access to the internet, notably through cell phones, and many have a QQ instant messaging accounts—which includes a Facebook-like "open space" component—or blogs that allow them to share information about labor law, newspaper articles, essays by scholars or public intellectuals,<sup>11</sup> strike-related videos, and comments on work conditions or strikes in other factories. During conflicts, it is not unusual to see groups formed on this service that facilitate communication and coordination between thousands of factory employees, allowing strikers to keep the public informed of their demands (through "open letters"), of the conflict unfolding, and negotiations. Thanks to these new means of communication, the audience of collective action has expanded. As a result, journalists are reporting more widely on these disputes; lawyers and academics can offer advice to the strikers; international and Hong Kong-based NGOs can track conflicts more easily and launch support campaigns; and workers at other plants can learn from their comrades' experiences. Strikers can also convey their demands directly to media outlets. Since the Honda strike, it is increasingly common for newspapers to print them in their totality. The tenor of press articles about strikes has, moreover, changed considerably since the early 2000s. Some journalists are very involved in these conflicts: they have forged close bonds with strikers, taking the time to

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<sup>11</sup> An essay by Chang Kai (the director of a labor research center at the People's University), "Lun Zhongguo de bagongquan lifa" ("On Right-to-Strike Legislation in China"), which points out that the right to strike is a fundamental worker's right, was frequently posted to blogs, which is not unconnected to the fact that he was invited by the Nanhai Honda workers to represent them in final strike negotiations in 2010.

conduct in-depth investigations and to write detailed articles on the causes and course of these disputes, the roles of various participants, and the reactions of unions and authorities, often drawing on their own social, political, and economic insights to defend the workers' position. In other words, workers are less and less isolated in their factories: they are in contact with one another and with non-governmental allies who support their action.

Furthermore, new mediators have recently emerged in civil society. Bypassing official trade unions, they are increasingly involved in resolving the disputes. It is generally well-known that some NGOs served as mediators when defending the rights of migrant workers.<sup>12</sup> Confronted with hostility on the part of authorities, particularly the official unions with whom they are in direct competition, they have tended to be replaced by lawyers or academics specialized in labor law, who negotiate on the workers' behalf after having been delegated by them to do so. This new form of autonomous representation, wrapped in the mantle of law rather than politics, is relatively tolerated insofar as it is limited in time and conducted by clearly identified actors (law firms must be legally registered, unlike many NGOs), who, because they are considered professional, do not raise the specter of autonomous worker organization.

In recent years, leaders in the central government—followed by provincial leaders, notably in Guangdong—have on several occasions recognized the legitimacy of workers' demands and appealed for the reasonable management of conflicts (*lixing duidai*) through social dialogue rather than repression. There has indeed been a notable decline in repression, particularly imprisonments. The fact that strikes now occur primarily inside factories and, as such, do not pose a direct threat to public order, also provides the police with fewer occasions to intervene. On the other hand, the police are often sent in as a deterrent to certain worksites (LDG, Guanxing, etc.). Occasionally, the police compel employers and employees to sit down together at the negotiating table.

### **The Impact of Strikes on Workplace Democracy**

The quantitative and qualitative increase in collective action by workers has reinvigorated union elections, which have occurred intermittently since the mid-nineties, notably in Zhejiang, Shandong, and Guangdong provinces, as well as “collective bargaining,” which has been the subject of considerable debate in recent years. Unsurprisingly, these reforms have advanced significantly in Guangdong, where labor disputes are particularly intense. Yet the reasons are also political. Wang Yang, the ambitious provincial secretary (2007-2013), was intent on capitalizing on Guangdong's reformist tradition, so that he could found his political career on promoting a model of “social management” in which rank-and-file participation and dialogue are presented as guarantors of social stability.

It should be recalled that, organizationally speaking, Chinese unions participate in a system of state corporatism. There is only one authorized union, the All-China Federation of Trade Unions (ACFTU), a mass organization created by and completely subservient to the Party, which is hierarchically organized and responsible to the upper echelons of union officials—whose cadres are all Party members—rather than to workers and employees. Operationally, it subscribes to “Leninist dualism”: unions transmit the Party's orders to

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<sup>12</sup> See, for example, Chloé Froissart, “Les ONG de défense des droits des travailleurs migrants. Des organisations proto-syndicales qui contribuent à la stabilité du régime,” *Perspectives chinoises*, 2011/2, p.20-28. For an overview of the NGO presence in China and their relationship with the state, see He Jianyu, [“Mapping the Chinese NGO Sector,”](#) *Books and Ideas*.

workers while also conveying workers' demands to the Party. This system equates employees' interests with those of the Party and employers. This idea is emphasized by the "Trade Union Law of the People's Republic of China," which maintains that the latter's role is to protect workers' rights as much as it is to "help companies increase their productivity and improve their economic efficiency." This explains why factory union committees do not see themselves as representing the interests of workers against those of the employers but rather—at best—as mediators whose role is to find a compromise when conflicts arise. Even so, to the extent that the leaders of these committees are chosen either by local union officials or (more often) by the company's management, of which he or she is often a member and from whom he or she often receives a salary, unions often side with management in disputes. This fact was brought into the open by the violent confrontations between unions and workers during the Nanhai Honda conflict. These altercations were a catalyst, raising consciousness of the structural incapacity of Chinese unions to represent workers and leading the government and the ACFTU, particularly in Guangdong, to make union reform a priority.

The debate concerning the need for unions to clarify their role in order to increase their efficiency in preserving the social order is not new, as is evidenced by a number of ACFTU directives published in recent years insisting on the fact that the primary goal of unions should be to defend workers and employees. In particular, they emphasize the need to establish "harmonious and democratic relations" in companies, maximizing worker participation by reviving the workers' committees of the Mao era. The *Circular on Further Improving the Workforce and Social Stability*, published on May 29, 2010, is in this respect a turning point: in it, the ACFTU publicly acknowledges for the first time that workers' dignity depends on the protection of their rights and interests and that, unless their dignity is respected, social stability cannot be preserved.

The need for structural reforms to make unions more representative and change how they operate is now openly acknowledged. Unions must, in other words, be "professionalized," a term that, in the Party's vocabulary, is the antonym of "politicized." The driving idea is to emancipate unions from the reins of management, particularly in terms of financing. Since 2010, the ACFTU has allocated tens of millions of Yuan to set up pilot programs in ten cities and provinces to ensure that union representatives are paid by the upper echelons of the union hierarchy rather than by corporate executives, as is currently the case. The goal is also to allow unions to better represent workers by allowing union representatives to be directly elected—yet without promoting their autonomy, as the goal is to simultaneously make grassroots unions more accountable to the union hierarchy. This effort to combine direct democracy with democratic centralism (in other words, "bottom-up" and "top-down" arrangements) has been the Party's express desire since the Seventeenth Party Congress of 2007: in this way, it seeks to promote a process of controlled democratization within the system, bringing it more in tune with public expectations, bolstering the Party's legitimacy, and preventing the emergence of genuine oppositional forces. Once again, this method is hardly new: it has been practiced since the eighties in the Chinese countryside through village elections, which represent an unprecedented step towards democracy, yet without political pluralism.

Debates on worker participation are directly related to denunciations of the artificial character of the "collective consultations" (*tiji xieshang*) that most unions have practiced until now. China specialists increasingly argue that the dramatic increase in the number of collective agreements is primarily the result of a bureaucratic scramble to achieve numerical goals, that these contracts do little more than reiterate minimum legal conditions, and that the



process has foundered on the fact that few employees are actually involved in negotiating them—at best, unions consult them in a purely pro forma way. Some have gone so far as to call for a form of “collective bargaining” based on genuine worker participation. Given the fact that the Party is still concerned with attracting foreign investment and protecting companies’ profits, establishing collective bargaining is in many respects the most realistic and pragmatic option, as it promotes case-by-case solution, with each company making decisions based on its possibilities.

Reforms are thus occurring at two levels: through elections and through the way unions operate. To achieve real progress, compared to the sporadic elections that have occurred since the mid-nineties,<sup>13</sup> we believe that four criteria must be met:

1/ Election must occur at the workers’ request, rather than being arbitrarily imposed by the Party.

2/ Direct elections, which can refer to a wide range of more or less democratic practices, should follow the *Haixuan* or “sea elections” model: workers directly choose their own candidates, who must receive more than half the votes. This kind of election, which has been tested at the village level, is the most democratic.

3/ Strikers must be allowed to become union representatives.

4/ Elections must promote the capacity of unions to act autonomously and on their own initiative.

### **Union Reforms and Their Limits**

The elections held since 2010 in Guangdong drew primarily on the *Haixuan* method. It works as follows. First, a small workgroup is created in the factory. It determines the election date and procedures and explains them to the workers. Next, each workshop elects worker and employee representatives by secret ballot. They must represent 10% of factory’s employees. Then, the workers’ and employees’ representatives meet to choose by secret ballot the candidates who will sit on the factory’s union committee. The list of candidates is then submitted to the street committee-level union, which after inspection either rejects or approves it. Once it has been approved, the candidate list is posted in the factory for seven days. Finally, the workers’ and employees’ representatives elect a president and a vice-president from the members of the union committee. Consequently, these elections are only partially democratic: they are micromanaged by the union hierarchy, which can intervene at different stages, notably in the confirmation of the candidates. Thus it can easily block strike leaders from acceding to union positions.

This, incidentally, is what happened in the elections held at Nanhai Honda in late 2010. Though the press and the authorities touted them as models of union reform, their real significance is rather limited. The workgroup chaired by the vice-president of the Guangdong Federation of Unions and consisting of four levels of union representatives (company, township, district, and town) supervised the elections. In particular, it prevented strike leaders from running and saw to it that only two workers were elected as union representatives. Furthermore, the chairman of the union committee, who was also the deputy human resources director, kept his job, despite striker objections. Still, a young woman who worked in the factory as a translator and strongly supported the strikers managed to get elected as the

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<sup>13</sup> For an analysis of these elections, see notably Jude A. Howell, “All-China Federation of Trades Unions beyond Reform? The Slow March of Direct Elections,” in *The China Quarterly*, 196, December 2008, p.845-863 and Bill Taylor, Chang Kai, and Li Qi, *Industrial Relations in China*, Cheltenham, UK, Edward Elgar, 2003, p.113



union's vice-president. In other words, the intention seems less to create independent unions than to incorporate worker representatives into the official unions, as the Chinese press has noted.

Yet the change is nonetheless significant insofar as the union has now taken the initiative to support workers' demands for higher wages. Three rounds of collective bargaining took place in February 2011, thanks to which employees received a 611 Yuan raise, bringing the monthly salary of assembly-line workers to a little more than 2,600 Yuan.<sup>14</sup> Even so, worker representation remains limited: only two (elected) assembly-line workers participated in the negotiations, which, despite the union vice-president's toughness, owed their success primarily to the intervention of the vice-president of the Guangdong Union Federation, who in the final round insisted upon an agreement that would satisfy both parties. The negotiations' success ultimately had less to do with the institutionalization of a process than with political pressure, in a context in which it was important for both Honda and the ACFTU to improve their images, which had suffered in recent years. This incident provides an excellent illustration of what the "professionalization" of unions and the implementation of "collective bargaining" means in a Chinese context (the election of hand-picked union representatives plus the intervention of high-ranking union officials), but also reveals its limits. It consists primarily of ad hoc mobilization. It is difficult to see how this model could be made systematic and lasting, even at the provincial level.

Following the March 2012 Omron Electronics strike, the main demand of which was the election of a new union, the vice-president of the Shenzhen Union Federation announced that direct elections would be held in 163 companies. The official model invoked for these elections was that of the Liguang plant, which reelected its union in November 2007, consistent with union regulations stipulating that half of the union representatives had to be rank-and-file workers. Three years later, in 2010, nearly 77% of representatives were rank-and-file workers elected without management interference. The Omron Electronics elections were held between April and May 2012 following the *Haixuan* method: workers in the factory's seven workshops elected seventy-five representatives. By secret ballot, they then chose fourteen candidates—a majority of which were rank-and-file workers—for the factory union committee, including three candidates for the positions of union president and vice-president. Once the list had been approved by the union hierarchy, the candidates campaigned for office. The head of the production department was elected union president, beating a former union official who also worked for management.

These elections, it must be acknowledged, did not significantly change workplace power relations. In the case of Omron, even if the new union leader did not belong to management, he was nevertheless an executive approved by management as well as the union hierarchy. Furthermore, workers actively involved in the strike were demoted, while those who had sided with management received promotions. Moreover, the question of how unions operate once they have been elected is still completely open and is running into new problems, particularly the new union representatives' lack of training and experience. Because he had no background in management and accounting, the new union president was unable to make good on the workers' demand for pay stubs and a clearer system of remuneration. Nor did he receive the support of the union hierarchy on this matter. Finally,

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<sup>14</sup> By comparison, the average monthly income of migrant workers (ignoring differences by sector) was in 2011 2049 Yuan and 2053 Yuan in eastern China. National Bureau of Statistics of China, *2011 nian wo guo nongmingong diaocha jianze baogao* (Investigation and Prediction Report on Migrant Workers, 2011), [http://www.stats.gov.cn/tjfx/fxbg/t20120427\\_402801903.htm](http://www.stats.gov.cn/tjfx/fxbg/t20120427_402801903.htm).

the head of the union is paid by the factory's management and, interestingly, the union hierarchy negotiates his salary. There is thus a risk that union representatives can be bought. Evidence for this can be seen in investigations conducted on earlier waves of union elections, which reveal that the role of union representatives was ultimately confined to improving communication within the company, resolving daily problems, and organizing recreational activities.<sup>15</sup>

Even union representatives who want to remain faithful to the rank and file find that existing legislation places them in paralyzing position by stipulating that unions must represent both parties. In other words, even if direct elections make unions more representative, they ultimately displace the problem rather than resolve it—unless, that is, these contradictions ultimately lead workers to demand that the law itself be modified.

### **conclusion**

The current strike dynamic is shaped by a new rights consciousness that is intimately tied to an awareness of the value of work and a new sense of exploitation, expressed in a desire for greater participation and shared decision-making at the company level. Workers no longer simply want minimum legal standards to be respected; they want work conditions that reflect their sense of justice. This has led them not only to demand collective rights, but to exercise them. Union reform must ultimately be seen as an attempt by the Party to obstruct working-class autonomy and to use rank-and-file participation to revitalize the legitimacy of union officials. These reforms have, in any event, been confined to a few isolated instances. It remains entirely to be seen whether these reforms will be institutionalized. Specifically, there is no legislation establishing clear electoral procedures that would limit the union hierarchy's ability to interfere in the election process. Even if progress is being made towards making unions more representative, it is highly likely that unions will find it impossible to achieve their goal of representing workers without amending legislation in a way that allows unions to defend employees *against* their employers. Consequently, there is reason to fear that this democratizing trend is purely pro forma, and that it must be supplemented by other forms of representation—of an ad hoc and legal nature, since it cannot be political—carried out by lawyers and specialized researchers, as well as authorized NGOs.

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<sup>15</sup> See notably Jude A. Howell, "All-China Federation of Trades Unions beyond Reform? The Slow March of Direct Elections"; China Labour Bulletin, *Going It Alone. The Workers' Movement in China (2007-2008)*, Research Report July 2009, p. 53-58 (online version available at [www.clb.org.hk](http://www.clb.org.hk)).