



China Labor News Translations

A Labour Activist's Reflection on Collective Bargaining ¹

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Workers as individuals are absolutely dependent on employers, but employers are also absolutely dependent on workers as a collectivity. It is clear that workers joining together to bargain collectively is fundamental to the protection of workers' rights.

I was fortunate to be invited to attend a conference about collective bargaining in mid-2011. Attendees included expert lawyers and scholars from the mainland at the top of their fields. I say that I was fortunate to attend the conference because I was the only worker in attendance and I am very proud of this as I am very proud of the fact that I am a worker.

At the conference, each attendee passionately voiced his or her own opinion about collective bargaining, and this conversation truly broadened my horizons and taught me many new things.

However, when the conversation turned to the turmoil during collective wage bargaining at the Honda parts factory in Foshan City, in Guangdong province, I made it known that my views on this issue differed dramatically from those of the other meeting attendees.

1. In the last six months, on every major online forum, the so-called 'success' of the collective wage bargaining at the Honda parts factory has been a wildly popular topic; and at the conference, it was also a focal point of discussion. But in my opinion, the collective bargaining at the Honda factory does not merit such praise. The so-called 'collective bargaining' mechanism that was the result of the Honda strike, in my opinion, is actually an instance of the strangling of the protection of workers' rights through true grassroots workers organizations. Let's revisit the bargaining that took place after the Honda strike: workers had to depend on a province-level All-China Federation of Trade Unions (ACFTU) vice chairman to come forward to negotiate, and on top of that, another province-level ACFTU cadre, along with a National People's Congress representative, stepped in to mediate the dispute. How can we call this an example of true collective bargaining with workers? There are so many factories – should each of them rely on a province-level ACFTU cadre to attend every negotiation session? This is simply not realistic.

In discussion with the other conference attendees, my argument was this: both the ACFTU and regular folks have a perspective that does not tolerate conflict, but without

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the difficult and dangerous act of striking on the part of the Honda workers, the subsequent negotiations would never have even occurred. The most efficient and sustainable way for collective bargaining to happen, and the most likely way to truly resolve conflict, is when workers organize themselves and their struggle includes collective bargaining. Instead, the negotiations after the Honda strike impressed upon workers that simply relying on workers' own collective resistance and struggle is not a path to success (it may even lead to violent government intervention), and that in order to succeed, workers need the assistance of an ACFTU cadre, and a high-level one at that – even that may not be sufficient, they need mediation by the National People's Congress. Isn't this giving workers this disastrous impression?

2. I hope this discussion isn't limited to theoretical concerns, though from the workers' perspective there are some very deep theoretical problems indeed; we should really spend our time discussing a truly effective way to develop collective bargaining. In today's institutional climate, the only realistic path to collective bargaining is for grassroots i.e. company-level unions to represent workers in negotiations with employers. Along this path, one problem we encounter is how to organize or reorganize unions so that they are truly grassroots and truly controlled by workers. Once workers are in control, these unions must learn how unions work and how to address the problems that unions face. Collective bargaining can only take place after this happens.

3. To address the problem of workers' lack of recognition and awareness of unions, I described a simple example: I once interviewed workers in the automotive industry about their understanding and awareness of unions, and I found their awareness to be surprisingly poor. Some of them were even members of the union, and yet they still did not know the basics about what a union is and did not know that they were members. Hardly any of those workers believed that the union speaks and acts for workers.

In dialogue with the other conference attendees, in response to the question of whether or not grassroots unions (company-level unions) are able to defend workers' rights, I discussed my attention to this issue during my work providing legal assistance to workers. Today, a "slightly better" grassroots union chairman's response to workers' requests for help is to turn a blind eye, but bad union chairmen will immediately betray workers, becoming the employer's accomplice in a dispute. When the ACFTU requests that companies organize their workers, many companies actually form fraudulent 'shadow' unions. These unions receive the ACFTU's recognition, but even years after they are founded, many workers have no clue that there's a 'union' in the workplace at all.

At the conference, one expert scholar proposed that we use the term "collective consultation" in place of "collective bargaining," a change one prominent attendee was opposed to. His reason was that although the two terms are very similar, there is also a basic difference in their meanings. "Collective consultation" implies that workers or their representatives approach wage disputes from a conciliatory, harmonious perspective, and if an employer refuses, workers have no other options. "Collective bargaining," on the other hand, implies that if management doesn't agree, workers can in turn take action, including strikes, as a last resort in an effort to counter the power of employers. I strongly agree with him on this point; we cannot expect a high-level ACFTU cadre to negotiate or mediate every labor dispute! For this reason, workers must have the option of powerful action as a guarantee in collective bargaining. We have seen this validated repeatedly in practice.

On the question of the ACFTU's attitude toward strikes, some scholar at the conference stated that the ACFTU rejects and opposes strikes. As a worker who has been on strike to organize a real grassroots union, I argued at the conference that the ACFTU's attitude toward strikes has not been consistently negative. When workers at a Danish electronics factory Ole Wolff in Yantai, Shandong went on strike to organize a grassroots union, instead of opposing the union or calling it illegal the ACFTU actually supported the strike as a tactic of last resort in the struggle. The ACFTU was not afraid publicize its support, making it known to journalists and to the striking workers. Later, the company fired the striking workers, and since the workers did not agree with the company's action, they took legal action to protect their rights. In the end, the court supported the workers, declaring that the work stoppage (i.e. strike) undertaken by the grassroots union was not illegal and was not simply an instance of workers skipping work without permission.

The formation of a grassroots union at Ole Wolff could not be completely replicated in other factories, and the events there resemble the Honda strike in this respect: without the participation of high-level ACFTU bureaucrats, both negotiation efforts would have had a slim chance of success. To look at it another way, the Yantai organizing effort highlights the sorrowful state of workers' rights today: similar strikes that had occurred before in China have all failed.

In conclusion, from a macro perspective today, "collective bargaining" is more meaningful than "collective consultation." The road to collective bargaining is long and winding, but we must persevere to continue down this road. Lastly, to all those who have worked long and hard for the interests of the working class we express our deepest respect.