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ABSTRACT

The article briefly reviews the development of the workers' movement in China over the last two decades, and the evolution of the *China Labour Bulletin's* (CLB) role in defending workers' rights and promoting workplace democracy. By sustaining that collective bargaining is the best way to promote dialogue and resolve labour disputes, the author addresses the criticism that such an approach would not be viable given the lack of independent trade unions in China. In conclusion, he argues that, in the long-run, the Chinese Communist Party will have no option but to form an alliance with the workers' movement, and that this alliance will in turn allow the Party to transform itself from an authoritarian, highly centralised institution into a broadly social-democratic party that tolerates and appreciates the development of grassroots democracy and civil society.

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ESSAY

A VISION OF CHINA'S DEMOCRATIC FUTURE

Han Dongfang

Nearly a decade after the Orange Revolution, Ukraine is still struggling with democracy. It was obvious to me back in 2008, when I visited Kiev for a meeting of the World Movement for Democracy, that this country, which had been hailed three years earlier as an example of peaceful protest and democratic change, had not yet fully embraced democratic values. On arrival at the airport, the Ukrainian border control agents selected every single black person from our delegation and made them stand in a special line for processing.

This shocked me into thinking again about the definition of democracy. Is it an end in and of itself or a journey, a process that can help solve problems in the daily lives of ordinary people? Since 1997, I have been talking to ordinary Chinese workers on my Radio Free Asia radio show about their very real and pressing problems. These very personal interactions had no room for political slogans. Those workers focused on finding solutions within the existing system. And this brought me to the realisation that democracy is not just about presidential elections and political banners. It is not an event that happens every four years or so, it is a constantly evolving process that involves everyone in society. It is, I believe, a process by which social inequality is eroded and through which different interest groups can resolve their differences by peaceful dialogue and compromise. It is important to ask: Aside from elections, what can we do? And, before elections, what can we do to cultivate the spirit of democracy?

In this brief article, I will attempt to address these questions by focussing specifically on the work of China Labour Bulletin (CLB) as part of the wider struggle for democracy and human rights in China. CLB started out in 1994 as a newsletter reporting on and exposing incidents of labour rights violations in China. But in 2002, we at CLB decided to not just report the news but to get actively involved in it. We established a legal assistance program that would allow workers to seek redress for rights violations through legal and judicial process. In fact, many of the cases I discussed on my radio show eventually became our legal cases. However, we immediately encountered an embarrassing ideological and political problem. Providing legal assistance to workers might reduce the anger felt towards the ultimate cause of those rights violations – the Communist

Party. Even if the worker was not successful, the process could still allow them to see legitimacy in a non-democratic system and thus inadvertently bolster the Communist regime. You could say that working inside the system in this way is a bit like pretending to criticise people while actually supporting them.

In spite of all the challenges involved in providing legal assistance to workers in need, we resolved to continue based on the logic that enforcing existing legal standards was in itself substantial progress. Moreover, regardless of whether or not legal actions are successful, they can help highlight important legal issues and stimulate discussion about legal reform. Gradually, more and more workers will be aware of the law and use it to seek redress. This will then enhance the self-confidence of other workers seeking to defend their rights. Put another way, even though it has limited impact in promoting democracy, providing legal assistance to workers can at least promote the rule of law and create momentum for change.

Concerning occupational diseases, for example, it used to be the case that before workers could get an official diagnosis of the deadly lung disease pneumoconiosis, their employer had to issue a certificate saying that they were employed in a high dust environment. Even if a regular hospital diagnosed the disease, the occupational disease clinic would not sign off on the diagnosis without that certificate from the employer. To make matters worse, the vast majority of workers with pneumoconiosis were miners and construction workers who never had an employment contract and who were often fired after they contracted the disease, making it very difficult for them to prove they had an employment relationship. Of course, it would be very easy to lay the blame for all these problems at the door of the Communist Party but instead, in 2008, we started to help those workers with pneumoconiosis who had been refused a diagnosis by occupational disease clinics to sue their employer in both the civil and criminal courts, sue the local authorities for nonfeasance, and to sue the clinics and the employer for conspiracy to commit fraud. The courts rejected most of these cases and, of those that were accepted, the vast majority were unsuccessful. However, we never gave up and have so far filed dozens of pneumoconiosis-related lawsuits in 13 different provinces all across China.

Since these pneumoconiosis cases focused on purely legal and economic issues, the Chinese media was able to get involved and report on them at length. This media coverage generated a lot of public discussion on who should be responsible for workers who have contracted occupational diseases, and this public debate helped put even more pressure on the government to change the law. Eventually, in 2011, the Ministry of Health did amend its *Occupational Disease Diagnosis Regulations* and removed the need for workers to get a certificate from their employer saying they were employed in a high dust environment, as well as provide proof of an employment relationship. In some provinces, the local government even took an extra step by covering workers' medical expenses and paying them subsistence allowances. Although these changes are nothing compared to what the workers should be entitled to, they still illustrate how individual cases, whether they are won or lost, can put pressure on the government.

Furthermore, these pneumoconiosis cases have also helped in the development of civil society in China. Love Save Pneumoconiosis, a voluntary organisation that was established by a renowned journalist a few years ago, has, for example, grown rapidly and now acts as a showcase for the increasing awareness and activism of ordinary people across China. It has helped push the boundaries of such civil society organisations well beyond simple charity. It has set up several regional centres across China and developed a high-profile nationwide network that delivers practical help to those in need and lobbies the central government in Beijing for change.

But despite the success we have had in getting compensation for workers and changing laws, it was obvious from the very beginning that there were simply too many labour rights violations for any organisation to deal with. So what could we do? Again, we decided not to take the easy way out and just blame the Party for everything. Instead, we actively looked for practical remedies on the ground; how to prevent rights violations in the first place, how to save lives, how to save judicial resources and how to develop systematic and long-term solutions.

One thing I have learnt after two decades of work in the Chinese labour movement, whilst in semi-exile in Hong Kong, is that there are only two situations in which highlighting the failings of government makes any sense: in an absolute dictatorship and in a democracy. As should be clear from the examples above, China is somewhere in between those two points. It is an authoritarian regime but it is also subject to public pressure. And that is why it is important to stay positive and look for workable solutions.

In 2005, around the same time as the World Trade Organisation held a meeting in Hong Kong, CLB held its own seminar in which we announced a new program that had the potential to nip all labour rights violations in the bud. The centrepiece of that program was the promotion of a collective bargaining system in Chinese factories. I still remember the disbelieving grins and wishes of “good luck” from my friends in labour rights groups and trade unions at that meeting. Back then, no one saw the possibility of setting up a collective bargaining system under the Chinese Communist Party regime that denies workers the right to free association, and my wild thinking cost me a number of friends in the international labour movement; friends who had been very supportive ever since 1989 and whose friendship I valued a lot.

I understood completely why they were so sceptical; at that time, the Communist regime, scared of an anti-government Polish Solidarity-type movement developing in China, was routinely sentencing workers’ leaders to long jail terms. But it seemed to me that one way to prevent more worker activists and strike leaders from being thrown in jail was to establish a mechanism that could resolve disputes between labour and management peacefully and at the same time get the government off the hook. Those striking workers who had been arrested by the Communist regime in the early 2000s had not been asking for political change. They had only asked for their economic grievances to be resolved. Those grievances were related to fundamental livelihood issues like having enough food on the table for their family and as such they could never be

eradicated by political suppression. Moreover, as the Chinese economy liberalised and developed and became more firmly integrated into the world economy, labour rights issues became much less problematic for the government. We reasoned that the government's repression of workers' rights could not last and that a new opportunity for the workers' movement would open up if we could take the initiative to de-politicise labour issues. In other words, at this important juncture, when the Party was beginning to realise that its previous position on the workers' movement was misguided, should we continue to highlight the political nature of workers' rights or focus on the basic economic issues of how to ensure that workers get their fair share of the wealth they help to create?

However, back in 2005, this idea was absolutely politically incorrect. People could easily point fingers at us and say CLB had been brainwashed by the Chinese Communist Party, or even that CLB is selling out the workers and is undermining the Chinese labour movement! From every aspect, it seemed that our new approach was political suicide. Again I understood the accusations but I was certain that the need for a collective bargaining system is driven by fundamental demands on the factory floor. After all, collective bargaining is not just good for the workers; it benefits the employer and the government as well, creating a triple win for the parties involved. In the long term, no matter if it is in China or the rest of the world, in an autocratic regime or in a democracy, a healthy labour-management relationship is absolutely necessary and can only be sustained on the grounds of equality and mutual respect. Regardless of the consequences for CLB, we stuck to our beliefs and never shied away from explaining them to government leaders, policy makers, trade unionists, labour activists, academics and journalists. Later, collective bargaining did become widely discussed and was even touted as a possible win-win-win solution to the problems inherent in labour relations in China.

Then in May 2010, not long before the Arab Spring, workers all over China showed the world that they were ready for change. It started at a Honda auto-parts factory in Guangdong, when several hundred employees went on strike to demand a wage increase (MITCHELL; SOBLE, 2010). Although the workers were successful and their demands were basically met, the dispute was actually resolved by intellectuals and public figures brought in from the outside rather than the workers themselves. In other words, although the strike was initiated by the workers it was resolved by people with a 'higher social status'. People may ask, why didn't the government just deploy the police to smash the strike rather than send in these outsiders to broker a deal? I don't know, and I don't want to speculate on why. All I do know is that the government did so and it seemed to work. At CLB, we saw this as a historical moment and as an opportunity to move forward. It was clear that not only were the workers ready to move forward, the government was also ready for change.

The following year there was another important development. Several hundred workers at a Citizen Watch factory in Shenzhen (THE DEVELOPMENT..., 2012) went out on strike and this time they democratically elected their own representatives, engaged in collective bargaining with management, and

successfully negotiated their own settlement. The workers had a long-standing grievance related to the non-payment of overtime from 2005 to 2010. During that period, management did not include the employees' daily 40-minute break as part of their normal working hours and refused to pay overtime until employees had made up the 'lost' 40 minutes. The strike failed to resolve the issue, so the workers hired a local law firm that specialised in collective bargaining to work for them and help them negotiate a deal with management. After a week of face-to-face negotiations, on 17 November 2011, the workers agreed to a management offer to pay 70 percent of the overtime arrears. At this time, one of questions most commonly asked in the media coverage of this case was "Where is the trade union?"

Again, it is worth noting that we could have simply focused on the fact it was the Communist Party that had created the conditions that allowed Citizen to exploit the workers and cheat them out of their overtime. There would be no political risk for us in taking this approach – condemning both capitalists and Communists – but we took the politically incorrect approach of working inside the system to find a solution. After all, these abuses by trans-national corporations happen all over the world in democracies as well as autocracies. The political system is not the only issue; the immediate issue in China's case is finding a solution to real problems on the ground – even if we have to put politics to one side for a while and just focus on day-to-day economics.

The bad news is that soon after the collective bargaining deal at Citizen, the worker representatives were sacked, so you may think it was all for nothing but, for us, all this did was highlight the issue that every labour movement faces, namely how to protect workers' leaders and keep the momentum of the healthy dialogue going. So the fight continues. In more recent cases in Shenzhen (SHENZHEN..., 2014) and Guangzhou (WORKERS'..., 2014) we now have a situation where several workers have been prosecuted by the authorities for their protest actions. And again you may well see this as yet another example of government repression but if you look at the support these workers have received from their co-workers and labour rights groups in Guangdong, you will see that workers are now ready to stand up and push forward a strong and vibrant workers' movement in China.

In Chinese the word for "crisis" (危机) consists of two characters, "danger" and "opportunity." This ancient wisdom emphasises that there are two sides to everything. In any situation you can focus on the dark side or the light side. We at CLB always try to see the positives, and grasp opportunity when it arises. As noted above, the Citizen strike and the collective bargaining that followed raised a very important question: Where is the trade union? Everyone in China knows that the trade union is controlled by the Party and protected by the Party. The leaders of the All-China Federation of Trade Unions sit on high chairs far away from ordinary workers. But after the Citizen case, the local trade union federation in Shenzhen could no longer stand the heat and in mid-2012 it decided to show it really was on the workers' side when it got involved in a strike at the Japanese-owned Ohms electronics factory in the city and then arranged a democratic election at the factory union (RAMZY, 2012). The federation chairman

publicly stated that the union is a workers' organisation and it should be elected by the workers themselves. This proclamation tied the issues of strikes, collective bargaining, and the role of trade unions altogether, so much so that today strikes are no longer taboo for the official trade union, and more and more workers are asking for democratic union elections.

It is important to note that such statement did not come from some dissident like me. They came from a leader of an official trade union. And it does matter. It gives the official trade union the chance to do something good for the workers, while the result of that action is good for the bosses and the government too. In addition to supporting the trade union, when necessary, we have also supported the government, as was the case when we published a half-page advertisement (CHINA..., 2010) in a major Hong Kong paper entitled "Support Guangdong's efforts to establish a collective wage negotiation system: a win for labour, employers and the government". The advertisement was a response to attempts by Hong Kong business owners to derail a bill in the Guangdong legislature that would have given workers and management the chance to negotiate pay and working conditions on the basis of equality and mutual respect. So yes, we openly supported the legislation proposed by the Communist Party-controlled Guangdong government because in this case the intended legislative change would benefit everyone concerned and again because by doing so it would help us to focus on solving the labour problems on the ground, rather than on party politics.

During the past decade, CLB's strategies have changed in response to and in accordance with the shifting landscape of the labour relations in China. We did not follow any political agenda, we looked at what was happening on the ground and acted accordingly, grasping opportunities as and when they arose, identifying the path to follow and sticking to that path. Looking back, we were lucky enough to push the right button at the right time before the opportunity to do so vanished. Looking to the future, I am sure many more people will disagree with me, but I am confident that we will have other opportunities like this. On the road ahead, I can see the Chinese Communist Party transforming into a broadly social-democratic party and see social-democratic values becoming the mainstream. In other words, China will become the developing world's version of Europe's Nordic countries.

Why do I think this could possibly happen? Over the last decade or so, we have seen the dramatic rise of the workers' movement in China. Workers have shaken off the mantle of victims and emerged as a strong, determined and increasingly active collective force. We have also seen the Communist Party move away from the blind pursuit of economic growth and focus much more on resolving basic livelihood issues, raising incomes and tackling social inequality as a way of strengthening its own political legitimacy. In the future, in order to further realise its goals, I believe the Party will eventually have to forge an alliance with the workers' movement. To many, this will be an outrageous suggestion. Some will ask how I could even dare suggest it. Well, if it is necessary, if such an alliance can help facilitate the peaceful transition to a better regime and a better country, then why not say it, and, more importantly, why not do it?

It is not about whether Party officials are nice people or not. It is simply that I believe that it is in the Party's interest to form an alliance with the workers' movement. And there are signs that the new leaders of the Party and government recognise this too. They have made it clear in recent policy statements (CHINA'S OFFICIAL..., 2013) that one of their top priorities is to improve the standard of living of ordinary workers and that moreover it is the responsibility of the trade unions to make that happen. It is difficult to see why there should be any conflict between the workers and the Party on this issue, either in the short-term or in the long-run. A strong worker-led trade union that can negotiate better pay and working conditions on the ground is obviously good for the Party in that it contributes to its stated goals. Moreover, workers need political muscle or backup to make sure their interests are protected and promoted by the government. If you think about, the basic language of the Party and the workers is the same; it is only out-dated political blinkers that prevent us from seeing that.

In the long-run, an alliance between the workers' movement and the Party will help to raise living standards and enhance social justice. It will also allow the Party to transform itself from an authoritarian, highly centralized institution into a broadly social-democratic party that tolerates and appreciates the development of grassroots democracy and civil society. I believe it is inevitable that the Communist Party will eventually split into two camps, those who believe in law of the jungle and those who believe in social democracy. And the only way for the social-democratic camp to prevail is if it allies itself with the workers. This might seem fanciful but if you look at the values of traditional Chinese culture that stress the importance of social equality, you will see how they can be aligned with ideals of social democracy. These values have emerged in political movements throughout Chinese history but sadly, they have always been smashed and corrupted by violent revolution. But the situation is different now. The Cold War ended a quarter of century ago and the world is no longer divided into different political camps. On the contrary, it is now intimately connected through trade and commerce and shared economic interests. The over-politicised and partisan discourse of the Cold War has little relevance today. I believe the Chinese Communist Party recognises this too and will have to get ready to embrace social democratic values, not because it is the politically correct thing to do but simply because it is in its interests to do so. Allowing China's hundreds of millions of workers to share in the fruits of 35 years of economic development is good for China and good for the Party. The alternative scenario, where political suppression is the norm, where might is right, does not bear thinking about. It would be a catastrophe, not only for China but for the whole world if its second largest economy becomes another Russia. No one knows for sure how the democratic process will unfold in China but one thing is for sure: the process is already underway and we have no choice but to get involved.

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