

Hong Kong-Mainland: Bearers of rights across the border

With labour disputes growing in the mainland, people helping workers stand up for themselves

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As she does often, May Wong Yuet-may has been to the mainland recently to see some “friends”. She passes through many cities on her travels, but she has noticed a definite trend in the past few weeks: the Shenzhen station is crowded with migrant workers.

“So many migrant workers are going to their home towns at the same time,” said Ms Wong, co-ordinator of Globalisation Monitor, a group that follows labour issues in China. “This is too early compared with past years: they usually go home just before the spring festival. But it seems to me that now, everyone is part of an exodus.”

A massive closure of factories is under way in the Pearl River Delta. According to a recent estimate by the Dongguan City Association of Enterprises with Foreign Investment, at least 2.7 million workers in southern China are likely to lose their jobs.

In other countries it is natural to seek help from a trade union when the factory you have worked for closes, but that is not necessarily an option for mainland workers. Independent trade unions are effectively banned. Mainland trade unions are mass organisations of the working class led by the Communist Party and formed by the workers and staff members on a voluntary basis, according to the Chinese constitution.

Workers have the right to join and organise unions, but they must be part of the All-China Federation of Trade Unions, which is controlled by the party. And it is illegal to have any connection with overseas unions.

Some of Ms Wong’s “friends” are workers affected by the factory closures. Over the past 20 years, a group of people like Ms Wong has been busy travelling back and forth to the mainland to help workers there, teaching them about their rights and about the law.

“We do not involve ourselves directly in any labour disputes on the mainland,” said Ms Wong. “Our role is to advise, to educate and to campaign.” When workers are exploited or not properly treated by these factories, since most of the factories are suppliers of big companies overseas, we would talk to these big companies and media overseas to gain more attention for the issue,” she said. “We won’t organise workers openly; this is very clear. But, to us, this is public education. We are constantly testing the limits of the Chinese government.”

Getting involved in mainland labour affairs is not an easy task for an outsider and carries great risks, so why do they bother?

It all began with a big fire at a toy factory in Shenzhen on November 19, 1993, which claimed 87 lives and injured 47. About 200 young, mostly female, workers had tried to escape from the Zhili Handicraft factory building, which contained a production site, warehouse and dormitory.

There was mayhem as the terrified workers frantically searched for a way out. But the windows were sealed and the exit gate blocked. Some were trampled to death in the rush.

This factory was owned by a Hong Kong man, and representatives from a number of labour groups in Hong Kong helped the victims of the Zhili fire. That was the start of a rapport that began to grow between the mainland workers and Hong Kong labour union organisers.

Apo Leong Po-lam of the Asia Monitor Resource Centre is one of those organisers. "We started to go to the mainland in 1994, after the Zhili fire," he said. "As the factory produced toddler cars and baby toys for the famous Italian brand Chicco, we visited the workers and pressured the company in Italy to compensate the victims at the same time."

Instead of being involved directly in the dispute, like most unions everywhere in the world, these people focus on building the workers' capacity to organise themselves. "We provide support to people who are willing to work for labour rights and to help law students willing to offer legal help to workers," Mr Leong said. "We also help with strategy in labour dispute cases." Actually, what we are doing is like a tight-rope walker. We are always testing the bottom line. Of course, we won't touch sensitive issues like Falun Gong, Taiwan or Tibet," he said.

Although his job is unlikely ever to become sought-after, Mr Leong is satisfied with what he and his colleagues have done.

"During the massive closure of factories in the delta region these days, we can see that some workers who had connections with us before are helping with the disputes. As these workers are doing something good for other workers, those workers will protect them."

Cases related to unpaid wages and occupational safety are very common on the mainland. But more workers are becoming aware of their rights, the organisers say.

These affected workers eventually form groups and workers' centres. Nearly 100 such centres are operating nationwide, and many are situated in the delta.

One woman in her 30s, who wanted to remain anonymous out of fear for her safety, told of her experience of not being paid wages. Now employed by a workers' centre, she believes the only way to help workers help themselves is through unity.

"I was unpaid before, but then my colleagues and I got the money back by suing the employer. More and more workers become united when they know that filing a court case is useful to get back what they should have. It has been a long process getting other workers to accept this, since they are worried about getting into trouble," said the woman, who has been at the workers' centre for more than two years.

She acknowledged that some representatives from Hong Kong labour groups did teach them a lot about how to protect themselves during labour disputes. However, the job is not easy. "Officials and employers sometimes made trouble for us. We keep a very low profile to avoid being spotted."

Mr Leong said these workers' groups are doing the same job that most trade unions do, but not on a membership basis. "Unlike the Hong Kong Confederation of Trade Unions and Hong Kong Federation of Trade Unions, who fight to make their name known during labour disputes, these workers' centres are very low key. But their efforts should not be understated, because they are trying very hard to safeguard labour rights."

Dominique Muller, a long-time mainland researcher, agreed that employees' awareness of their

rights was increasing through the contributions of these workers' centres. "Going back 20 years ago, when most workers were affected by the closing down of state enterprises, these workers had no other options, so they preferred to accept a little sum of money in compensation instead of being detained for protesting for their rights," said Ms Muller, executive director of the Hong Kong liaison office of the International Trade Union Confederation.

"But workers nowadays are more organised, some of them use the internet and even set up workers' blogs to exchange information. Moreover, some workers' groups operate in local areas like worker centres. Although they have difficulties supporting workers openly, they publicise what is happening."

Besides the help of these workers' centres, the government's publicising of labour rights has also changed the picture. "There has been a huge jump in labour cases over the years because workers know a lot more about their rights," said Ms Muller.

Employers confirm that workers are much better informed.

"Workers are more rational these days. You can see it from those factory closures in the past few weeks. Also, the government behaves in a more rational way while handling these labour disputes," said Jimmy Wan, who owns a toy factory in Dongguan.

"The implementation of the labour contract law strengthens their concept of labour rights. They ask for overtime payment before starting overtime work," said Mr Wan, who conceded this made things more difficult for employers.

However, another Hong Kong factory owner thinks it is a good thing that workers are better informed. "In the past, many policies in the delta region leaned on employers to attract investment. The workers suffered but there was not much opposition. However, this does not mean that this should last," said Joseph Wong Pang-sui, chairman and convenor of the Hong Kong Small and Medium Enterprise Association.

Neither of these manufacturers was familiar with the operation of the worker centres, but they had heard that widespread labour rights education was being carried out.

"According to my understanding, there are some workers helping other workers with disputes on labour injuries and unpaid wages. Anyway, it is not bad for these workers to help themselves," said Mr Wong, who believes that greater involvement of workers at management level is going to be a future trend in China.

P.S.

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