

# China's labour movement in the age of new media: Walmart China workers' resistance

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In 2016, workers at four Walmart China stores started their strike and attracted wide concern inside and outside of the country. On 1 July, workers from one of Walmart China's stores in Nanchang in Jiangxi started a strike that quickly spread to a second store in Nanchang, and then to stores in Chengdu and Harbin. Over 60 workers joined the strike at each store. Given the geographical distance of these 4 stores (from the north to south of China), how did the workers start the series of strikes and how did they organize despite the geographical distance?

## **“Comprehensive working hours system”: The trigger of Walmart workers' resistance**

In May 2016, without consulting employees, Walmart China unilaterally announced the “comprehensive working hours system” which is similar to the “open workhour system” [4].

The management continued to force workers to sign the agreements and the official union turned its back on the workers. Some workers had mental breakdowns under the pressure and had to take long sick leave and medication. The WCWA was not able to stop Walmart's “comprehensive working hours system” with all its efforts, and the strike finally broke out in the store in Nanchang, Jiangxi. On 1 July, 70 workers marched in the store with slogans. The news of the strike spread quickly through the WCWA's network and another three stores joined the strike. Although the strikes only lasted for a few days, it showed the important role of the WCWA in organizing collective actions and facilitating information exchange among the workers, and how new media was being adopted in the organization strategy of Chinese workers' movement.

## **Organizing workers through network platform**

The Walmart Chinese Workers' Association is an on-line platform for exchange and an important media source for the Walmart workers' organization, which had about 20,000 employees as members at its height (about 1/5 of all Walmart China employees). The WCWA was founded in 2014 by Zhang Jun, who was at the time Walmart's electric technician in Yantai of Shandong, and a few other Walmart workers [5]. The WCWA was only intended to be a platform for exchange of experiences, ventilation of grievances and mutual support among the Walmart workers. As Walmart became more exploitative of the employees, more workers joined the platforms organised by WCWA

to seek help and share their experiences and to fight for their own rights. By 2016, when the employer forced the “comprehensive working hours system” on workers, the WCWA played an important role in information exchange and acting as an organising hub. In the end workers from the four stores went on strike..

Although on-line networks are well developed in China, collective labour actions usually took place in one location. Why did Walmart workers organise action at nearly the same time in four Walmart stores in this case? The key factor is that Walmart deliberately adopted the same management approach in all its stores over the world: the same organization structure, the same number of management layers, the same store regulations, and the same slogans to be chanted daily to promote personal worship of the American founder Sam Walton, creating groups of employees with a common self-identity facing the same working conditions across regions [6]. Although the WCWA did not have a comprehensive organization structure, the common identity and language constructed for Walmart workers all over China allowed the WCWA to easily become a strong organization platform. When Walmart announced the “comprehensive working hours system” in 2016, the WCWA naturally become an important media source for organizing strikes and information exchange between workers at different stores.

At the same time, the WCWA overcame national boundaries through the internet to build an international network and exchange experience with Our Walmart in the USA [7]. In June 2016, workers from China and the USA spent an hour talking on skype through a translator to discuss strike strategies, including negotiation with the employer, the successful experience in the USA and how to exert pressure on Walmart together.

### **Online crowd-funding to support workers’ legal actions. Workers have won 60% of all cases.**

Besides using the online platform to organize workers and connect to international support, the WCWA also used online crowd-funding to raise funds to support workers’ legal actions.

The Walmart management has used various illegal approaches to force employees to accept the “comprehensive working hours system” , and have targeted labour rights activists in particular. However, this has not stopped workers’ determination to defend their own rights. Many employees turned to the WCWA for assistance, and in some of the cases there was sufficient evidence to take legal action. With the support from the WCWA, employees confronted Walmart at the court for their justice.

Since the WCWA was only an online platform of the employees, it did not have funding to support workers’ legal actions. Finally, they decided to use an approach which was new in China - online crowd-funding. In late December 2016, the spokesperson of the WCWA, Zhang Jun, launched a crowd-funding initiative on an online platform in his personal capacity to raise funds to provide legal assistance to Walmart employees in need, including legal advice, preparation of legal documents and employing counsel, to fight against the employer’s “comprehensive working hours system”. The crowd-funding target was RMB50,000 which received speedy support from 300 persons and the target was reached within 1 month. According to the WCWA blog, as of now, it has supported 12 court cases against Walmart and 8 cases received favourable results in arbitration or mediation, a success rate of 60% (Please refer to Appendix 1 for case details).

As the fund has been used up, the spokesperson, Zhang Jun, wishes to raise more money in the future to support the legal expenses of workers defending their legal rights. The WCWA will

continue its support to Walmart workers in need and ensure transparency of fund usage (Please refer to Appendix 2 for crowd-funding expenditure).

In October 2017, the WCWA announced the setting-up of labour rights representatives in different cities for liaison, so that workers can easily approach them for assistance or legal support when needed.

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### **Appendix 1: Cases of legal actions supported by the Walmart Chinese Workers' Association in 2017**

(1) Walmart employee Lingang (alias) was dismissed illegally. The WCWA provided legal support and expenses. The employee won in the arbitration, and the case is now in the Court of First Instance.

(2) Walmart employee Xiaoyu (alias) sued the related government department for administrative omission and connivance in Walmart's "comprehensive working hours system". The WCWA arranged a lawyer and subsidised legal expenses. The case lost in the Court of First Instance and is currently in the Court of Second Instance.

(3) Walmart employee Xiaoyu's (alias) dismissal case reached settlement in arbitration.

(4) Walmart employee Xiaosong (alias) was dismissed. The WCWA provided legal support, recommended a lawyer and supported expenses for arbitration and trial of first instance. The case won in arbitration but lost in trial of first instance, and is currently in the Court of Second Instance.

(5) Walmart employee Zhangqiang (alias) was dismissed. The WCWA provided support for legal procedures and lawyer expenses for arbitration. The case won in arbitration and the Court of First Instance, and is currently in the Court of Second Instance.

(6) Walmart employee Xiaohong (alias) was dismissed. The WCWA provided legal support and supported expenses of lawyers for arbitration. The case lost in arbitration and is currently in the Court of First Instance.

(7) Walmart employee from the Assets Protection Department, R (alias) was dismissed. The WCWA provided legal advice and supported lawyer expenses for trial of second instance. The case is currently in the Court of Second Instance.

(8) Walmart employee Xiedong (alias) was dismissed. The WCWA provided legal support. The case won in arbitration and is currently in the Court of First Instance. The Workers' Association also supported the employee in another case against Walmart for refusing to the salary for paid annual leave, which ended in settlement through arbitration.

(9) Walmart employee Xiaohua (alias) was illegally dismissed. The WCWA provided legal advice and support. The case won in arbitration and the Court of First Instance, and is currently in the Court of Second Instance. The Workers' Association also supported Xiaohua to sue Walmart for underpayment of salary, and arbitration achieved a satisfactory settlement.

(10). The Workers' Association supported Xiaoqing (alias) to sue Walmart for underpayment of sick leave days using the appendix of the new employee manual, as a strategy to fight against the "comprehensive working hours system". In February 2017, the court concluded that Walmart has

underpaid Xiaoqing by RMB1.26. Although the purpose of the legal action strategy was achieved, Walmart dismissed Xiaoqing before the announcement of verdict. The Workers' Association subsequently supported Xiaoqing in an illegal dismissal case.

(11). With the support of the 'WCWA's labour rights representative in Shenzhen, a senior manager sued Walmart for illegal dismissal. The case won at arbitration and the manager was awarded compensation of more than RMB400,000. The case may continue in the Court of First Instance.

(12). With assistance from the 'WCWA's labour rights representative in Nanchang, Walmart Nanchang store employee Linshan (alias) sued Walmart for illegal dismissal. The WCWA provided legal support, recommended a lawyer and subsidised lawyer expenses for arbitration and trial of First Instance. The case won in the arbitration and the Court of First Instance, Walmart gave up its appeal and paid compensation to Linshan. The victory of Linshan's case boosted morale of Walmart Nanchang employees who had been losing on all battlefields beforehand.

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## Footnotes

[1] For more about the "open work hour system", please refer to Anita Chan, "The Resistance of Walmart... (PDF Download Available). Available from: [https://www.researchgate.net/publication/305325304\\_Anita\\_Chan\\_The\\_Resistance\\_of\\_Walmart\\_Workers\\_in\\_China\\_A\\_Breakthrough\\_in\\_the\\_Chinese\\_Labour\\_Movement\\_Made\\_in\\_China\\_no\\_2\\_July\\_2016\\_pp\\_11-15](https://www.researchgate.net/publication/305325304_Anita_Chan_The_Resistance_of_Walmart_Workers_in_China_A_Breakthrough_in_the_Chinese_Labour_Movement_Made_in_China_no_2_July_2016_pp_11-15) [accessed Apr 04 2018]. On ESSF, from Anita Chan (article 44664), [The Resistance of Walmart Workers in China: A Breakthrough in the Chinese Labour Movement](#).

[2] Enterprises which, because of the special nature of their work or production, are prevented from applying the normal system of 8 hours per day and 40 hours per week, may adopt other systems of work and rest according to the relevant regulations of the State.

[3] In fact, the Labour Law of China allows some enterprises to adopt "Comprehensive working hours", but it is only restricted to industries which cannot follow the stipulations due to the "special nature of its production", such as railway, fishing, tourism, etc.. For details, please refer to Article 5 of the "Approval procedures for employers adopting irregular working hours and comprehensive working hours" (中华人民共和国劳动合同法实施条例).

[4] Anita Chan, "The Resistance of Walmart... (PDF Download Available). Available from: [https://www.researchgate.net/publication/305325304\\_Anita\\_Chan\\_The\\_Resistance\\_of\\_Walmart\\_Workers\\_in\\_China\\_A\\_Breakthrough\\_in\\_the\\_Chinese\\_Labour\\_Movement\\_Made\\_in\\_China\\_no\\_2\\_July\\_2016\\_pp\\_11-15](https://www.researchgate.net/publication/305325304_Anita_Chan_The_Resistance_of_Walmart_Workers_in_China_A_Breakthrough_in_the_Chinese_Labour_Movement_Made_in_China_no_2_July_2016_pp_11-15) [accessed Apr 04 2018]...

[5] Zhang Jun was involved in the organization of Ole Wolff trade union from grassroots level in 2006, and the strike of female electronics workers at the Ole Wolff factory in Yantai which became a four-year long struggle with the employer, management and the official union. He was experienced in organizing workers.

[6] 沃尔玛员工维权. 9 January 2017. Retrieve from: <https://borderless-hk.com/2017/01/09/walmart/>.

[7] Our Walmart, a Walmart employees' association in the USA, has over 100,000 Walmart employees as members. However, they do not have collective bargaining rights, and it offers free, voluntary membership. Similar to the status of the WCWA, they do not have much leverage to force changes on the employer.