Looking for excuses: How the All-China Federation of Trade Unions’ responds to workers’ calls for help

As the world's largest trade union, the All-China Federation of Trade Unions (ACFTU) should be ideally placed to help improve the pay and working conditions of China's 800 million workers, including 290 million low-paid rural migrant workers.

However, since the establishment of the People's Republic of China in 1949, and during the reform era in particular, the ACFTU has rarely been a strong advocate for workers' rights. Instead, the union's primary role has been as a servant of the Chinese Communist Party, responsible for ensuring harmonious labour relations, economic development and political stability.

By the time China's paramount leader Xi Jinping assumed power in 2013, however, it was clear to everyone that labour relations were far from harmonious, economic development was faltering, and the Communist Party's political legitimacy was under threat.

The ACFTU was failing both the Party and the workers. So, in November 2015, Xi Jinping launched a new initiative at a meeting of the Central Committee for Deepening Overall Reform, focussed specifically on reform of the trade union. Tellingly, the full text of the reform initiative has never been made public but from official pronouncements we can see that the two main objectives are: 1. eliminating four impediments' to the ACFTU's work - regimentation, bureaucratisation, elitism and frivolousness, and 2. 'increasing three positive attributes' of the organisation - political consciousness, progressiveness, and popular legitimacy.

Translated, what this Party Speak essentially meant was that the ACFTU should get its act together and help the workers who were staging strikes and protests in record numbers at the time. China Labour Bulletin's online Strike Map' recorded 2,775 incidents in 2015 alone, and this probably represents less than ten percent of the actual number of worker collective actions that year.

Inevitably, the ACFTU has tended to give itself a glowing report card whenever it discusses the progress of the reform initiative, so in the summer of 2018, China Labour Bulletin decided to launch our own investigation into the work of China's trade unions, and assess just how well they were living up to their stated objectives. Our investigation was based on incidents of workers' collective action, individual worker pleas for assistance, or work accidents that had been recorded on our three online map databases. We would then call the local trade union offices responsible to discuss what officials were doing to help. The ACFTU has a hierarchical structure that essentially mirrors that of the Party and government. Each province and municipality have their own union federation beneath which there are county, district and even sub-district unions in heavily industrialised areas. Generally, we tried to call those trade union officials closest to the incident but in most cases, it was the municipal-level officials who were the most communicative.

Initially, we would ask the officials whether or not they were aware of the incident in their jurisdiction and, if so, what had been their response to it; had they intervened to help the workers defend their rights, had they mediated in the dispute or sought to negotiate with the employer to resolve it, or had they simply ignored the workers' plight? If the trade union officials were talkative, the discussion could then broaden out to a critique of the union's performance and the difficulties officials had in organising workers, resolving labour disputes and implementing the trade union reform agenda.

By the end of March 2021, we had investigated 112 separate incidents in a wide range of industries, covering the majority of China's regions and provinces. All these cases have been added to a Chinese-language geographical database2 from which we can clearly see that in the majority of cases the officials were not even aware of the incidents until our staff members mentioned them and, in even fewer cases, did officials actually intervene.

In our most recent investigation into seven specific incidents in different locations and industries, we focused in particular on the willingness and ability of local trade unions to defend workers' rights and help with work injuries and accident prevention. The seven cases analysed for our latest report were:

1. Workers seek payment of wages in arrears at a decoration project in Wuhan.
2. An airplane crash in Binzhou, Shandong, kills three aviators.
3. Construction workers on a poverty alleviation project in Bazhong, Sichuan, seek help obtaining payment of wage arrears.

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4. One worker is killed and two are injured after an explosion at a factory in Yibin, Sichuan.
5. Couriers protest against wage arrears YTO express parcel branch in Fuzhou.
6. Workers protest against wage arrears at construction project in Linxia, Gansu.
7. Violent conflicts erupt after staff at home-letting agency Danke in Beijing are laid off and owed wages in arrears.

The results are discussed below.

**Hard to find**

The first point to note is that trade unions can make themselves hard to reach, perhaps in an attempt to avoid being bothered by workers in need. Far from all district and county-level trade union federations have their own website or phone hotline. When contact information is listed, it is sometimes incorrect or no one answers the phone.

For example, in a wage arrears incident in Hanyang district, Wuhan, a trade union official told us that they were not planning to build a website and that anyone wishing to contact them should use a directory enquiries service like 114 or 10000. For unions that have limited human and financial resources, embarking on vanity projects or propaganda exercises seems to be an easier option than extending tangible help to workers. The Hanyang district trade union federation, for example, had actually listed the enterprise behind the wage arrears issue we had called to discuss as a candidate for a ‘AAA credit enterprise’ award last year.

Likewise, when we tried to contact the Shandong Office of the China Civil Airlines Union to discuss a plane crash during flight training exercise in the airspace of Binzhou, Shandong, that killed three people on 20 September 2020, we found neither an official website nor a phone number. However, we did find press releases online about their regular meetings. When we contacted the national China Civil Airlines Union in Beijing, which is supposed to supervise the Shandong office, officials there were unclear about how to reach the local union and again suggested we try directory enquiries. When we did find Shandong officials to talk to, none of them thought there was any need for the union to investigate these fatal workplace injuries.

**Bureaucratic passivity**

Trade unions usually prefer to wait for workers to ask for help rather than proactively tackle issues. We spoke to an official in the city of Bazhou, in Sichuan, who took a passive approach to supporting workers and was reluctant to even speak to us. He emphasised several times during our phone interview: ‘You are an illegal overseas organisation. You have no say in whether unions will represent the workers and defend their rights or not. If workers do have any concrete demand, they will come to us and ask for help.’ If workers do seek help, they are required to submit documents and evidence. However, most of them are unfamiliar with administrative and civil procedures, lack documents which prove labour relationships or work injuries, and do not even know what trade unions are. Workers need unions to step in but...
existing procedures set a high threshold for this to happen.

Another Bazhou union official told us: ‘It’s better for the worker to call us. If they take the initiative, it is easier for us to get to the truth of the matter’. These replies show an ignorance of how workers handle labour disputes. In most cases, workers seek help by posting their grievances on social media because that is one of the few options still available to them. It is trade union officials who should take the initiative by monitoring these calls for help and responding appropriately. They should not simply sit in their comfortable office, holding meetings, and waiting for workers to come to them.

Low migrant worker and gig worker membership

In the vast majority of cases, local trade unions only take action when workers are actually union members. While this may seem reasonable, it is important to note that very few rural migrant workers, those typically in the low-paid, hazardous, and precarious jobs that need a union presence, are members of a union. According to the 2019 National Bureau of Statistics survey, only 13.4 percent of migrant workers living in cities had joined union organisations. Most workers cannot access legal aid services or have unions carry out collective bargaining on their behalf. The proportion of migrant workers joining and participating in trade union activities is slowly increasing, but migrant workers rarely seek help from unions to resolve labour disputes.

In Yibin, Sichuan, an official said that unions could only provide legal aid and collective bargaining services to existing members. At the same time, the official admitted that workers, particularly those from rural areas, were unclear about the role of unions. As such, there is an urgent need for unions to actively recruit members and adapt their practices to fit workers’ interests.

When speaking with officials who were open to discussion on improving membership rates, we found that rigid rules stood in the way of workers accessing aid. After hearing about a wage arrears incident involving delivery workers in the south-eastern coastal city of Fuzhou, we called the municipal trade union federation, and suggested that that enterprise unions or sectoral unions should represent gig workers such as food delivery workers, couriers and construction workers. However, an official said that only enterprise management could set up enterprise unions. If management does not set up a union branch, workers cannot join. Since membership is based on a formal employment relationship, gig workers find it even more difficult to get a union card than migrant workers employed in a factory.

Passing the buck

Union officials often fall back on the common excuse that they are not the only ones responsible for resolving labour disputes. The labour inspectorate, arbitration committees, civil courts and local governments also have a role in enforcing workers’ rights, however, there are clear stipulations on union responsibilities in the Trade Union Law, Work Safety Law and other regulations that union officials conveniently choose to ignore.

In a wage arrears incident in Dongxiang, Gansu, for example, the official who answered the phone was open to discuss how collective bargaining was carried out in the district. However, the official said the union only negotiated collective wage agreements, wage arrears disputes were left to the labour inspectorate.

We received a similar response from a trade union official in Beijing’s downtown Dongcheng district. In discussing a nationwide wage arrears case involving the residential rental company Danke, we suggested the union step in to mediate between thousands of workers and the company. The official insisted that since the workers had already applied for labour arbitration, they should wait for the result, and that the union was unable to force the company to compensate its workers.

Many of these issues had already been identified in our earlier investigations. As such, we can conclude that there are still numerous problems, directly related to the ACFTU’s rigid bureaucratic structure and passivity, that prevent officials from actively engaging with workers in need. All of the four impediments to the ACFTU’s work, identified by the Party and still there, and very few of the three positive attributes have been realised. For China’s workers, this means they have been left without an effective organisation to represent them, a union that can stand up against employers who routinely flout labour law and think they can get away with it.

1 https://maps.clb.org.hk/718&n_language=en_US&map =1&startDate=2015-01&endDate=2015-12&eventlid =&keyword=&addressId=&parentAddressId=&address= &industry=&parentIndustry=&industryName=

2 https://www.clb.org.hk/zh-hans/content/%E5%B7%A5%E4%BC% 9A%E6%94%B9%E9%80%A9%E8%A7%B2%E5% AF%9F%E4%88%8E%E4%BF%83%E8%BF%9B