Industrial Democracy in China

With additional studies on Germany, South-Korea and Vietnam

Rudolf Traub-Merz and Kinglun Ngok (eds.)

INDUSTRIAL
DEMOCRACY
IN CHINA

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Content

Foreword	IV
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Rudolf Traub-Merz

Introduction	1
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Part I

Representing Workers Interests through Trade Unions

Rudolf Traub-Merz

The All China Federation of Trade Unions (ACFTU): Structure, Functions and the Challenges from Collective Bargaining	11
--	----

Kinglun Ngok

The ACFTU as a Lobby Organisation – The Making of the Labour Contract Law	52
--	----

Qiao Jian

Tripartite Coordination with Chinese Characteristics: A First Step Towards Tripartite Consultation and Social Dialogue?	61
--	----

Kong Xianghong

Capacity-building and Reform of Chinese Trade Unions: Using Legal and Democratic Means to Resolve the Conflict of Roles of Trade Union Chairs	78
---	----

Jing Yuejin

The “Yiwu Model” and Labor Rights Protection with Chinese Characteristics	88
--	----

<i>Elaine Sio-ieng Hui and Chris King-chi Chan</i>	
The Prospect of Trade Union Reform in China: The Cases of Wal-Mart and Honda	103
<i>Anita Chan</i>	
In the Absence of Industrial Democracy: Industrial Conflicts in China and Vietnam	121
<i>Do Quynh Chi</i>	
Informal Labour Activism and the Prospects for Industrial Relations Reform in Vietnam	148
<i>Sung Hee Lee</i>	
Transition in Union Representation and the Organisation of Worker Representation in Korea	170
<i>Wolfgang Däubler</i>	
Representation of Workers by Trade Unions: The Case of Germany	182

Part II

Workplace Representation of Workers beyond Trade Unions

<i>Feng Tongqing</i>	
An Overview of the Workers' Congress System in China	195
<i>Do Quynh Chi</i>	
Workplace Consultation in Vietnam	210
<i>Bae, Kiu-Sik</i>	
Industrial democracy through the Labor-Management Council in Non-union Firms in South-Korea	223
<i>Wolfgang Däubler</i>	
Representation of Workers at Plant and Company Level in Germany – Elected Representatives and Their Legal Position	238

Part III

Corporate Social Responsibility and Workers Interests

<i>Reingart Zimmer</i>	
Will Corporate Social Responsibility Help to Improve Working Conditions?	251
<i>Liu Kaiming</i>	
The Current Situation and Trend of Corporate Social Responsibility in China	265
<i>Pun Ngai and Lu Huilin</i>	
The Foxconn Production Model and the New Era of Student Workers	280
<i>Maren Knolle</i>	
Corporate Social Responsibility in Supply Chains: Improving Working Conditions through Dialogue and Cooperation	297
<i>Jenny Chan</i>	
Labour Rights Training at HP Supplier Factories in China	314
About the authors	328

Labour Rights Training at HP Supplier Factories in China

Jenny Chan

1. Introduction

On 7 May 2009, John Gabriel, Board Chair of the Electronic Industry Citizenship Coalition (EICC) —a global electronics industry association that represents the 45 leading companies, including Hewlett-Packard (HP), Apple and IBM—spoke in support of prioritising *worker training* as an EICC common development goal at the meeting in Amsterdam (MakeITfair and GoodElectronics 2009). Listening to the participants in the meeting, it would appear that multinational companies generally agree that supplier auditing is an essential part of corporate social responsibility (CSR), but its shortcomings at the worker level mean that additional measures are required to ensure full worker participation.

This chapter argues that *participatory training in labour rights* is a complementary strategy in relation to supplier auditing in advancing CSR. Its focus is an innovative multi-stakeholder project jointly being carried out by HP, the world's largest technology company (by revenues), and three Hong Kong non-governmental organisations (NGOs): Students and Scholars against Corporate Misbehaviour (SACOM), the Labour Education and Service Network (LESN) and the Chinese Working Women Network (CWWN).^① The steering committee collaborated on a

^① Between 2007 and 2009, SACOM obtained a grant from Swiss charity Bread for All to independently monitor the HP Labour Rights Training Programme. HP reimbursed programme expenses incurred by LESN and CWWN, while the NGOs' primary funding sources are not-for-profit foundations.

training programme at two HP suppliers in Dongguan City in Guangdong Province: Delta Group and Chicony Electronics. Between September 2008 and June 2009, a total of 4,500 frontline workers and managers at different levels actively participated in training sessions. While this HP China Programme has been recognised by John Ruggie, UN Special Representative of the Secretary General on Business and Human Rights, as a good example of a company providing non-judicial grievance mechanisms (UN 2010), expansion of the concept of citizenship at work will require much a deeper commitment from national and local states and global civil society (Seidman 2007).

2. Strategic Collaboration

Business ethicists at HP headquarters strive to ensure that HP operates as a good corporate citizen by driving the development of the Supply Chain Social and Environmental Responsibility Policy. HP was the first company in the electronics sector to disclose a list of suppliers in 2008 but it did not provide information on manufacturing locations and workforce profiles. Behind the façade of “clean and green” technology production, the mass media has paid attention to the use of child labour (and other precarious employees, such as student interns and agency workers), chemical poisoning, forced overtime and suppression of union rights at subcontractors worldwide (see, for example, Adams and McLaughlin 2009).

SACOM raised public awareness by encouraging consumers to send postcards bearing the words “High-Tech, No Rights?” to multinationals such as HP (SACOM and Bread for All 2008). On 11 January 2007, HP opened a dialogue with SACOM in a teleconference coordinated by CSR Asia, a member of HP’s Stakeholder Advisory Council. SACOM made suggestions to HP to strengthen its relations with Chinese suppliers. These included using credible local trainers, training workers as well as frontline managers and engaging in dialogue with stakeholders at all levels. HP expressed interest in using local labour groups’ worker communication skills to improve the CSR management of its suppliers. Right from the start, HP’s direct contractual relationship with Delta and Chicony Electronics put it in a strong position to introduce the draft NGO proposal. Nevertheless, a “leap of faith” by factory management was needed before they accepted the external training team on the ground.

Figure 1: Training Programme Steering Committee-One brand, two suppliers and three NGOs

Name of Hong Kong NGOs	Nature and relationship	Capacity
1. SACOM (Students and Scholars against Corporate Misbehaviour)	Labour-rights campaigning group and programme partner of HP	Training programme coordinator
2. LESN (Labour Education and Service Network)	Labour service group and programme partner of SACOM	Training provider at Delta factory
3. CWWN (Chinese Working Women Network)	Labour service group and programme partner of SACOM	Training provider at Chicony factory

Taiwanese Delta Electronics began investing in Shijie Town in Dongguan in 1992. In the past 20 years, it has expanded to Shanghai, Wujiang (Jiangsu), Tianjin, Wuhu (Anhui) and Chenzhou (Hunan), providing power supplies, telecom components, LED bulbs, digital projectors, networking devices, industrial automation systems and renewable energy solutions. From January to October in 2010, the Group's sales revenues totalled NT \$ 140.7 billion (US\$ 4.6 billion), a 39 per cent increase for the same period one year previously.

Chicony Electronics is also a Taiwanese-invested enterprise, beginning production in Qingxi Town in Dongguan in 1998. Attracted by local economic incentives, it built a multi-storey factory in Wujiang (Jiangsu) in 2001 and relocated to Chongqing municipality in the west in 2011. The company manufactures keyboards, power adaptors and video cameras. Compared to Delta, the capacity of Chicony is smaller but it is fast growing. As of 31 December 2010, Chicony had generated consolidated revenues totalling NT\$ 60 billion (US\$ 1.8 billion).

Directors of Delta and Chicony, facilitated by HP, met with NGO representatives to discuss the detailed objectives and content of the proposed in-factory training programme.

Supplier Involvement

The management approach differed between Delta and Chicony Electronics with regard to accepting training offers. Delta tended to be pleased with its track record of business success and had a longer history of CSR, so its management felt little need to learn from small labour groups about corporate responsibility. In contrast, Chicony sought every opportunity to improve itself as a means to expand its market reach. Cooperation between NGOs and Chicony was therefore initially smoother than with Delta.

Delta executives have been working for some time with professional consultants to strengthen the company's administrative structure. They generally see the proposed training course as little more than a "repeat programme" of Delta's own training. It took tremendous diplomatic skill on the part of SACOM to get the top-level managers to understand the value of cooperating with grassroots labour groups. In the end, Vice President Dick Hsieh was convinced that the CSR investment-in working closely with HP-was necessary to improve its global competitiveness.

At Chicony, the senior management was motivated to transform itself into a leading CSR player by 2010. Among other things, Chicony was preparing to apply for EICC membership.^① The company benchmarked its achievements in related areas, encompassing labour and ethics, as well as environmental standards. Vice President Chris Huang repeatedly stressed that Chicony was integrating HP's supply-chain social responsibility standards into its core business operations. The training programme was taken as a step which would enable Chicony to set off on its journey to join "the EICC family" .

NGO Engagement

Through discussions with HP and suppliers, SACOM defined two main

^① A full up-to-date members list of the Electronic Industry Citizenship Coalition is available at <http://www.eicc.info/MEMBERSHIP.htm>.

objectives of the training programme: first, to raise workers' and managers' awareness of the specific rights that are protected under Chinese labour law; and second, to improve communication and grievance mechanisms to ensure protection of workers, thereby strengthening the implementation of corporate codes of conduct at the workplace level.

In China, recent legal reforms have opened up new opportunities for worker education and rights activism. In 2007, the government enacted the Labour Contract Law (effective 1 January 2008), the Employment Promotion Law (effective 1 January 2008) and the Labour Mediation and Arbitration Law (effective 1 May 2008), in an attempt to contain protests within administrative and judicial channels (Wang, Appelbaum, Degiuli and Lichtenstein 2009; Chan 2009). These national laws define workers' rights, including labour contracts, working hours, wage rates, social insurance, compensation and equal opportunities. In addition, Article 4 of the Labour Contract Law requires all employers to consult with either a union or other elected worker representatives before approving enterprise-wide rules on work or employment conditions. Moreover, as provided by the law, employees who become worker representatives are protected from discrimination and allowed access to management and co-workers in order to carry out their representative functions. In the event of employment disputes, the length of time during which workers can file a case for arbitration has been lengthened from 60 days to 1 year, as stipulated in the Labour Dispute Mediation and Arbitration Law. Article 53 further waives arbitration fees. All these legal empowerment tools have been made available to Chinese worker-citizens.

In light of progressive legal and social changes, the role of SACOM is to promote the sharing of best labour practices between Delta and Chicony factories. During the training, SACOM updated managers-in-charge with regard to the ongoing development of worker activities in the other factory. A positive effect of this comparison was that the schedule of the training was well adhered to. More importantly, the spirit of disseminating good practices was upheld, such as swift management response to workers' enquiries. In addition, SACOM built up a partnership with the two NGOs to establish mechanisms for worker communication.

LESN and CWWN are responsible for developing training curriculums tailored for Delta and Chicony, respectively. In deciding to take part in the HP Labour Rights Training Programme, both service-oriented NGOs aim to refine their training skills to promote better understanding of labour rights among the workforce.

In February 2008, SACOM presented the finalised proposal to the management team at HP headquarters in Palo Alto.^① The approval by HP's American, Hong Kong and mainland China offices was a promising start. In July, HP provided further support by recruiting an experienced Chinese manager to oversee the implementation of the programme.

3. Participatory Training Methodology

With the managers' assistance in sampling, the NGO team conducted a survey to learn about workers' knowledge of corporate codes of conduct and their expectations with regard to the training workshop.^② On 20 February 2008, CWWN collected 242 completed questionnaires from Chicony Electronics. On 12 March 2008, LESN gathered 512 completed questionnaires from Delta Electronics. Based on the survey results, trainers were able to expand certain parts of the labour rights curriculum to meet the needs of a majority of the workers; for example, adding the newly revised Chinese regulations on minimum wages, safety protection and social insurance schemes. In this interactive process of needs assessment, workers were grouped together in training designed for them. Separately, NGO staffers conducted in-depth interviews with managers to exchange ideas about participatory training methodology.

Delta: Seminars for Managers and Booklets for Workers

Delta committed itself to a two-session seminar for 40 supervisors and middle-level managers, a single class for 1,549 workers organised in 10

① Meeting between HP Team led by Judy Glazer and Bonnie Nixon, Global Social and Environmental Responsibility Operations, and Jenny Chan (SACOM) on 4 February 2008, California.

② The questionnaire survey report's quantitative data (frequency distributions and cross-tabs) and qualitative analysis (workers' responses to open-ended questions) are on file with SACOM.

separate sessions and free dissemination of the EICC and Labour Law Booklets to all participants.

In principle, Delta employees could express concerns about labour issues to supervisors through meetings, phone calls and e-mail. The suggested worker hotline operated independently by LESN was therefore not approved as part of the training work plan. Both LESN and SACOM were sensitive to Delta management's overt concern about the substitution of an external hotline service for an internal management system. The NGOs scaled down the scope of the training module to try to build a cooperative relationship with the top-level management. In November 2008, a Delta inter-departmental task force was set up to coordinate the programme.

On 8 January and 9 March 2009 (the Chinese New Year festival fell in between), LESN conducted workshops for managers. The content included counselling and communication skills, techniques for small group activity organisation and analysis of standards laid down in Chinese labour laws versus Delta company rules and regulations. The participants declared that they had greater confidence in dealing with questions raised by workers. One female manager said:

I'll be able to explain clearly the company's CSR policies to the workers, and highlight the progress we've made. Through direct communication, I want workers to feel like "we're part of our Delta community" .

In addition to management training, starting from mid-March 2009, LESN educated workers on new labour laws and the EICC Code. Approximately one-third of Delta Plant 2's workforce had attended the training. All were day-shift workers who took part in the training in the evenings (6:30 – 9:00 p.m.), except for 41 night-shift workers who extended their shift to attend a morning meeting. Delta paid employees for time spent in the training sessions.

In a large classroom, LESN used audio-visual aids to graphically display the labour regulations to the worker audience. A quiz on "What is wrong with worker X's wage statement?" drew most attention from the participants. LESN set a hypothetical example and asked questions about the correct calculation of monthly basic and overtime wages. Many

workers raised their hands, while others quickly shouted out the answers. In later training sessions in May and June, dozens of workers from a number of production departments anxiously approached LESN with their wage slips to inquire about their overtime pay. The seeds of rights awareness sown in the workers' minds were taking root.

In dealing with the perceived “wage underpayment” issue, LESN called a meeting with senior Delta managers, HP and SACOM on 27 May 2009. The LESN team declared that the wage calculation mechanism and payment system at Delta was unclear, creating misunderstandings. After a thorough investigation, the administrative department settled the dispute by providing a clear explanation of the wage statement, breaking down basic pay, overtime and deductions for accommodation and social insurance. Delta's remedial action was positive in rebuilding workers' confidence in the company.

In moving in a more proactive direction with regard to worker communication, Delta managers began using the last 30 minutes of each of the 2.5-hour training sessions to listen to workers. Following the presentation, LESN trainers provided each participating worker with a pen and paper to write down questions. The atmosphere of worker empowerment created by the LESN training enabled Delta managers to get more candid feedback from employees. Managers benefited from insights about workers' priority issues. When discussions about labour discipline, rewards and punishment became heated, managers promised to get back to workers by posting company notices and arranging meetings.

LESN also supplemented the lectures by providing every worker with a 37-page pocket-sized booklet that covers four main sets of issues: the labour section of the EICC Code, legal labour rights in China, health and safety regulations and up-to-date provisions on industrial injury and occupational disease. Both Delta workers and managers welcomed the idea of disseminating the booklets to the training participants. A human resources manager commented:

The booklet includes key aspects of workers' rights and responsibilities. I trust that workers would find the booklet useful. You know, as time passes, workers may forget what they have learned in today's training.

The participatory training programme for workers and managers is crucial, especially since Delta has not yet recognised a trade union. Upon completion of the programme in June 2009, Delta leaders agreed to listen to workers' feedback and LESN's comments and "look into the possibility" of setting up a worker representative system.

Chicony: Independent Worker Hotline and Upgraded Worker Committee

Concurrently, Chicony agreed to a programme that contained a single lecture for 2,714 workers organised in 18 separate sessions, installation of an independent worker hotline for filing complaints and a four-session workshop for 30 worker committee representatives.

Workers will use a communication channel only if it earns their trust. CWWN aimed to create a useful tool for workers to report problems confidentially; for managers to gain knowledge of workers' everyday concerns without revealing individual workers' identities; and to assist brands in monitoring the progress of code implementation at the workplace. CWWN answered Chicony employees' calls to an external telephone line. Upon receiving a call, CWWN carefully records the details of grievances in an electronic log-book, which is kept strictly confidential. There is no cost to workers for contacting the 24-hour hotline service.

Approximately 50 per cent of the entire workforce attended the training. CWWN received a total of 126 phone calls between September 2008 and May 2009. Workers expressed a broad range of concerns about dormitory conditions, provision of social security, wages and working hours, health and safety and company employment rules.

In response to the workers' feeling that the factory made it too difficult for them to resign, for example, Chicony publicised the relevant rule: whoever gives 30-days' notice in writing is free to go and all outstanding wages will be paid. In a review, Administrative Director Vic Lee expressed the belief that the misunderstanding could have arisen when workers gave only verbal notice and failed to go through the proper application procedure. Accordingly, he provided workers with clearer guidelines. At the same time, Chicony promoted its paid leave policy so that workers would be aware of alternatives when deciding whether to

resign. In a matter of days, Chicony was successful in clarifying that employees are free to take leave or resign without penalties.

In another example, Chicony improved workers' living conditions. In late September 2008, right after the first training session, some workers reported that they did not have access to hot bathing water in their dormitories. CWWN representatives brought up the issue in a meeting with Chicony managers, who explained that in fact the lack of hot water was caused by the broader problem of inadequate utility supply in the entire town. To cope with workers' immediate needs, Chicony installed a heating device in the dormitory. Workers welcomed the new facilities with applause. In this transparent process, more workers were motivated to believe that problems could be solved and to use the CWWN hotline service for that purpose.

Between April and June 2009, CWWN trainers initiated discussions with the 30 worker committee members about the representative role of a worker organisation. The trainees set forth six major goals with regard to their work; to improve employees' welfare; to improve wages and benefits; to arrange cultural and entertainment activities; to express workers' opinions; to add value to the factory; and to enhance their own abilities as committee members. CWWN encouraged the participating worker representatives to share their work plans with the general workforce and managers in order to obtain wider support and solicit suggestions. The representatives also acquired valuable skills in collecting inputs from their co-workers through semi-structured interviews. Through role play and short speech exercises, they learned how to present their ideas confidently to senior managers.

Chicony Administrative Manager Chen Jianqiao vividly commented:

The training programme has created a win-win situation for both management and workers. Workers are more efficient because they feel their voices are heard and respected; management wins CSR scores and new business with customers and has fewer conflicts with employees.

For factory management, improving CSR is often linked to enhancing labour productivity and profitability. A cost-benefit analysis is emphasised

(FIAS and BSR 2007).^① In March 2010, Chicony succeeded in becoming an EICC member.

4. Effectiveness of the Training Programme

The multi-stakeholder programme enhanced communications and understandings between HP, suppliers and NGOs about factory labour policies. The rights-oriented training also inspired changes and refinements to existing corporate governance and grievance management practices. Notwithstanding the successes, the programme faced a number of major challenges.

Achievements

The most important result of the programme was to give *workers* the sense that they have the power to influence their working conditions. Hundreds of workers brought up previously unspoken issues to NGO trainers and managers, including overtime wage payment, excessive working hours, health and safety problems, dormitory hot water supplies and applications to leave their jobs. Many workers offered constructive suggestions to management for continuous improvement.

In answering workers' concerns, managers learned the importance of making labour policies comprehensible to all. They accepted NGOs' invitation to speak directly to workers in training sessions and morning assemblies, and to circulate remedial action plans via newsletters and display boards. Chicony spelled out the simple requirements for resignation. Upgraded dormitory facilities won workers' support. Similarly, Delta explained the calculation of wages and listed specific items in wage slips. These management efforts increased corporate transparency and accountability.

^① In a large-scale ICT (information and communications technology) Supplier Forum in Shenzhen City, 21 Chinese suppliers summarised cost and benefit data meticulously in five major areas: tangible external benefits (for example, increase in orders), tangible internal benefits (for example, less workforce turnover), intangible benefits (for example, improved collaboration with buyers), compliance costs (for example, recurrent costs of compliance monitoring and documenting) and non-compliance costs (for example, loss of sales and cost of increased injuries). Ultimately, business tends to respect workers' rights when the CSR "benefits" outweigh the "costs" .

Challenges

Global competition with regard to just-in-time production has undermined suppliers' ability to meet minimum labour standards. Under pressure, Delta and Chicony extended workers' shifts during peak season. Managers confided to NGO trainers that the local government had granted factories "special permission" to work 80-130 hours overtime a month, about two to three and a half times the maximum 36-hour legal limit!

Workers face very long working hours. A recent EICC (2010: 20) industry survey found that 74 per cent of the 42 member companies reported excessive working hours as "one of the top three areas for improvement" in their supply chains. While the EICC researchers have revealed neither the total hours of overtime nor the specific locations of the surveyed facilities, it is generally observed that the problem is severe in China, especially in the electronics and other labor-intensive sectors.^①

Many workers "choose" to do overtime work because their normal wages are very low. In the 2008-2009 global financial crisis, when Chinese exports contracted drastically, the Dongguan government froze the minimum wage standard and both Delta and Chicony-like their peers-paid production workers a basic monthly wage of only 770 yuan (US \$118) for a 40-hour week. The unit price of HP and other customers' orders was not disclosed. In effect, workers and third-party inspectors could not assess whether the current purchasing practices have undermined ethical standards.

The deeper problem behind the pressure of high-stress, low-income jobs is restrictions on workers' right to associate, find a voice and defend their collective interests (Chan 2010). When the Chinese government does not enforce the law, employers like Delta and Chicony feel free to ignore restrictions on overtime. HP's corporate code requires suppliers to respect workers' right to freely form and join organisations of their own choosing in accordance with applicable laws. From worker training to the democratic election of worker representatives, however, there is still a long way to go.

^① On working-hours violations in the nine surveyed toy and garment suppliers to Wal-Mart in South China, see Chan and Siu (2010).

5. Conclusion

The electronics supply chain is highly interconnected and no individual company is in a position to swim against the tide of declining global labour conditions and environmental degradation. This chapter advocates a factory-level CSR model that builds on the joint efforts of multiple stakeholders-in particular, workers-to attain a fair and sustainable IT supply chain. To enable more worker participation in the improvement of working conditions, rights training is needed at senior, middle-management and worker levels.

Drawing on insights from the HP Programme, three key elements were outlined in the design of good training. First, support from *multinational corporations*, such as expertise and financial resource sharing, is important for programme success. It gives suppliers and local trainers an incentive to become actively involved. It is also the responsibility of multinationals *not* to cancel out the effectiveness of progressive corporate responsibility policies by pressuring their suppliers with reduced delivery times, systematically low prices or other practices that cause tensions between suppliers. Second, commitment from *managers*-from the top to the frontline-is crucial. Prompt responses from senior management on labour issues can greatly enhance workers' and frontline managers' confidence in the CSR system. Third, the involvement of *independent trainers* is vital. Grassroots labour NGO trainers-unlike industry consultants-must have autonomy if they are to be credible.

To summarise, the inclusion of workers in the monitoring of conditions and mediation of disputes holds the greatest promise for lasting change. Hundreds of millions of the new generation of Chinese workers are redefining the concepts of decent work and better employment. Governments should strengthen law enforcement and labour protection. Improvement of labour standards in China is important to the development of a more humane version of economic globalisation.

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