

## How direct are the “direct elections” of trade union officials in China?

by Elaine Sio-ieng Hui

Recently there have been reports on the introduction of the “direct election” (*zhi xuan*) of trade union officials in some enterprises in China, mainly in Shenzhen city. This article seeks to address the following questions. Firstly, is this a breakthrough for trade unions in China, which for a long time have been regarded as part of the state apparatus? Secondly, how should we evaluate this attempt at carrying out direct elections in enterprises? Thirdly, in what ways does it transcend the old way of doing business? Finally, how should the new practices be critically assessed?

### The ACFTU in the long-running controversy

The party-state-led<sup>1</sup> All-China Federation of Trade Unions (ACFTU) has long been a subject of controversy in the debate of labour politics in China. The recently published *Industrial Democracy in China* (Traub-Merz and Ngok, 2012) is a good point of departure for assessing its role in contemporary China. The ACFTU has always held a monopoly status in worker-representation. Any attempts to establish trade unions that are independent from the party-state and the ACFTU were met with heavy suppression (Taylor and Li, 2007). During the state-socialist era, the ACFTU was a “transmission belt” between the party-state and workers. On the one hand, it transmitted top-down instructions from the party-state to workers and mobilised the latter to support the former’s propaganda. On the other, it organised the welfare of workers and transmitted their interests and concerns upward for the party-state’s consideration.

Since its economic reform in 1978, China has been facing a new socio-economic and political development; industrial relations are no exception. With the large-scale privatisation of state owned enterprises and the increasing inflow of foreign investment in the private sector, labour exploitation has become commonplace in the country. This has led to an escalation in industrial disputes and strikes. Workers’ grievances are usually about defaulted wages, workplace injury, overtime payment and so on, while in recent years demands for wages higher than the legal minimum standard and democratic trade union reform are also prevalent. In the post-reform era the ACFTU has continued to maintain its double institutional identity - being a state apparatus and also a labour organisation (Chen 2003). It has therefore failed to master the new economic and political environment in China and is incapable of protecting the interests of workers.

Owing to the pro-party state orientations of the ACFTU and sometimes the pro-business tendency of enterprise trade unions, many workers have bypassed the official trade unions to stage strikes in order to advance their interests. This kind of extra-trade-union strike has been meticulously examined by Chan (2010). They have

not only created immense pressure on the ACFTU and the party-state, but somehow also challenged their legitimacy. In 1998 the ACFTU began to actively establish union branches in the private sector, especially in foreign-invested enterprises, in order to pre-empt the intensification of labour activism and to channel workers to the official trade unions. After increasing strikes in South China, the unionisation campaign was further strengthened after 2006. As a consequence, the number of ACFTU’s enterprise affiliates has increased tremendously. However, it is suggested that because of the quota system in union building and members’ recruitment, many new unions formed by the ACFTU are simply “paper unions” (Taylor and Li 2007: 710).

More importantly, this kind of unionisation effort does not amount to a substantial reform of trade unions. Many enterprise trade unions are still subjected to manipulation by companies while higher level trade unions are still bound by ACFTU’s double institutional identity. As a result, extra-trade-union labour activism continues to grow. In 2010, there was a countrywide wave of strikes sparked by the Honda workers in China<sup>2</sup> with many of them demanding democratic trade union reform alongside higher wages and better welfare. The wave of strikes continued in 2011 and 2012<sup>3</sup>, though these captured less foreign media attention. The burgeoning labour activism in the country has put the ACFTU and the government under increasing pressure to carry out trade union reform, which for them mainly refers to the implementation of “direct elections” of enterprise trade union officials (and workplace collective bargaining). For decades, enterprise trade union officials were generally not elected, but appointed by companies or higher level trade unions; and those who are selected are usually from the supervisory or managerial team, who have different interests from the rank and file workers. This is one of the crucial reasons why many enterprise trade unions fail to represent their members adequately and workers are driven to extra-trade-union activism.

### Direct trade union elections in place?

Following the waves of strikes in 2010, “direct elections” of enterprise trade union officials have become a more urgent agenda for the ACFTU. In 2010 and 2011, “direct elections” were held in the Honda factory wherein the 17-day-long strike took place<sup>4</sup>. In May 2012, another “direct election” was held in the Japanese-owned Ohms Electronics Shenzhen Co. after workers went on strike in March demanding higher wages, better benefits, as well as democratic elections of trade union

officials. Meanwhile, the deputy head of the Shenzhen Federation of Trade Unions, Wang Tongxin, has announced a plan to organise “direct elections” in 163 enterprises in Shenzhen this year when the terms of office of their trade union officials end<sup>5</sup>.

This is certainly a step forward for the democratic trade union development in China; however, past experience justifies any caution towards over-optimism. How many times have trade union reforms been put on stage in China, and how many times were they displaced and forgotten altogether? The first pilot scheme for “direct election” of trade union chairs dates back to 1986, which took place in the *SheKou* industrial zone in Shenzhen<sup>6</sup>. A few companies were involved in this pilot scheme. However, later on not only did direct election not spread to other areas of the country, but over time the so-called direct election exists only as a formality in these companies because management heavily influenced the selection of candidates. And as elaborated above, for years the ACFTU sought to build up more enterprise trade unions in the private sector, but despite the growth in number on paper, trade union representation is still weak and the workers’ discontent still cannot be handled satisfactorily by them. The past always serves as a cautious reminder.

One important thing about the current “direct elections” in South China should be highlighted. Although the term “direct election” (*zhixuan* in Chinese) is widely used, it is substantially different from the conception understood in other countries with a strong tradition of industrial democracy. In both the case of Honda and Ohms Electronics, the rank and file workers in different departments voted in the election of their departmental branch committees (*fenhui weiyuan*) and the trade union members’ representatives (*gonghui huiyuan dabiao*). Then the election of the enterprise trade union officials was held, but only the trade union members’ representatives, who were merely just over 70 in number, had the right to nominate candidates and vote in the elections, while the rank and file workers did not have a say. Likewise, for the election of the trade union chair and vice chair, only the trade union officials could nominate candidates and only the trade union members’ representatives had the right to vote. The rank and file workers were excluded once again.

According to the revised Trade Union law in China, trade union officials at various levels can be elected by the trade union members’ congress (*huiyuan dahui*) or trade union members’ representatives’ congress<sup>7</sup>; in the former case all members can vote in the election while in the latter only a handful of members can. The “direct elections” taking place in South China seem to have taken the easiest route from the authority’s point of view, but it definitely is the least inclusive one from the democratic-participatory perspective. When most trade union members could not vote directly in the election of their trade union officials and chairs, would that weaken the accountability of the officials to the rank and file members? Would there be higher chances of manipulation from the companies or higher-level trade unions in the elections, and thus, once again, render “direct elections” a formality? While the

right to organise independently and the right to strike are not legally endorsed, could this indirect form of “direct elections” alone alleviate workers’ discontent and divert their extra-trade union activism back to the official channel? Moreover, the question posed in *Industrial Democracy in China* is of fundamental significance: “Can unions organised on the principles of Lenin’s ‘democratic centralism’ do both at the same time: serve the interests of the party-state and bargain for higher wages and better working conditions?” (Traub-Merz and Ngok, 2012: 3). Introducing “direct” trade union elections is a welcome step in the long-running struggle for trade union reform in China, but it is too early to claim a victory.

1. “Party-state” refers to the Chinese Communist Party.
2. For details of the Honda strike, see Chan and Hui 2012, Hui 2011.
3. See China Labour Bulletin (CLB). 2012. Mapping Chinese Workers’ collective resistance from 2011 to 2012 <http://tinyurl.com/7k6wbl7>
4. See Nanfang Doushi Bao 4th July 2011.
5. See Nanfang Daily 5th June 2012 ([http://epaper.nfdaily.cn/html/2012-06/05/content\\_7090697.htm](http://epaper.nfdaily.cn/html/2012-06/05/content_7090697.htm))
6. Nanfang Daily 5th June 2012 ([http://epaper.nfdaily.cn/html/2012-06/05/content\\_7090697.htm](http://epaper.nfdaily.cn/html/2012-06/05/content_7090697.htm))
7. See Chapter 2, article 9 of the revised Trade Union Law, [http://www.gov.cn/banshi/2005-08/05/content\\_20697.htm](http://www.gov.cn/banshi/2005-08/05/content_20697.htm)

***Elaine Sio-ieng Hui is a PhD candidate at Kassel University, Germany and a labour activist in Hong Kong and China.***

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