

“Power to the Workers”

**-- Envisioning the Progress and Limitations of the Direct Elections of
Shenzhen Enterprise Trade Unions by College Students from Nine Universities**

College Student Trade Union Research Team

October 2013

This report with the title “ ‘Power to the Workers’-- Envisioning the Progress and Limitations of the Direct Elections of Shenzhen Enterprise Trade Unions by College Students from Nine Universities” was produced by “College Student Trade Union Research Team” in China. The report was written in Chinese and released in October 2013 through the Sina Blog.

Accessible Online: www.xingongren21.com/show_15257.htm

The Chinese report was translated into English by Students and Scholars Against Corporate Misbehaviour (SACOM) in November 2013. With thanks to translator Staphany Wong.



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An Open Letter to Shenzhen Municipal All-China Federation of Trade Union

27 October 2013

Dear Shenzhen Municipal All-China Federation of Trade Union (hereafter "Shenzhen ACFTU"),

We are a trade union research team, organized by 12 students from nine colleges nationwide. This summer, our members conducted undercover investigation at five factories in Shenzhen City. We took a month's time, making in-depth interviews with workers, as well working and observing at the factories, to understand the operations of the enterprise unions in these five factories. A research report was subsequently written to disclose our findings.

The reason for us to work in Shenzhen and choose enterprise unions as our research topic, was due to a news release from the Shenzhen ACFTU one and a half year ago. The Shenzhen ACFTU launched direct elections at 163 trade unions, which was an exciting news for us. We considered the Shenzhen ACFTU had been following the tide of history, its move would benefit both the workers and the society and we were proud of it. Then we were alerted by the dismissal of the trade union chairperson at Ohms Electronics Factory in Shenzhen and started searching for more related materials regarding direct trade union elections at those 163 factories, hoping to know more details of their procedure and implementation. Yet, there was little we could find and we realized that to get first-hand materials, it is essential to collect it directly from the workers. Therefore, we gathered together and organized ourselves during summer holidays, travelled to Shenzhen, chose five factories with enterprise unions for further investigation.

Our research shows that some enterprise unions are performing well in some aspects, such as elections do take place at some trade unions. Though the election may not be standardized, some welfare-oriented unions are providing workers with a lot of welfares or hosting interesting cultural activities for workers. Yet some trade unions fail to carry out their duties, or their elections are controlled by the employers. Here is a summary of our major findings (for details, please refer to our research report):

1. Direct elections at trade unions are not fully implemented: only workers from two out of five factories know about elections and the election procedure is not standardized. For example, in Batar Jewellery, the nomination of workers' representatives is not standardized and the union chairperson is appointed by the employer; at Epson Engineering, the problem of unstandardised nomination of workers' representatives also occur.
2. Trade unions fail to fully perform their duties: five factories are found to severely violate labour laws and workers' rights, such as overtimes and unlawful penalty, and serious potential occupational hazards exist in Batar Jewellery and Meigao Plastic. Yet the trade unions have done nothing to solve these problems which are highly related to workers' interests. Some unions are inactive and serve only as paper unions.
3. Workers have limited knowledge on trade unions: among the 211 workers interviewed at five factories, only 16.6% know the definition of trade union and 15.2% realize that they are union members. Yet, this knowledge is not entirely solid, as many only know about the existence of trade union due to its recent activities, such as in Meigao Plastic. Some factories also train their workers to lie about their knowledge on trade union, in order to pass labour inspections. In general, workers neither know about, care about, nor trust their trade unions.

4. Trade union committees are run by management: at Meigao Plastic, except one quality engineer, all union officials are section chiefs, department heads or assistant to deputy manager; at Epson Engineering, except two non-managerial staff, the rest 16 are section chiefs and department heads. Such an arrangement could neither make the union defend workers' rights and interests, nor it could win workers' trust.

Our analysis shows, **that the enterprises, the upper-level trade union, workers themselves and the society are all responsible for the problems mentioned above, especially the enterprises' frauds, attempting to deceive the Shenzhen ACFTU and manipulate the direct elections, require our full attention and vigilance.**

The sincerity and determination of the Shenzhen ACFTU to promote union democratization is highly appreciated and it has shown certain achievements from direct elections. We believe that it would not approve to let the direct elections become a window-dressing project. Thus, we are writing and presenting you our research report, hoping you would look into the issues and push for reforms at enterprise unions.

We are calling for a face-to-face meeting, so that we can present our findings directly and discuss concrete measures for improvements, we are also interested to learn more about your works at the direct elections at enterprise unions. Here are some issues we would like to discuss at the meeting (if granted):

1. To report the violations of labour legislation at the five factories as found in our investigation, to request the Shenzhen ACFTU's assistance in helping the enterprise unions to make corrections at enterprises.
2. To present the problems regarding trade unions' operations for further discussion, to propose our recommendations and explain the reasons behind.
3. Based on our findings, to discuss the Shenzhen ACFTU's proposal regarding reforms at the enterprise unions.
4. To go through the list of the 163 enterprises which have conducted direct trade union elections, to learn about the procedure and development of these elections, as well the Shenzhen ACFTU's achievements, difficulties and obstacles in launching this campaign.
5. To understand the Shenzhen ACFTU's plan in promoting democratization at enterprise unions in the coming one and two years.

We hope that the chairperson of the Shenzhen ACFTU would organize a face-to-face meeting with us, to answer our remaining questions and hear our recommendations. As university students who are concerned about the workers, we would like to make some contribution in promoting direct elections at trade unions.

yours faithfully,

College Student Trade Union Research Team

We are a group of 12 students from nine colleges all over China. This summer, we posed as workers and investigated the operations of the enterprise unions at five factories. These five trade unions are the relatively outstanding unions in Shenzhen city, with one being the model union of the 163 trade unions under the Shenzhen ACFTU's direct elections campaign.

Wang Tongxin, vice-chairperson of Shenzhen ACFTU once said, **“I have always believed, that trade union is an organization of the workers themselves, in which power is given to the workers and workers have the final say.”**

The Shenzhen ACFTU's decision to promote direct elections at enterprise unions is recognized as positive and progressive, some positive effects are also identified in the research. Yet, some loopholes are also found at the process of its union democratization campaign. We believe such a result is caused by enterprises, enterprise unions, upper-level union, workers themselves and the society. We need to pay more attention to enterprises' misdeeds, which attempt to deceive the Shenzhen ACFTU and manipulate the direct elections.

We write the research report up and release it, hoping it can prevent the Shenzhen ACFTU's well-intended policy from becoming an empty slogan. An empty slogan cannot either help the workers, or the society. We also avoid oversimplifying the problem and blame a certain party. This report aims to show a full picture of enterprise unions, on how workers, enterprise unions, enterprises and upper-level union play their roles. We also would like to call for people who are concerned about the workers and the development of China, to pay more attention to union reform, to push for its building and development, to ensure that trade union is a people's organization and safeguarding workers' rights and interests.

We are students who have joined hands because we share the same concern, we hope to contribute in improving workers' situation.

Thus, we are calling the Shenzhen ACFTU to read our report, to think about those issues identified in it and cross-check, to stand by us and other concerned parties of our society, to supervise the enhancements conducted at enterprise unions and to truly “pass the power to the workers”.

Preface

“I have always believed, that a trade union is an organization of the workers themselves, in which power is given to the workers and workers have the final say.” said Wang Tongxin, vice-chairperson of the Shenzhen ACFTU, at an interview with Chinese Workers magazine.¹

In early 2012, the Shenzhen ACFTU adopted a policy of "democratic election, standardized operation and accountability to workers" and subsequently launched a campaign to hold direct elections in 163 factories which have a workforce of more than 1,000 workers. This symbolized that Shenzhen as a progressive city under China's economic reform, was about to bring trade union reform up to another stage. The social and media attention was on the Shenzhen ACFTU and we have been hoping the reform would realize democratization at enterprise unions. Yet there were seldom updates of the campaign and after one year, the attempted dismissal of the trade union chairperson at Ohms Electronics Factory in Shenzhen broke out.

In recent one or two years, workers have been demonstrating the importance of rights to organize, in both the media portray and in reality. It is especially true in some labour disputes, workers would actively demand the trade unions to safeguard their rights and it is a common understanding that trade unions should play a more vital role in future social development. Therefore, the Shenzhen ACFTU's approach is significant and well received by the workers and society.

As a model example of direct elections of enterprise unions among the 163 factories, Ohms Electronics Factory's direct election was closely watched by the public and high hopes were placed.² Yet, in February 2013, shorter than one year after its election, 106 members sent a joint petition to the upper-level union, demanding to dismiss their chairperson. In their joint petition, they stated, “the chairperson from direct election has not only failed to defend workers' rights and interests, but sided with the employer to suppress workers.” Despite the workers' accusations, the Shenzhen ACFTU openly expressed its support to the Ohms Enterprises Union.³ One month later, the petition to remove its chairperson was overruled.

Such a sudden turn is accompanied with overwhelming criticisms, some are condemning direct elections and some are showing sympathy to union chairperson. The dismissal petition of the Ohms' workers was turned down due to the lack of support from the Shenzhen ACFTU, which made us disappointed about such an outcome of its direct election. Yet, the workers' action and demand also sent us shocks. In a year's time, from learning the fact that trade union must be elected by workers and represent them, to dismissing a chairperson due to the lack of performance of the trade union and negligence of the chairperson. Their understanding of union and awareness of rights have grown incredibly fast. Many questions then came to our mind, such as how do the Shenzhen ACFTU carry out direct elections at these 163 factories? How are the union officials elected? How do they operate? Do direct elections have any impacts on workers? How do workers perceive their trade union? The Ohms incident offered us a short glimpse, but how do we get a full picture?

1 Chinese Workers, Issue 5, 2013.

2 In late March 2012, some 700 workers at Ohms Electronics Factory in Shenzhen staged a strike due to dissatisfaction over the enterprise's pay-rise proposal. They raised 12 demands, apart from demands on wages-scheme and management issues, they also complained that the current trade union could not represent workers and called for re-election. An election was conducted in May 2012 and received widespread media coverage.

3 "Municipal Trade Union fully supports the Ohms Union", Southern Metropolis Daily, page SA31, 5 March 2013.

In order to answer these questions, to understand the relation between workers and trade unions in reality, the impact of direct elections on workers, we realized that we must come to the workers, to get first-hand information of union operation. During summer holidays in 2013, 12 college students from nine colleges entered five factories, posing as ordinary workers. They stayed over one month there, dine, live and work with workers, interviewed significant numbers of workers at each factory, to ensure the objectiveness and comprehensiveness of this research (see Table 1).

Table 1: List and basic information of the five factories

Factory Name	Address	Major products	Total workers	No. of interviewees
Shenzhen Batar Jewellery Co.,Ltd	Beishan Industrial Zone, Beishan Road, Yantian District, Shenzhen City	Gold, gemstones jewellery	About 1,500	33
Epson Engineering (Shenzhen) Ltd.	West side, Fifth Industrial District, Nanshan District, Shenzhen City	Printers	About 10,000	25
Fuqun Electronics (Shenzhen) Co. Ltd.	168 Xinbulong Highway, Bantian Village, Buji Town, Longgang District, Shenzhen City	Harddisks	About 18,000	43
Meigao Plastic and Metal Manufacture Co., Ltd	10 Kangming Road, Pingdi Town, Longgang District, Shenzhen City	Household products	About 700	49
Shenzhen Gaoxinqi Technology Co. Ltd.	Gaoxinqi Technology Industrial Park, Liuxian 1 st Road, District 67, Baoan District, Shenzhen City	Mobile phones	About 2,000	61

After the investigation, we put our findings in this report and hope that it will provide better understanding of enterprise unions, especially for the workers to embrace trade unions and unions at all levels to do concrete works, to ensure that unions are genuine workers' organizations. We would be very pleased if this report can have positive influence on workers' work and life, and help promoting democratization at enterprise unions.



Photo Caption: for our research, we chose to work at factories with trade unions and noticed that these unions had been awarded repeatedly

Methodology

We first selected 18 factories, which reportedly were included in the direct elections campaign of the Shenzhen ACFTU, to approach for job interviews.⁴ Due to employment restrictions, we finally were “employed” by five factories.

The five enterprise unions are referred as “model” trade unions in Shenzhen, and won many awards at evaluations conducted by various levels of trade unions. Therefore it is assumed that they could represent the direct election model of the Shenzhen ACFTU and reveal the picture of the reform.

Between conducting our research through questionnaires, and direct experiencing and observing as undercover investigators, we decided to adopt the latter one, in order to expose the in-depth and comprehensive facts, to have more impacts when improving the reality. Having the “workers” identity, we can directly experience the relations between trade unions and workers, to keep a closer eye on union's operations and conduct significant interviews with workers. The major directions which guided our observation and interviews are:

- 1) The current status of direct elections of enterprise unions;
- 2) Trade unions' capacity to address issues related to workers' rights and interests;
- 3) The operations of unions;
- 4) Workers' attitude and evaluation of enterprise unions.

Luo Li, the chairperson of Shenzhen ACFTU has once said, “a trade union is vitalized through being with the people and democratization. This is the ground for a trade union to live and grow. Enterprise union's work must follow the guiding ideology of 'coming from the people and getting to the people'.⁵ We believe that we must first have a good understanding of the reality, know the people's concerns, so that we can go into the people to promote democratization at the grassroots.”

4 The other 13 factories are Ricoh (Shenzhen) Industrial Development Ltd., Xianduan Precision Metal Product (Shenzhen) Co., Ltd., Shenzhen Hailiang Storage Products Co., Ltd., Airmate Electrical (Shenzhen) Co., Ltd., Shenzhen Grandsun Electronic Co., Ltd., Asian power devices Inc., Shenzhen Sed International Power Technology Co., Ltd., Shenzhen Guanghua Printing Co., Ltd., JRD Communication Inc., Keen High Technologies Ltd., Laird Technologies (Shenzhen) Ltd., Hitachi Financial Equipment System (Shenzhen) Co., Ltd., and Persi.

5 Luo Li's speech at "Chairpersons' forum of outstanding enterprise unions", organized by Shenzhen ACFTU, in July 2013.

Findings

1. Five model unions

The five trade unions we investigated, were covered by media or have repeatedly been awarded in competition organized by the upper-level union. In other words, they are the more outstanding enterprise unions in Shenzhen and recognized by the upper-level unions. Among them, Batar Jewellery was one of outstanding units to demonstrate during the campaign of the direct elections at the 163 trade unions.⁶

Table 2: Some awards received by factories and their unions

Factory Name	Awards (or media coverage)
Shenzhen Batar Jewellery Co.,Ltd	"Model house for workers", from ACFTU, 2010 "Model enterprise of harmonious labour relations, Guangdong Province", 2012 "Progressive enterprise for workers, Shenzhen City", May 2012
Epson Engineering (Shenzhen) Ltd.	"Model house for workers", from ACFTU, 2010 "China's best enterprise-citizen", 2011
Shenzhen Gaoxinqi Technology Co. Ltd.	"Progressive trade union of ACFTU's mutual evaluation and caring campaign", July 2013.

Apart from materials gathered from internet, more award plaques were placed in meeting rooms or locked in activity rooms of the trade unions, as the undercover investigators saw.

However, our investigators soon found that the operations of trade unions were not functioning as well as the awards suggested.

6 Chinese Workers, Issue 5, 2013.

2. Operations of trade unions

2.1 Implementation of the direct elections

Wang Tongxin, the vice-chairperson of the Shenzhen ACFTU once told the media, “trade union is a workers' organization. If a trade union wants to achieve something, to play its role, its priority should be to elect its committee democratically. The workers would only recognize a committee elected by themselves and the rights to vote must be given to workers.” Ohms Electronics Factory's direct election at its union, starting from the nomination of workers' representatives, then nomination of union committee candidates, to election, took in total one month. These exercises publicized the existence of trade unions and workers were involved, at various levels, of the election, which was helpful to increase their union awareness. We believe that it is also the reason for the Ohms workers could identify the negligence of their union chairperson and actively demand for his dismissal, in a year's time.

In our research, these five enterprise unions' “direct elections”, have not been carried out as one would expect for a direct election. They simply made a show ad their election procedure has severely violated the legal requirements. Only a few of workers at one factory participated in election, while interviewees in the other four factories neither took part in any, nor they were aware of any election. Some details are described as follows:

2.1.1 Do workers know of the union election?

Workers at Fuqun Electronics and Gaoxinqi Technology did not know about their union elections. All of the 43 interviewees from Fuqun Electronics had no idea about it and only one out of 61 workers from Gaoxinqi knew about it, as he was a committee member. He recalled that “the election of union committee was among seven or eight people, no specific criteria, no general meeting. We are given some votes to write something on them, that is all.”

Meigao Plastic has neither installed any notice board for the trade union, nor put out any notice about the trade union election. When interviewed about election, workers reflected they had not heard or participated in any. Yet, from Longgang District Trade Union's website, there was a report of Meigao Plastic's union election, together with photos.⁷

“In the morning of 12 March, workers' representatives from Meigao Plastic and Metal Manufacture Co., Ltd, of Pingdi Town gathered at the meeting room of the company, to attend the second general meeting and elect the new term of trade union officials. Each department head and grassroots workers' representatives, in total some 100 people have joined. The election was conducted by using secret ballot and 13 committee members were elected from the representatives. These 13 members elected a chairperson, a vice-chairperson and a women workers' representative among themselves.”

Our observations and the news obviously do not match, we cannot help asking:

⁷ See <http://www.lgzgh.org/detail.aspx?cid=11793>

- a. Why did workers, the core players at the election, know nothing about a trade union election which took place four months ago?
- b. The report mentioned “each department head and grassroots workers' representatives, in total some 100 people have joined”, why was each department head, independent from the workers' representatives, to participate the election?
- c. A photo of this report came with a caption, “Enterprise owner of Meigao Plastic passed the union chop to the newly elected chairperson”. Why was the enterprise owner, instead of the union committee from the previous term, keeping the union stamp?

2.1.2 Nomination of members' representatives

From Epson Engineering's union notice board, we found that its union had hosted a general meeting and election of the third term of committee, a 18-member committee, on 21 May 2013. Among our 25 interviewees, some knew about this election but they were not clear about the election procedure. None of the members could describe the procedure in details. A female worker who had joined the union four years ago told us, “at election, the chief of our production line⁸ would appoint 10 people from his workshop, ask them to go to vote. Usually, they would vote for the leader of their production line, and then the leaders would vote among themselves.”

Another female worker who described herself as “a long-term union member, so long that I have forgotten how long it is”, also confirmed this setting. “Not all members could vote, only those who have more time can vote. For us, production line workers, how could we go away to vote?”

Grassroots workers are the core force in a trade union and members' representatives must have a good understanding of their situation and reflect that at the general meeting, to influence the union's decision-making process and also report the union's decisions back to the members. However, the operations at Epson Engineering cannot guarantee the most basic procedure, namely, members' representatives are elected in accordance with the legal requirements, to be properly carried out. We have then serious doubts, whether those representatives could function as they should, to bring workers' voices into the decision-making level at the trade union.

2.1.3 Election procedure

Among all interviewees from five factories, only a few workers from Batar Jewellery reported that they took part at the union election. They said, most of workers who joined the election were new workers and were told by their line leaders to take part at the union election. “The election was on third floor, the factory allowed us to go. The union chairperson is called Ren or something like that, he was giving a speech there, wore glasses and was a postgraduate.” “The chairperson's last name is Ren, he looks chubby. We went to vote, because we were new workers and had free time.” Another senior staff was asked to vote, “mostly are new workers because they don't work overtimes. I didn't want to go but I had no other tasks that day.”

8 In a factory, a production line's manager is called line chief, a shift manager is called shift chief and a section manager is called section chief.

Regarding candidacy, it was “directly appointed” by the enterprise. Then either the group chief or others would instruct the “members' representatives” whom they should elect. We asked a worker if he elected Mr Ren as instructed. “Of course, the factory told us to elect him!” he said. Another worker who has worked in Batar Jewellery for one year said, “Ren has worked here for only one year, he is the executive manager of the hydraulic plant and a postgraduate. A trade union chairperson should have high academic qualification and only a postgraduate is qualified!” she said she followed the “factory instruction” at the election.

Batar Jewellery's trade union is named by the Shenzhen ACFTU as a showcase of its direct elections campaign, with “critical direct instruction” from trade unions at city and district levels. Yet our findings show that the so-called direct election was controlled by the enterprise. Firstly, most of the workers at the election were not representatives who had been elected from the grassroots workers through a proper procedure, but new workers who had recently joined the factory. Secondly, the chairperson was “directly appointed by the enterprise”, which means the enterprise was manipulating the election all the way.

Wang Tongxin has said, “if a trade union is not organized through modern means, and its chairperson is appointed by the employer, then democratic election could not take place and it means the union does not represent the workers' interests or voice out for workers. It is no longer a proper-functioning union.” These words echo our findings, what Wang criticized is what we find in this “employer controlled union”.

Yet, why could it happen when the election was under the instruction of city and district trade unions? We analyse that the officials from city and district unions would monitor the procedure of the election of trade union officials and chairperson, and there are three potential loopholes which they overlook. First, the preparatory committee of election is not elected by the workers and workers are not informed whom they are. Yet, this committee has decision-making power regarding electoral matters or even can manipulate the election. Second, there are flaws at the election of members' representatives. Many factors could have become the flaws, such as various production lines' involvement, informal election method, lack of privacy at election and management's control. Third, the nomination of trade union committee members might be a problem. In Ohms Factory, candidates are elected from various level at workplace, starting from the basic-level workers; the candidates are required to put out public notice and give public speech. Yet in Batar Jewellery, the nomination of union officials was not transparent and controlled by the enterprise.

We believe that another hidden reason for the enterprises to easily manipulate the election is, that workers have received limited education on trade union and election, they are not informed about the meaning of direct election of trade union, workers' rights, electoral procedure and electoral method, etc..

Our researchers also discovered that workers faced three major problems in these factories, namely, long hours and low wages, unstandardised factory management system and lack of work safety.

2.2 Labour conditions at the five factories

Wang Tongxin said, “trade union isolating itself from the workers, is currently our biggest threat. We must change this.” Our research suggests that to different extends, the five enterprise unions are isolating themselves from workers and could not respond to workers' needs. We are worried that if such a trend goes on, enterprise unions would be abandoned by workers and it would make direct elections meaningless at the reform.

2.2.1 Problems faced by workers

We have made the following table to illustrate the major problems workers faced in the five factories.

Table 3: Unlawful or unreasonable working conditions in the five factories

Factory name	Major problems in the factory
Batar Jewellery	<ol style="list-style-type: none">1. low wages, unlawful rate in calculating wages, no overtime payment for overtime work hours on weekdays and weekends2. forced overtime, 28 days of work per month at high season, average 14 hours per day and sometimes overnight3. unreasonable management, many kinds of penalty, such as fine for wrong samples, wage deduction of 5 Yuan for forgetting to punch in/out, 3 days wages for a day of absence at work4. no social insurance payment for workers5. serious occupational hazards concerns, no protective gears against dust, chemicals and noise, During our stay, three accidents took place and two were serious cases.⁹
Epson Engineering	<ol style="list-style-type: none">1. low wages, the labour dispatch agency deducts workers' wages2. largely using dispatched labourers in an unlawful manner, dispatched workers are not paid the same for the same jobs and are required to pay 100 to 300 Yuan as commission to enter the factory3. harsh management, workers would get scolded if they make substandard products4. wages deduction at resignation. When entering the factory, workers would be told that resignation within a month would be charged 700 Yuan and within two months, 1,000 Yuan.
Fuqun Electronics	<ol style="list-style-type: none">1. low wages, long hours, 28 days of work per month and 11 hours a day. For some urgent tasks, workers only get 9 hours of rest between two shifts2. daily work quota, unpaid overtime when work quota is not finished. Averagely, workers have to work overtime two to three times a week, each time about an hour3. difficult to resign, waiting list for resignation4. harsh management, inspectors to prosecute workers, a worker would be fired if s/he receives three warnings, various types of penalty
Meigao Plastic	<ol style="list-style-type: none">1. low wages, unreasonable calculation methods for wages, the piece

⁹ All are accidents which fingers are injured while operating machines.

rate is lower than the legal minimum wages

2. long hours, over 13 hours per day at peak season, sometimes overnight
3. unreasonable management style, hostile to workers, various types of penalty, a warning would cost a fine of 20 Yuan, for a minor mistake 60 Yuan and for a major mistake 180 Yuan
4. unreasonable arrangement of social insurance payment, workers are not entitled to pension insurance
5. serious concerns on occupational hazards related to noise, dust and industrial accidents, accidents during the time of research

Gaoxinqi
Electronics

1. low wages, long hours, workers often have to work till 1 or 2am at peak season
2. wages deduction, workers have to work extra overtime to “pay back” their leaves, no wages for requested early arrival in the workplace, penalty imposed for materials damage or rework
3. difficult to apply holidays, often be treated as “absence from work” and would be asked to write “evaluation” and be fined for 100 Yuan
4. workers are not covered by pension insurance
5. difficult to resign, waiting list for resignation, a worker can finally resign in November if s/he applies for resignation in July
6. harsh management, workers need an “absence card” to go to toilet and only one card is available for some dozens of workers
7. industrial hazards: oil solvent, fume and dust from tin solder are exhausted without any protective gears

The table above shows that workers in these five factories commonly have the problems of low wages, long work hours, unreasonable or unlawful management style, serious concerns on occupational hazards and workers are not protected by protective gears.

In reality, individual workers are situated in a dilemma. The enterprise has established the wages system and management style, which the vulnerable single workers can only accept, without much ground to negotiate. Yet they share the burning desire to change the reality, therefore, they urgently need a trade union which can represent them to solve their problems.

2.2.1.1 Low wages and long work hours

Table 4: Wages and work hours in July and August 2013

Factory name	Basic wages (Yuan/month)	Work hours	Average actual monthly wages
Batar Jewellery	lower than legal minimum wages	Average 10-14 hours per day, 28 days a month, the longest continuous shift of 48 hours.	1,800-3,000
Epson Engineering	1,714 (dispatched workers)	36 hours of overtime per month.	2,200-2,500
	2,550 (formal workers)		3,000 -3,300
Fuqun Electronics	1,650	Average 11 hours per day, 26 days a month.	3,000-3,500
Meigao Plastic	lower than legal minimum wages	Average 10.5-14 hours per day, 26-30 days a month, workers sometimes work overnight.	2,200-2,800
Gaoxinqi Electronics	1,600	At peak season, average 12 hours per day, till 2am, 26 hours a month.	2,800-3,600

Among the five enterprises, only Epson Engineering offers slightly higher wages than Shenzhen's legal minimum wages to workers, while the others offer the so-called “floor wages”, i.e. by paying workers the legal minimum wages. Fuqun Electronics's wages are 50 Yuan higher than the legal minimum wages, Gaoxinqi's wages are equal to it and workers at Batar Jewellery and Meigao Plastic earn even lower than the legal minimum wages.¹⁰ The latter two factories do not pay overtime wages, no matter by hours or by piece-rate, which is a violation of Labour Law.¹¹

We could hardly imagine the hardship workers are enduring, if we have not experienced these long hours in the factories. The actual wages they receive at the end of the month is rather low, with long overtime hours, they could have barely enough to cover their basic living costs. They have neither extra money, time, nor energy to take part in recreational activities or develop their interests. If they do not work overtime hours, in fact they have no rights to refuse overtimes, the basic wages could not maintain their basic livelihood.

2. 2.1.2 Unreasonable management system

Unreasonable or even unlawful practices are found in five factories' management system, which usually govern the workers by two mechanisms: by factory regulations which all workers must obey and by regulations adopted by basic-level managers at the production line.

¹⁰ Legal minimum wages in Shenzhen in 2013 is 1,600 Yuan per month, before overtimes.

¹¹ Articles 36, 37 and 44 of Chapter 4 of Labour Law specify the calculation of overtime hours, piece-rate and overtime wages respectively. A worker should not work longer than 8 hours a day and 44 hours a week. If overtime is necessary, the employer must compensate them overtime wages at 1.5 time, 2 times or 3 times of wages, depending on when the overtime takes place. Piece-rate workers are also entitled to overtime wages.

Each of the five factories has its own factory regulations, moreover, Batar Jewellery, Fuqun Electronics, Meigao Plastic and Gaoxinqi Electronics would fine their workers for some practices. For example, in Meigao Plastic, a warning would cost a worker 20 Yuan, a minor mistake 60 Yuan and a major mistake 180 Yuan. In Gaoxinqi Electronics, a worker who is absent from work, would be required to write a 1,000 words evaluation report and subjected to a fine of 100 Yuan. In Batar, a monthly evaluation is conducted and the workers at the worst performing department would have to contribute for the 100 Yuan penalty. There are so many types of penalty which we cannot possibly list all here. From 1 May 2013, Article 51 of the Labour Protection and Inspection Regulation of Guangdong Province has stated that enterprises are not allowed to punish workers by using monetary means.

Many unwritten rules exist in the actual production lines to control workers' every move. For example, the “toilet break system” at Fuqun and Gaoxinqi Electronics restricts the toilet break to ten minutes. The stress of production and demand on quality, causes workers to be strictly controlled, they could not take leave easily and are not free to refuse overtimes. Very often the managers would demand them to go to meetings during their rest time and abuses of their rights take place frequently.

2.2.1.3 Frequent occurrence of accidents and the high risks of occupational hazards

Apart from long work hours and harsh management, workers have to face the risks of industrial injuries and occupational diseases as well. All five factories have high risks of occupational hazards and fail to offer workers proper protective gears. In Batar Jewellery and Meigao Plastic, we witnessed more than one industrial accident. The following table lists the major occupational hazards in these factories.

Table 5: Major occupational hazards in the five factories

Factory name	Occupational hazards and injuries	Protective measures
Batar Jewellery	<ol style="list-style-type: none"> 1. in general, the risk of being crushed or trapped by the machines 2. many departments use naphtha without any protective measures 3. noise produced by machinery in many departments 4. hazards of electric shocks or burns from welding machines and injection machines 	the disposable face-masks from the factory cannot protect workers from naphtha. No earplugs are given to workers
Epson Engineering	<ol style="list-style-type: none"> 1. the factory requires all workers to stand throughout the production process, while prolonged standing position harms the lower extremity 2. noise level has reached 96 dB at the robot arm testing area of the “FA department” 	No earplugs for workers

Fuqun Electronics	1. workers at the Final Quality Control Department use magnifying glasses over a long period, which harm their eyesights	Only eye-drops are offered
Meigao Plastic	1. high noise level at Production Unit 1, 2, 3 and three iron pipe production sections 2. dust hazard from welding 3. scrap iron from the trimming machine has once caused a worker to lose his eyesight	Simple earplugs which offer limited protection are available and workers do not like to hear themselves
Gaoxinqi Electronics	1. noise from testing mobile phones and screwing machines 2. eyesights would deteriorate from continuous assembly of small parts 3. oil solvent is used when removing dusts, which cause irritation or allergy to some workers 4. no ventilation at the tin soldering workshop, dusts all over the workshop	No earplugs, no ventilation.

The five unions all failed to address the urgent issues workers were facing, or they only talked about welfares but ignored the core concerns of the workers.

2.2.2 Operational details of the five unions

As mentioned above, workers faced many urgent issues in the factories. For trade unions as organizations of workers, what are they supposed to do and what do they actually do?

The following table documents the basic operations of these five unions.

Table 6: Basic operations of the five unions

Union name	Operations
Batar Union	it has notice board, but no union office, mailbox or hotline, it runs recreational activities often
Fuqun Union	no notice board, mailbox or hotline, but it has an office, which is always locked
Epson Union	it has notice board but no union office, it gives out presents at festivals and hosts outings
Meigao Union	no notice board, office, mailbox, hotline, welfare or recreational activities
Gaoxinqi Union	it has notice board (information from 2011), office and activity room, which workers say they are always closed. It has a mailbox but not in use, it holds recreational activities

2.2.2.1 Inactive trade unions

The table above illustrates that the Fuqun Union and Meigao Union are inactive, we could not find any union-related label or locations inside the Meigao factory area. Its workers also told us that they had not seen any union activities and would not seek advice from it, despite they had worked there several years. The same happens at Fuqun Union, it has an office in the dormitory dedicated for the union, but the warden told us, “I helped putting the union banner up, but I have never seen the office open.”.

2.2.2.2 Welfare-oriented unions

Batar, Epson and Gaoxinqi Unions hosted some recreational activities, such as “Ten Best Singers Contest”, “Basketball Competition” at Batar Jewellery, regular outings at Epson Engineering, dancing at the plaza every night at Gaoxinqi Electronics, and etc.. Epson Union also gives workers presents at the festivals, workers told us, “24 Yuan per year [membership fee] is not expensive, and if you know how much they give us, it is indeed a good deal.”

Yet, some of their recreational activities are not visited by workers, as most workers have to work long hours and have no time to join their activities. For example, Gaoxinqi Union's dancing activity was mainly frequented by white-collar staff members, who work fewer overtime hours. We asked a worker if s/he took part in any union activities, s/he said, “no, you don't know that they are very corrupt, they only host activities when we have to work, we have no idea what it has done.”

2.2.2.3 Communication mechanism between unions and workers

Only Gaoxinqi and Fuqun Unions own an office or an activity room, but reportedly they have never opened their doors. Gaoxinqi Union has a whole floor of office, activity room and mental health consultation room in the dormitory. Yet, it has neither opened its door nor hosted any activities during our two-month stay in the factory. The office of Fuqun Union has reportedly never opened since it had its banner on.

All five unions have no hotline for workers to call. Epson and Gaoxinqi Unions have mailbox but the latter one is located on top of a rubbish bin, very dirty and is no longer in use.

We tried to contact trade union chairperson or officials, but they are all managerial staff, who work in the office and are only available during office hours. Since we are not informed who they are, in which office, we could only look for them by taking leave, which is counted as “absence from work”. In other words, it is impossible for an ordinary worker to contact the trade union officials.

2.2.3 Trade union should not only serve as window-dressing

After we have done this research, we have developed different reflections on direct elections at different stages. How should we, who care about workers and look forward to democratization of trade union, evaluate it, after one year of direct election? We might say that given that it is the first year of reform, it is acceptable that it is not perfect, as reform takes time and patience.

However, when we are living, dining, sharing the hardship and suffering, we get angry at these paper unions. To us, the priority of a trade union is to safeguard workers' rights and interests. In reality, workers do face a series of urgent issues, and these enterprise unions are not tackling them. They either do not function at all, or simply hand out welfares and host recreational activities, which cannot help workers resolve their actual problems, or change the treatment they get at the production lines. On 1 March 2013, Ohms Workers published an open letter to the public, stating “the trade union did not think of improving our treatment, but corrupting us with little gifts at festivals. Our loss due to the problematic contracts is up to some hundred thousand Yuan.”

How long can workers endure such hardship? If a trade union exists but dares not, intends not to play its role, to take care of workers' problems and to improve workers' treatment, as a result, the workers definitely would not consider the trade union as their own organization. Therefore they would not trust it, might even reject it. This is the biggest threat of union works.

3. Workers' knowledge on trade union

3.1 Workers' lack of knowledge on trade union

Our research shows that for most workers, trade union is a distant and unfamiliar topic. When we mentioned trade union, most workers gave us a confused and surprised look, “union? What union?”

Workers mostly do not know what the trade union is for, what their union does and their membership status. Many workers only realize the existence of their enterprise union due to recent welfare activity and some have very misleading view on trade unions.

Table 7: Interviewed workers' knowledge on union

Factory name	Total interviewees	Basic knowledge of Union 12 (%)	Awareness of the existence of enterprise union (%)	Awareness of one's membership status (%)
<i>Batar Jewellery</i>	33	1 (3.0%)	13 (39.4%)	0 (0.00%)
Epson Engineering	25	15 (60.0%)	25 (100%)	23 (92.0%)
Fuqun Electronics	43	7 (16.3%)	13 (30.2%)	2 (4.6%)
Meigao Plastic	49	5 (10.2%)	37 (75.5%)	1 (2.0%)
Gaoxingqi Electronics	61	7 (11.5%)	37 (60.6%)	6 (9.8%)
Total	211	35 (16.6%)	125 (59.2%)	32 (15.2%)

The table above shows that in these five factories, only 16.6% of the workers know what an union, 59.2% know the existence of the enterprise union and 15.2% are aware that they are union members. Yet we would even call these statistics exaggerated, for the reason that some workers only know about the union due to recent activities organized by the enterprise unions and even worse, some only know about it when the factory management instructs them to lie about their knowledge on union, when being inspected by the authorities.

As it is our first study on the Shenzhen ACFTU, there is no former statistics for comparison. Therefore, we can neither judge that direct elections have no contributions to workers, nor we could

12 The basic knowledge of trade union is defined by: knowing that a trade union is a workers' organization or it should help workers safeguard their rights; and not recognizing a trade union as a government organ or a department of the enterprise.

prove that they are helpful.

Previous reports and academic studies also confirm that most workers are not aware of the existence of trade unions, and many unions exist only as banners, without genuine committee members. From our study, we notice that the welfare-oriented unions might play a role in initiating workers' knowledge on unions. However, in general, workers have very limited knowledge on trade unions, due to the following factors:

3.1.1 Learning about the union through skills competition

46.3% of workers in Gaoxinqi know that they have a union, most of the workers told us they knew about it due to a recent skills competition organized by the union. Here is a conversation between one of our students and a worker.

Student: I have asked many people and they do not know about the union. How did you get to know it?

Worker: Wasn't there a competition two days ago? It was hosted by the union.

Student: Where did you know it from, that it was hosted by the union?

Worker: Our department head told us at the meeting in the morning.

3.1.2 Enterprises forced the workers to lie at inspection

37 out of the 49 workers at Meigao Plastic know about the enterprise union and most even know that the chairperson is Mr Peng. Yet they have no clues about the unions' operations, election and their own membership status. A worker told us, due to labour inspection in the first half of the year, the factory was training the workers by giving the participants a list of model answers. The list aims to teach them how to lie and pass the inspection. When being asked if there is an enterprise union, they have to say "yes!". "To solve workers' problems" is the model answer for "what is the role of a trade union?" and workers are supposed to know the name of their chairperson. Workers told us, "we would get a prize if we say everything right. If we fail to say it as instructed by the factory, it is considered as a major mistake and 180 Yuan would be deducted."

3.1.3 Misunderstanding of trade union

Workers, not only in the five factories we studied, generally do not know the roles of trade union and some even think that it is a government organ, a department in the enterprise or a welfare organization.

For example, the union at Epson Engineering offers workers welfare at festivals each year, which leads some workers to believe that trade union is a welfare organization, a monthly membership fee of two Yuan could exchange for a lot of presents. When our researcher asked the workers if the trade

union had reacted to problems at the production lines, s/he said, “the trade union doesn't handle these, it only takes care of our outings.” Another long-term female worker at Epson described, “the foreign trade unions are to safeguard workers' rights, to represent workers and negotiate with the enterprise and the government. Yet in China, the nature of trade union changes. Our enterprise union works for our welfare, we pay 2 Yuan membership fee each month, and get something back at festivals.”

Some workers are not even aware that they have been members and think that they need the enterprise's approval to join a union. When we asked workers why they had not joined the union, a worker at Meigao Plastic said, “they [the enterprise] have not allowed us to join, how could we join?”

3.2 Workers' cold shoulder to trade union

There are many reasons that workers do not care about their union, from not knowing its nature, not know its existence, and to the core reason, i.e. in reality, workers are overworked to make their ends meet, they need to work longer hours for more wages and have no spare time for other activities. Moreover, the current unions have not proven their value to workers, they neither operate, nor their operations solve their urgent problems. Union representatives and committee members are not elected by workers and therefore, workers do not recognize the unions as their own organization and see no close linkage between unions and themselves.

A female worker at Gaoxinqi told us, “**I have no idea what a union is for, why should I join?**”

Some technicians who had worked almost 10 years at Fuqun Electronics said, “we don't know what the union is doing, we just go to work everyday and we don't care about it.”

A young worker from Meigao Plastic commented, “our time is better spent to care about our own wages, than to care about that (union).” A female worker from Batar Jewellery reflected, “we are so busy, who would have time to take part in a union?”

A worker from Epson Engineering said, “the trade union leader is not elected by us and I don't care about it. My motivation to join the union is to pay union dues and get presents at festivals.”

3.3 Lack of trust

Workers do not care about the union and sometimes they do not even trust the union. In Fuqun Electronics, we met a worker who had better understanding of union. When we asked for his comments of the enterprise union, he gave us his picture of Chinese trade union in general, “let me tell you, most trade unions in China are for window-dressing. They exist, but they would not protect workers' interests, they end up suppressing workers.”

Such a negative attitude towards trade union is commonly observed throughout our interviews. Some workers said it out openly, “we are working for them [enterprise], how is it possible that they would create a union, to let us make troubles there?” Why couldn't a trade union, an organization of the workers, be trusted by workers, two other reasons are identified, apart from those discussed above.

3.3.1 the formation of cadres at enterprise union

We manage to compile two complete lists of union committee from this research. These two unions' committees are mainly middle-rank or even high-rank managerial staff.

Table 8: Union committee's formation at Meigao Plastic

Name¹³	Position at union	Position at enterprise
Peng XX	Chairperson	Chief Production Section 2
Yi XX Li X	Vice-chairperson	Chief of Production Management Section Chief of Packaging Section 1
Chen XX Chen XX	Women workers' representatives	Assistant to Deputy General Manager Chief of Merchandising Department
Yang XX Han XX and etc..	Committee members: organizing	Chief of Moulding Section Chief of Research and Development
Luan XX Liao XX and etc..	Committee members: publicity	Quality evaluation Chief of Packaging Section 2

Table 9: Union committee's formation at Epson Engineering

Name	Position at union	Position at enterprise
Zhang XX	Chairperson	Department head of efficiency enhancement Department head of final product technology production
Zhang XX	Vice-chairperson	Head of human resources department Chief of human resources development Section
*Among the other 16 committee members, six are section chiefs, eight department heads and two members' positions at the enterprise are not known.		

Media described the direct election at Ohms Electronics as “production line worker is elected as trade

¹³ The full name is not listed, for privacy reason.

union chairperson”. Yet, the chairperson at the enterprise union of Ohms Electronics was a section chief and anyone who has worked in factory would be able to tell that a section chief is definitely a production line worker. This research shows that in two unions, the committees are basically formed by section chiefs and department heads. Those have work experience in factories know that in terms of production management system, there is a big gap between a basic-level managerial staff and an ordinary worker, not to mention middle-rank or high-rank managerial staff such as section chiefs and department heads.

In the production management system, from productivity, quality control to factory management, managerial staff and ordinary workers have formed a relationship between a governing class and a class of being governed, at times its nature is even antagonistic. The top-down management style often treats the ordinary workers harshly. If a manager takes the role of a trade union official, for most ordinary workers, his image as a harsh manager would surpass his role as a union official.

When a union committee is mainly formed and controlled by managerial staff, the representation mechanism does not work out¹⁴, it is simply logical that ordinary workers would have no trust on the union.

3.3.2 Enterprise union and workers' rights

When we were about to finish our research and wanted to resign, we also faced the problems which workers who often suffer when they resign. Our resignations were not approved and our wages were deducted. Apart from taking legal means and file a complaint at the labour bureau, our researchers at Meigao Plastic and Batar Jewellery also sought help from the enterprise unions, but in vain.

Our researcher at Batar Jewellery finally managed to resign but found that there was a deduction of over 1,000 Yuan when he got his final wages. He asked at the personnel department but was ignored. He was laughed by others when he attempted to seek help from the trade union chairperson, the head of the hydraulic plant. The chairperson's response was “our factory has its own rules.”, as we had expected. We then called the complaint hotline of the Shenzhen ACFTU, reporting the negligence from the chairperson of Batar Union and the union's failure to safeguard workers' rights. Finally, our researcher got his wages back, after several authorities' facilitation. The Shenzhen ACFTU later called us to follow up and welcome us to give suggestions for its future works.

As a conclusion, we would say that **direct elections are indeed progressive, but their actual implementation still face many obstacles.**

14 As discussed earlier, the positions at the unions are appointed by the management, not by election.

4. Conclusion

4.1. Progressiveness of direct election at trade unions

The Shenzhen ACFTU's policy of "democratic election, standardized operation and accountability to workers" for its enterprise union work is welcomed. It shows the Shenzhen ACFTU is in line with the tide of history and determined to address workers' needs. The campaign to hold direct elections at 163 enterprise unions is also ground-breaking nationwide.

There is no doubt of trade union's importance to the workers and society. We believe democratization of trade union is the only way for trade union to "return to its fundamental role". Such a process is incredibly important in the era of rapid transformation in China. Direct election is just the first step of union democratization, it should then lead to promoting workers' awareness of their rights and solidarity, and workers should play an organizing role to collectively defend their rights, and genuinely share the fruits of labour.

4.2 Obstacles at direct elections

Our study shows that the implementation of direct elections at these 163 unions is unsatisfactory. The experience of working in factories, living in the industrial zones and talking to many workers, makes us realize that reform through direct elections is not an easy path. Here are the four major obstacles.

4.2.1 Enterprise's intervention as the mortal enemy

Judging from the five enterprises' union election procedure and formation of union committees, it is obvious that the enterprises have tightly controlled the trade union in all aspects. It is particularly obvious at the nomination of the preparatory committee of election and committee candidates, when workers are shut out from the process. Such an intervention is often done behind the back of the upper level union, and should be considered as a fraud.

4.2.2 Negligence of the enterprise unions

Negligence of the enterprise unions or defining themselves as welfare-oriented unions, would block them from getting to know workers' needs or resolving issues related to workers' rights. As a result, these paper unions are not helping the reform. Some unions we have studied, they do have notice boards, but we have never seen any meeting minutes, work reports and financial reports. When workers have no idea of the union's operations, they cannot develop trust on them. How the trade union cadres understand their roles and functions, is also crucial for building a democratic union. All in all, a spotlight should be put on the building of union committee.

4.2.3 Workers' lack of knowledge to supervise

Workers in these five enterprises are similar to workers from Ohms Electronics, yet, very different impacts are seen from their direct elections. Workers at Ohms Electronics learned quickly about the roles of union, while workers from these five enterprises have just started knowing the existence of trade union. One of the reasons is that the Shenzhen ACFTU did launch more publicity work during the direct election at Ohms Electronics, its workers learned better from electing their cadres, understanding the relations between union and workers, and the functions of union. Though the Ohms

Union disappointed them in the end, it was a learning process for workers. In these five factories, workers generally have a low awareness of trade union, understand very little regarding union's roles, members' rights and responsibilities, and could not monitor the unions properly.

4.2.4 Lack of support and supervision from upper-level union

When we had trouble in the factory and called the Shenzhen ACFTU, it did sort out the problems for us. Yet, most workers do not know that if they are unsatisfied with the enterprise union, they could complain at the upper-level union. We also hope that the upper level union would conduct effective supervision and give instruction at direct elections and their following operations, to evaluate the unions' cadres' ability and attitude.

4.2.5 Lack of public supervision

For us, knowing that such an immense size of working class and an enormous number of enterprise unions, it is our social responsibly to monitor enterprises, to ensure that directly elected unions could realize democratic operations by workers. However, the attention of workers' rights to democratic union receives very little attention, despite the gigantic size of labour population and the severity of their problems. We are calling the media, fellow workers and students to continue care for and support workers, to help building trade unions which are "elected democratically, operating properly and accountable to workers".

We call for more investigations from the Shenzhen ACFTU, education for workers, training for cadres, support for supervision and information disclosure!

4.3 Recommendations to Shenzhen ACFTU

After a month of front-line research, our 12-student research team concludes that the first step, i.e. democratic building of enterprise unions, has not been set out well. Some enterprise unions have many problems and might even operate towards an opposite direction as the Shenzhen ACFTU would have intended to.

We hope that the Shenzhen ACFTU would look into practical details, to further build up democratic enterprise unions in a concrete manner and to better realize the common wish between itself and the working class. Based on our research, we are proposing the following recommendations:

1. To investigate the five enterprise unions' operations, order them for corrections when malpractice is found and disclose the progress. To assist the five enterprise unions to collectively negotiate with the enterprise, in order to combat its violations of workers' rights and to promote workers' rights.
2. To understand the workers better, by conducting publicity and education work, to raise workers' awareness of trade union.
3. To provide more training and support to enterprise union cadres.

4. To disclose the list of the 163 enterprises and their progress of direct elections, to make it easier for different social groups to support and monitor these unions' operations.
5. To regularly publicize its work progress regarding democratization of enterprise unions and to seek public opinions.

We are 12 students from nine colleges and we will continue to observe and support the Shenzhen ACFTU's reform through direct elections, and we also would like to call for public attention for its works.