

## **A time for introspection and a chance to enhance the rights and interests of workers in China**

### **- An appeal from labour activists in the wake of the Kunshan disaster**

On the morning of 2 August 2014, Chinese Valentine's Day, a loud bang from the polishing workshop of Kunshan Zhongrong Metal Products destroyed the lives of 75 young workers and left 185 others badly injured in hospital. Why did they die and who is responsible? How will our current system respond to this disaster? And will the loss of 75 innocent lives be enough to change the system for the better?

This was without doubt one of the worst industrial accidents in recent Chinese history. And the primary cause of the accident lies in the fact that labour rights have been consistently overlooked in China's headlong rush for economic development.

The accident revealed a huge loophole in occupational safety in China. The company's greed and disregard for the health and safety of the workers, combined with an indifference to regulations, allowed dust to build up to dangerous levels, and this was the cause of the accident. The accident also revealed the dangers of contracting pneumoconiosis after long-term exposure to high concentrations of dust. The workers protested against this deadly working environment once before but their appeal was ignored. The blast occurred at 7:37 on Saturday morning, outside standard working hours, but 261 workers had still clocked on. Moreover, employees' working hours could be as high as 14-15 hours a day, far exceeding the limit stipulated in the *Labour Law*.

We can give many examples like this: in March 1987, an explosion at the Harbin Linen Mill killed 58 people, while 177 people were injured; in 1993, the fire in Zhili Toy Factory in Shenzhen killed 87 workers; in June 2013, a fire at Jilin Baoyuanfeng Poultry Co claimed the lives of 120 people.

What is the root cause of so many tragedies? Behind the unbridled greed of these enterprises is the dereliction of duty by the regulatory authorities. Ironically, less a month before the accident, the Kunshan municipal government carried out a special workplace safety campaign throughout the city and found that all the enterprises inspected were in full compliance with the law! We don't know how Zhongrong and its ilk with such obvious safety hazards passed the inspection. After the accident, the local government quickly organized all its resources to rescue the workers but we would actually prefer to see government officials fulfil their responsibilities prior to the accident.

Another important factor is the lack of a bargaining mechanism and the absence of a trade union. Without effective channels for expressing their demands and a trade union that can safeguard their rights, the pain that workers suffer and the damage to their family life and social relationships is hidden within the roaring machines and dense dormitory buildings. Nobody sees their suffering and torment, they have no way of expressing their grievances, and they are in essence reduced to being a part of the production line.

China's development model has thus far ignored the rights and dignity of workers. In a country where economic growth is cherished as the supreme "absolute principle," labour rights can be overlooked and politics can collude with capital. The low cost of labour can be intentionally maintained for development, and labour organizations are deemed a threat to social stability. While yielding huge wealth, the "World's Factory" has also produced injuries, occupational diseases and breathless workers paid at the minimum wage. While creating countless miracles, "Made in China" is also destroying the health and lives of Chinese workers and has left a heavy shadow over the rise and development of China.

We have to ask ourselves: How can we continue with such an immoral development model? Will the loss of 75 lives be enough to end it?

The fire at the Triangle Shirtwaist Factory in New York in 1911 provides us with a useful reference point. That tragedy quickly led to massive worker protests and garnered widespread sympathy and support from people across America. This led to new legislation and regulations designed not only to protect workers but to allow them to organize unions and participate in collective bargaining. In China, however, the flames from the Zhili Toy Factory and the Baoyuanfeng Poultry Co. were still not enough to awaken our social conscience – Chinese workers are still suffering from a lack of rights as well as physical and psychological harm.

We hope the government, businesses and workers in China can see that the fundamental cause of the Kunshan disaster is not only the unscrupulousness of entrepreneurs, the failure of government inspectors to do their job and the imperfections in the legal system, but also the lack of self-awareness and collective consciousness among workers and their inability to use collective power to protect their rights and interests. To change this situation and improve work safety, workers must be given the ability to protect their own interests. We propose that:

1. Trade unions across China should take a firm stand to safeguard labour rights and promote solidarity. They should use the Kunshan tragedy as an opportunity to reinvent themselves as trustworthy organizations that belong to the workers. The unions should try to develop a mechanism that gives workers the right to monitor and supervise workplace safety. Enterprise unions should fight for the interests of workers through collective bargaining and sign collective contracts with employers on labour standards and occupational safety matters.
2. All enterprises must learn the lessons from this disaster and do their best to respect the rights and interests of their employees, improve the working environment and enhance wages and benefits for the workers so that they can enjoy a safe and healthy working environment and reasonable remuneration. This is not charity but rather the social responsibility that enterprises must accept. Taking on this responsibility is actually in their own interests because such actions will clearly enhance the enthusiasm and creativity of the workforce and improve productivity.

3. The government should develop fair and balanced labour policies and break the model in which employers have all the power. The government should establish a platform for negotiations between labour and management so that workers can express their demands through regular and institutionalized channels. The government should improve the social and political status of workers and make respecting work and workers a mainstream social value. The government should do everything possible to strengthen work safety supervision and develop a powerful accountability and punishment system.

4. Workers should also learn lessons from the Kunshan disaster and increase their awareness. Workers across the country face similar dangers but without collective awareness and action, they will be in a much weaker position. Only by uniting and collectively striving for their rights, can workers take positive steps forward. Moreover, such collective power can change their fate and help create innovative change in China's system of labour relations.

5. Chinese society needs to reflect on these disasters and boycott companies that violate labour rights. In this regard, we propose that 2 August henceforth be known as China's "Occupational Safety Day." The workers are the backbone of "World's Factory" and the creators of the "China Miracle." Whether their rights and interests are respected should be the benchmark for the realisation of fairness and justice, the precondition for preserving national prosperity, and the key factor in maintaining social stability.

## 反思粉尘爆炸惨案，全面提升劳工权益

### ——劳工界就昆山爆炸事故的呼吁信

2014年8月2日早晨7点37分，当人们还沉浸在七夕的温馨中，江苏昆山中荣金属制品公司抛光车间的一声巨响，将75位年轻的生命抛向地狱，185位伤者还在医院痛苦煎熬。揪心和悲痛之余，我们不禁要问：是什么夺走了这些鲜活的生命？谁该对工人的健康和生命负责？问责之余，我们的制度如何回应？75条无辜的生命，是否能够换来对劳工权益制度化的保障？

毫无疑问，这是建国以来最为严重的安全生产事故之一。但如果我们仔细审视事故背后的原因，便可知事故的根本还在于长期被忽视的劳工权益！在于早已不可持续的低人力成本发展模式！

此次事故暴露出劳工权益的严重缺失和职业安全的巨大漏洞。企业只顾生产罔顾劳工健康与安全，发生爆炸的抛光车间粉尘浓度大大超标，企业没有按规定进行安全生产投入和检测，导致这起重大职业安全责任事故。事故以极端的方式展现了工人的不幸。然而，在看得见的惨烈背后，是看不见的权益缺失。工人长期暴露在高浓度粉尘作业环境，造成大面积尘肺病，工人曾就此抗议，而工厂未就此改善作业环境。此次爆炸

发生在周六早上 7 点 37 分，是法定的非工作时间，但发生爆炸的抛光车间有 261 人打卡上班。工人每天的工作时间在 14-15 小时，大大超过劳动法规定的工作时间的极限。

这样的不幸何止一次，1987 年 3 月哈尔滨亚麻纺织厂粉尘爆炸，58 人死亡 177 人受伤；1993 年深圳致丽大火吞噬了 87 名工人的生命；2013 年 6 月，吉林宝源丰禽业有限公司发生特大燃烧事故，120 人遇难，70 人受伤，而事故发生的的时间，是 6 月 3 日早上 6 时 6 分。

我们在一次次的惨烈中揪心的悲痛，我们也在一次次的悲痛中不停地反思，是什么夺走了这些鲜活的生命？劳动权益缺失的背后更深层的原因是什么？

企业肆无忌惮的背后，是监管部门的失职。具有讽刺意味的是，昆山爆炸事故发生前不到一个月，昆山市开展了全市安全生产检查整治专项行动，督查结果竟完全符合要求。对中荣公司这类存在明显安全隐患的企业在督查中是如何过关的，我们不得而知。事故发生后地方政府迅速组织救援，展开调查。但我们更希望看到的是事故发生前政府相关部门的切实履责。

工人劳动权益缺失的背后，是劳资间谈判机制的缺失，是工会的缺位和工人组织权的缺失。没有畅通的利益表达渠道，没有真正为工人说话的工会，工人日常高强度机械劳动的痛苦，家庭生活的撕裂，社会关系的原子化，隐匿于轰鸣的机器和密集的宿舍楼群中，他们的苦难与煎熬无人看见，他们的怨恨与诉求无处表达。他们被异化为生产线上上的一个零件。

而这一切的背后，是漠视人的权利和尊严的低成本低权利的发展模式，以及与这种模式相适应的制度安排。在“GDP”至上的“硬道理”中，劳权可以忽视，资政可以联合；为求发展，刻意保持劳动力的低价，为保稳定，视工人自组织为洪水猛兽。“世界工厂”在生产巨额财富的同时，也生产着工伤、职业病和拿着地板工资超时加班不堪重负的劳动者，“中国制造”在创造无数奇迹的同时，也在吞噬中国工人的健康和生命，同时也给中国的崛起和发展烙下了沉重的道德阴影。

我们不禁要问，如此不道德的发展模式，何以为继？75 个鲜活的生命，能否推动这一模式的终结？

美国 1911 年的纽约三角内衣厂大火为我们提供了有益的借鉴。这场火灾惨剧迅速导致了工人大规模的游行示威活动，并引发了美国社会各界广泛的同情和反思，进而推动了劳动保护的立法与监管，工人组建工会和参加集体谈判的权利也在《新政瓦格纳法案》中得到确认。一场工厂火灾，引发了整个国家劳工制度的改良和发展模式的转变，其中的建设性意义，值得我们深思！反观我们，从 1993 年深圳致丽玩具厂开始的熊熊烈火，到 2013 年的吉林宝源丰的炙热火焰，似乎烧不醒这个社会的良心，中国劳工依然饱受益益缺失和身心伤害，依然要用健康和生命控诉制度的冷漠！

劳工界希望政府、企业、社会公众及工人自身能看到，昆山粉尘爆炸惨案背后的最根本问题不只是企业家无良、安监部门渎职，也不只是法律制度不完善，而是工人还没有形成一个具有自主意识和集体意识的整体，不能运用集体的力量来保护自己的权益，

要改变这种状况，提高安全生产水平和保护工人生命健康，必须要把权力还给工人。劳工界在此呼吁：

1. 各级工会明确立场，切实以维护劳工权益、推动劳工团结为己任，以“昆山事故”为契机，重新反思、重新定位、重塑形象，使工会真正成为工人信得过的工人自己的组织。工会应推动建立有工人参与的职业安全监督机制，把安全生产监督权还给工人。在企业建立真正代表工人利益的工会组织，就劳动标准和职业安全事项与雇主进行集体谈判，签订专项集体合同。
2. 所有企业以本次惨剧为鉴，尊重劳工权益，切实改善生产环境，改善工人的工资福利待遇。让劳动者享有安全健康的工作环境，养家糊口之外可供自身发展的劳动报酬，不是资本对劳动的施舍和恩赐，而是企业应承担的社会责任，更重要的，是企业发展所必须。劳动者的积极性和创造性，劳动者对企业价值的认同，是企业发展的强大的动力源。
3. 政府建立公平公正的劳工政策，打破资方独占资源，独享权利的格局，让劳动者享有体面的有尊严的劳动；搭建劳资谈判平台，畅通利益表达机制，让劳动者能够通过正常的途径和制度化的手段表达利益诉求；提高劳动者的社会地位和政治地位，让尊重劳动，尊重劳动者成为这个社会文化价值观的主流；加强安全生产监管，建立强有力的行政监察和问责惩处制度，杜绝不人道的侵权事故发生。
4. 广大工人群众应从事故中吸取教训提高认识。爆炸事故不仅仅是昆山中荣工友的悲剧，更是劳工群体共同的处境！劳工没有自立救济的意识和行动，只在等待和依赖中变得更加弱势。工人唯有组织起来，通过集体的力量争取权益，劳工群体才会逐步走向成熟，而劳工集体的力量，不仅改变他们自身的命运，也将推动劳资关系调整制度的创新。
5. 社会各界切实关注劳工处境，以各种形式反思、纪念劳工灾难事件，同时，在日常的消费活动中抵制血汗工厂的产品。强烈建议将 8 月 2 日作为中国的“职业安全日”，劳工灾难的祭奠，劳工安全和权益问题的讨论，绝对不能止于一时一事！作为“世界工厂”的脊梁，“中国奇迹”的创造者，劳工权益能否得到尊重，是公平正义能否得以实现的主要标杆，是国家繁荣能够得以保持的基本前提，也是社会稳定能够得以继续的重要因素。