

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS

ICFTU OnLine:

086/280605

Spotlight interview with Han Dong Fang (Hong Kong)

"If Chinese workers had the right to speak, the workers of the whole world would benefit"

Brussels 28 June (ICFTU OnLine): As international concern heightens over the shift in production to China, Han Dong Fang (*), the famous human rights activist based in Hong Kong, addresses the situation of Chinese workers, how they can defend themselves, and the impact of fundamental human rights violations in China on the global labour force. He also looks back on his time in prison.

China became a member of the WTO in 2001. What changes has this brought for Chinese workers?

There has not been such a clear impact on Chinese workers as there has been on workers in Western countries, where it is clear that China's admission to the WTO has led to job losses. China produces at very low costs and doesn't allow workers to organise, which is why it attracts investments. Its admission to the WTO has not had a direct negative effect on Chinese workers, but it has accelerated the winding up of state-owned enterprises. Throughout this entire process, workers have no say, they have no bargaining power, even when state-owned companies shut down.

Many employees are not paid on time in China. Why is that?

In the state-owned companies, the bankruptcies and wage arrears are mainly due to bad management. If state-owned companies are not making profits it's because of the corruption, not the market, as the authorities or the managers of these companies try to claim. These managers are appointed by the heads of the local governments, and their first concern is to make profit for themselves and those who appoint them. That is why the state-owned companies are collapsing, one after the other, whilst their managers and top local authority officials are becoming millionaires. The bankruptcies are caused by the personal enrichment of these people.

Are there fewer wage arrears in private companies?

Workers' rights violations are terrible everywhere in China. Many state-owned enterprises have been privatised, with workers losing their pensions, social security, and so on, in the process. The government plans to privatise all state-owned companies, thinking it will make them perfect, which is not the case. We are faced with a Communist government that thinks privatisation will solve all the problems! The fact that the workers are deprived of any bargaining power makes these privatisations all the worse.

What is the situation of the workers in the foreign companies established in China?

Their profits are higher than those of the state-owned enterprises, as they mainly produce for export. The biggest problem facing the workers in these companies is the length of the working day. They are easy to exploit as they come from far-away regions, they have no family in the towns where they work, and they are not protected by the same rights as the local workers. They are afraid of protesting, even when their employers force them to work 10 hours a day, seven days a week, for example. Also, the working conditions in many foreign investment owned factories are awful. For instance, in recent years, more and more cases of jewellery workers in Guangdong Province - the most prosperous part of southern China - were found to have contracted silicosis, which is incurable and could kill a person in several years. Very often, those jewellery workers contracted this occupational illness because there is no ventilation in their factories and in many cases they are not even given a face mask (2). Once they are diagnosed with silicosis during the medical check-up arranged by the factory, the employers would hide the truth from them and dismiss them by telling them they have other kinds of infectious illnesses, such as tuberculosis (as both illnesses have similar symptoms at their early stage). When workers seek help from related government departments and state-owned trade unions, instead of backing up their workers, they would try to excuse themselves from the disputes, as the city's prosperity is based on the volume of foreign investment.

What wages do the workers earn?

In the Shenzhen region, the minimum wage is around 490 yuan (about 50 euros) a month. This wage corresponds to an 8 hour day, 5.5 days a week, but many companies make their employees work 10 hours a day, 7 days a week, paying them very little over the minimum wage. In the more remote regions of China, in the northwest for example, the minimum wage is lower, sometimes half of that paid in a region like Shenzhen.

Are companies being set up in these remote regions?

There are not many as yet, as the means of transport are not good. The government is trying to promote investment in these regions and some investors, especially those from Hong Kong, are exploring the prospects of developing business there. This is creating the risk of relocation within China itself, as well as from western countries to China. Workers from the Guangdong province are losing their jobs because companies are moving to the north or the northeast where they can produce more cheaply. As the workers have no bargaining power, the capital can go wherever it wants.

Should foreign investment in China be discouraged?

We are not against the displacement of investments within China, nor are we against foreign investment, as it creates employment. Investors are always looking for cheaper labour. In China they find workers who are stripped of all dignity, as they have no bargaining power. That's what

makes the labour so cheap. If the workers were able to negotiate with the investors, they could obtain a decent level of pay. It would benefit the whole world, as China's accession to the WTO has had a negative impact on the workers of many other countries, now confronted with competition from a massive cheap labour force that is deprived of any bargaining power. Helping the workers on this level is our way of acting in solidarity with the international trade union movement. If Chinese workers had the right to defend themselves, their lives would be better for it, and there would be more of a balance with the rest of the world's workers.

Our fight for Chinese workers' right to organise is not a fight against foreign investment. We know that this will not recreate the jobs lost in western countries, but there are other ways of contributing to international trade union solidarity. Our way of doing this is by empowering China's workforce, which will contribute to improving the quality of life of workers who have thus far been stripped of all dignity.

But if we allow things to develop the way the WTO would like, the result will be even lower salaries and cuts in social security, pensions, healthcare... If we allow the WTO to promote better business opportunities in China without any progress on a social level, it could lead, in the long term, to a society without pension plans, without healthcare... What would become of a country of 1.4 billion inhabitants in which the majority have no access to healthcare? It would be a danger to other countries too, because epidemics like Sars do not stop at the borders of China. It is for such reasons that we are insisting that if the WTO does not take better account of these social concerns, it is adopting a very short-term approach that is highly irresponsible.

You host a programme on the Hong Kong based radio station Radio Free Asia, which listeners can call in to, using a freephone number, and talk about the issues affecting them. How does it work?

It's a freephone number that listeners can call to talk on air about their experiences. It allows inhabitants of China who live thousand of miles apart to realise that they are not the only ones suffering from exploitation of one kind or another, that it's a problem shared by all Chinese workers. The main aim is to give listeners a chance to express themselves. From time to time, I give them advice if they ask for it, but the principle is to let them speak as much as possible. I try to lead the conversation, to lead listeners to the understanding that they have to unite, because the fact that laws exist is not enough to protect them.

Do these programmes lead to any concrete improvements?

When the programme is over, if the people confiding their problems so wish, we can help them by providing legal advice. The China Labour Bulletin (1) can also put them in touch with a good lawyer from another region. It's better if the lawyer is not from the same region, because lawyers need licences that have to be renewed every year by the local authorities. If a lawyer defends a worker exploited by a publicly owned company, he places the local authorities in a difficult situation and

runs a high risk of not receiving a licence the following year. The same applies if the employer is a private company, because the bosses in the private sector are also well connected to the local authorities, which are likely to accuse the lawyer of undermining the region's economic development.

For example, the CLB decided to offer legal assistance to six out of the ten workers who were charged with "intentional destruction of property" in connection with two mass protests involving thousands of workers at the Xing Xiong and Xing Ang factories owned by the Taiwanese company Stella International on 21 and 23 April, 2004 respectively. Excessive working hours, low pay, frequent wage arrears and the poor quality of food provided at the factories' canteens were the triggers for the protests. The workers' original sentences of up to three-and-a-half years' imprisonment were eventually reduced to nine-months and suspended for one year at a criminal appeal court hearing on 31 December, 2004. Three under-aged workers were also released and their original suspended prison sentences dropped (3).

Do the local authorities from the different regions not communicate the names of lawyers who defend workers?

No. They are all part of the same system, but they don't collaborate with each other. That's why China is in such a bad state, why the system is falling apart. They all agree on banning freedom of association, but they would not go as far as working together, taking practical steps such as communicating the names of these lawyers to each other.

How can such poor workers afford to pay for the services and travel expenses of a lawyer?

It's difficult, but it's the only chance they have of defending themselves. The China Labour Bulletin suggests that the cost be shared among all the workers in the factory. This enables them to assert their rights, as well as building solidarity among the workers.

Have they any chance of winning a case in court?

Workers who go to court often hold street protests at the same time, as they think this will speed up the resolution of their case. The China Labour Bulletin does not advise them to protest, to block the streets. We limit ourselves to giving them legal advice.

It's difficult to assess their chances of winning a case. When you attack a state-owned company, it's like attacking the local authorities, and the judge generally rules against the complaint. You can then appeal to a higher court, which will most often reject the appeal as well. We nonetheless continue to advise workers to go to court, even if, initially, they probably won't achieve anything through this channel. But if more and more workers from more and more factories file legal proceedings, the pressure on the courts will increase, and we hope that in the long term this pressure will force them to take workers' complaints on board.

Does the Chinese government not try to ban your programme on Radio Free

Asia?

It cannot. It knows that there's a huge amount of workers in desperate situations who have no other public arena where they can express themselves. Between 20 and 30 million people from all over China listen to this programme. Those calling the freephone number can do so from a public telephone if they wish. Our office is based in Hong Kong, which still benefits from the "one country, two systems" principle. If the government were to ban our broadcasts, they would be exposing themselves to a very negative reaction from the international community. I think the Chinese government hates us less than that of Hong Kong, as we advise the workers to take legal action rather than taking to the streets.

There are numerous strikes every year in China. Some are repressed, others not. Are there any criteria that can be used to assess the risk of repression in advance?

We cannot predict whether a strike will be repressed or not. There is no precise idea, within the system, of how to proceed in case of a strike. We continue to advise workers to limit themselves to legal action but, sometimes, they know better than us, they know that if they block the streets for a day or two they will bother the local authorities and have more chances of getting a response from them. This only goes to show that the regime's reaction is very poor, as it gives people the impression that workers can only get what they want by blocking the streets, and not by going through legal channels. That's why more and more workers are using strike action, public demonstrations, as a means of protest.

Could cooperation exist between Radio Free Asia and ACFTU (4), the only trade union federation that is tolerated (and controlled) by the Chinese regime?

ACFTU has two approaches to workers' protests: either to do nothing, or to help the government manage the situation, often by sending its own people among the workers to identify the ringleaders and report their names to the police, so that they are arrested.

Moreover, many of the company unions that were affiliated to ACFTU have disappeared, especially since the wave of privatisations. Their representatives are now jobless, like all the other workers. Some manage to get another job thanks to their work with ACFTU.

The Chinese government has many highly censurable policies: repression in Tibet, the absence of workers' rights, bad management of privatisation, etc. Is there any chance of seeing this government changing for the better?

I don't think so. It's a government that destroys, not a government that constructs. The only thing it has built up is its power, its army. It believes that its power can only be protected by the military. In the long run, this theory will cease to work, as the only way for a regime to be stable is by better developing its economy. The greatest weakness of the Communist Party is that it doesn't know how to manage an economy,

a society, sustainable development... I'm not saying that these leaders necessarily have to go, but they at least have to learn fast.

How did you cope with your imprisonment following the events in Tiananmen Square? Did you suffer any physical abuse?

I was not beaten, but they deliberately put me in a cell where I was going to contract tuberculosis. At first, I reminded myself of the communist heroes who were presented to us as models at school, heroes who had, in some cases, given their lives so that we could "live more happily". On hearing the teachers tell us all that, I occasionally regretted not having the opportunity to be a hero myself ... and, in some way, during my early days in prison I thought to myself that it could finally happen to me, that I was going to fulfil my childhood dream of fighting against an all-powerful government!

Having said that, beyond this "romantic" vision of imprisonment, I should underline the terrible anxiety one feels. One never really knows what is going to happen from one hour to the next. I was expecting to be executed at any moment. I had handed myself in to the police because I preferred to die with dignity than let them capture me. Then, after one or two months, I realised that they were not going to kill me. I envisaged a very long prison sentence, and so my priority was to preserve my health as best as I could. I thought I would be condemned to 20 years in prison, that I would later be transferred to a prison where I could read and write.

International support helped me get through it. If it were not for the pressure exerted by the ICFTU, national unions, the ILO, diplomats and human rights organisations, I might be dead now, my health was so bad in prison. Fortunately, I received help from an American affiliate of the ICFTU, AFL-CIO, to be treated when I came out of prison.

Were you aware of the international support during your time in prison?

I wasn't sure, but I imagined that this support must be there, because before 4 June 1989 there had been a lot of international attention around Tiananmen Square. It was really a very great support to me, in that cell, to know that international pressure was being used to try and secure my release. I saw nothing but the wall of my cell, day after day. There was just one tiny window through which I could see nothing, not even a leaf growing on a tree. If it hadn't been for the hope that the international community was exerting pressure, it would have been very easy to fall to pieces.

My experience in prison pushes me to encourage international trade unions and human rights organisations to keep up their campaigns for the release of prisoners, to write to the Chinese government to make their concerns known.

Having said that, Chinese workers should not only rely on the support of the international community. We have to organise ourselves internally to create relay points on which international pressure can rest.

Interview by Samuel Grumiau

(*) Han Dong Fang was a railway worker when the pro-democracy movement developed in 1989, and went on to be selected as the spokesperson of the Beijing Workers' Autonomous Federation prior to the Tiananmen Square massacre. After spending 22 months in prison, we went to Hong Kong where he founded the China Labour Bulletin (1). He also works for Radio Free Asia, hosting a programme that Chinese workers can call in to and talk about their problems on air.

(1) <http://www.china-labour.org.hk/iso/>

(2)

<http://www.china-labour.org.hk/public/contents/article?revision%5fid=8347&item%5fid=8346>

(3) See

<http://www.china-labour.org.hk/public/contents/article?revision%5fid=4073&item%5fid=4072>

The ICFTU also issued a press release urging the Chinese authorities to release the Stella workers, see:

<http://www.icftu.org/displaydocument.asp?Index=991220696&Language=EN>,
and a letter to Chinese President Hu Jintao about the sentences imposed on the workers, see:

<http://www.icftu.org/displaydocument.asp?Index=991220694&Language=EN>

(4) All China Federation of Trade Unions

The ICFTU represents 145 million workers in 233 affiliated organizations in 154 countries and territories.

ICFTU is also a partner in Global Unions: <http://www.global-unions.org>
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