

CHINA: THE STRUGGLE FOR WORKERS' RIGHTS

WORKERS IN STRUGGLE

1989

Groups of workers in various cities formed Workers Autonomous Federations (WAFs) as an alternative to the All China Federation of Trade Unions (ACFTU). They were banned following the 4 June 1989 crackdown. Their organizers were arrested and prosecuted on "counter-revolutionary" charges. Many other workers who had taken part in the protests were also prosecuted.

Zhang Jingsheng, a worker at the Shaoguang Machinery Factory in Changsha, Hunan province, was sentenced to 13 years' imprisonment for "counter-revolutionary propaganda and incitement". His "crime" was apparently to have called for political reform.

1991-1992

The Preparatory Committee of the Free Labour Union of China was formed in December 1991. It subsequently distributed leaflets in Beijing encouraging workers to form free labour unions.

A founding member, Liu Jingsheng, who worked at the Tongyi Chemical Plant in Tong county, outside Beijing, was arrested in 1992 and later charged with "organizing and leading a counter-revolutionary group" and "carrying out counter-revolutionary propaganda and incitement". In December 1994 he was sentenced to 15 years' imprisonment plus an additional four years' deprivation of political rights.

1992

Eleven seamen were arbitrarily detained in Tianjin, three of whom were later charged with "leaking state secrets". The charge related to their contacts with a "foreign organization", the International Transport Workers Federation, which had helped them during a successful dispute over wages. A court in Tianjin acquitted them in January 1995, but the local procuracy apparently appealed and a decision was still pending in mid-1995.

1994

Founding members of the League for the Protection of the Rights of Working People (LPRWP) were arrested. The League aimed to be a "corporate social body established according to law" to unite people devoted to protecting the rights of working people. It also intended to establish a nationwide information network to promote the protection of labour rights and a popular mediation organization to help settle labour disputes.

Zhou Guoqiang, a lawyer and LPRWP sponsor, and Zhang Lin, a labour activist, were sentenced to three years' "re-education through labour". Both were sentenced on vague accusations of involvement in activities which "infringed the law" or "disturbed public order", without having been formally charged or tried under the Criminal Law.

1996

Eight taxi drivers who instigated a strike in the city of Zhuhai were sentenced without trial to terms of detention ranging from 10 days to two years because their strike "seriously disturbed social security and road traffic management," according to the Zhuhai Public Security Bureau. Two of the drivers, Zheng Shaoqiang and Chen Rongyan, were given two-year "re-education through labour" terms.

BACKGROUND

Independent trade unions are not allowed in China. The authorities have crushed attempts by workers to form independent unions or labour rights groups.

There is one official trade union, the All China Federation of Trade Unions. Under its Constitution, it is “under the leadership of the Chinese Communist Party” and therefore has limited independence.

Most state enterprises have trade unions, unlike many of the privately-owned or foreign-funded enterprises.

In law and practice, union workers face conflicts of interest which may compromise their ability to represent workers’ interests.

According to some sources, 250,000 strikes took place in China from 1988 to 1994, many in foreign-funded enterprises with no trade union.

Workers strike because their rights are often ignored and they have many grievances including hazardous conditions, wage arrears, low pay, long hours of work and forced overtime.

Those who have attempted to organize independent labour groups have been arrested and accused of “counter-revolutionary activities”, “infringing the law” or “disturbing public order”. Many have been sentenced to terms of imprisonment or “re-education through labour”. Others have been detained without charge and their whereabouts are unknown.

INTERNATIONAL PROTECTION

Labour rights are guaranteed under international law. The extracts below from two conventions of the International Labour Organisation indicate the extent of these guarantees.

Convention concerning Freedom of Association and Protection of the Rights to Organise (Convention No. 87)

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorization.

Article 3

1. Workers’ and employers’ organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers’ and employers’ organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers’ and employers’ organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Convention No. 98)

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to:
 - a) *make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;*
 - b) *cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.*

Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

WHAT YOU CAN DO

Publicize the information in this leaflet to relevant people in your government and to organizations and individuals in your country. Urge them to write to the addresses below and to use any contacts they may have with China in order to ask the Chinese authorities to:

ratify and abide by ILO Conventions 87 and 98 to guarantee workers and employers the right to establish and join organizations of their own choosing and to run them without undue outside interference;

amend or repeal all provisions in criminal legislation, including state security and state secrets legislation, which allow for the detention or imprisonment of people who peacefully exercise fundamental human rights;

release immediately and unconditionally Liu Jingsheng, Zhou Guoqiang and other labour activists imprisoned or detained for the peaceful exercise of their rights to freedom of expression and association;

ensure that all those detained without charge in connection with their alleged political activities are charged with a recognizably criminal offence in accordance with international standards and brought to trial fairly and in a reasonable time, or released.

Write to:

Minister of Public Security, TAO SIJU Buzhang, Gong'anbu, 14 Dongchang'anlu, Beijingshi 100741, People's Republic of China.

Minister of Labour, LI BOYONG Buzhang, Laodongbu, 12 Hepingli Zhong Jie, Dongchengqu, Beijingshi 100708, People's Republic of China.

President of the All China Federation of Trade Unions, WEI JIANXING Zhuxi, Zhonghua Quanguo Zonggonghui, 10 Fuxingmenwai dajie, Beijingshi 100865, People's Republic of

BOX TEXT**China. 'Re-education through labour'**

Some labour activists have been sentenced to “re-education through labour”. This punishment applies to people considered to have “anti-socialist” views and others whose “crimes” are “too minor” to be prosecuted under the Criminal Law. It is imposed by local government committees, without formal charge or trial. According to official figures, well over 100,000 people are held in labour “re-education” camps at any one time. The system provides a convenient way for the authorities to arbitrarily jail dissidents and others without having to justify their detention through the judicial process. It is a clear breach of international human rights standards, notably the principle that no one may be kept in detention without being given an effective opportunity to have his or her case heard promptly by a judicial or similar authority.